



# Town of Groton, Connecticut

## Meeting Agenda

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager 860-441-6630

### Town Council

*Mayor Heather Bond Somers, Councilors Dean G. Antipas, Bruce S. Flax, Bill Johnson, Karen F. Morton, Deborah L. Peruzzotti, Rita M. Schmidt, James L. Streeter, and Harry A. Watson*

Tuesday, July 16, 2013

7:30 PM

Town Hall Annex - Community Room 1

### REGULAR MEETING

#### I. ROLL CALL

#### II. SALUTE TO THE FLAG

#### III. RECOGNITION, AWARDS & MEMORIALS

2013-0140	Spicer Park Rowing Shell House	Proclamation - TC
2013-0155	Academy Point Veterans' Wall of Honor	Proclamation - TC
2013-0177	Proclamation Recognizing Matthew Even Buechel	Proclamation - TC
2013-0184	Proclamation Recognizing Jeffrey Messina	Proclamation - TC

#### Groton 4th of July Parade Awards

Presentation of Awards for 4th of July Parade

#### Recess for:

2013-0186	Public Hearing on Ordinance for Police Station Improvements	Referral
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PUBLIC HEARING ON AN ORDINANCE APPROPRIATING \$5,345,000 FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN OF GROTON POLICE STATION AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of FIVE MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$5,345,000) is appropriated for costs related to design and construction of improvements to the Town of Groton Police Station, including: boiler replacement; modernization of the prisoner processing and detention areas, repaving of the building parking area, structural and building envelope improvements, and upgrade of the firing range, and costs related to the financing thereof. The appropriation may be spent for design, acquisition, installation and construction costs, equipment, materials, construction management, site improvements, engineering fees, design and bidding services, testing and inspection costs, related site and utilities work, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council shall determine the scope and particulars of the project and may reduce or modify the scope of the project, and the entire appropriation may be expended on the project as so modified or reduced.

Section 2. That the Town issue bonds or notes, in an amount not to exceed FIVE MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$5,345,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation

of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed FIVE MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$5,345,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that (except to the extent reimbursed from grant moneys) project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings, including qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Town Manager, the Director of Finance, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 8. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the

Town Charter.

Legislative History

6/25/2013

Town Council

Scheduled for Public  
Hearing

**Joint Public Hearing with Water Pollution Control Authority:**

**2013-0187 Public Hearing on Ordinance for Flanders Road Utilities  
Expansion**

**Referral**

PUBLIC HEARING ON AN ORDINANCE APPROPRIATING \$9,900,000 FOR THE DESIGN AND CONSTRUCTION OF THE EXPANSION OF WATER SERVICE AND SEWER SERVICE TO THE MIDDLE SEGMENT AND LOWER SEGMENT OF THE FLANDERS ROAD AREA AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000) is appropriated for costs related to the design and construction of the expansion of water service (estimated cost \$2,900,000) and sewer service (estimated cost \$7,000,000) to the middle segment and lower segment of the Flanders Road area, substantially as shown in the Flanders Road Study dated January 2013. The appropriation may be spent for design and construction costs, acquisition and installation costs, acquisition costs of land and easements, equipment, materials, construction management, site improvements, engineering fees, design and bidding services, testing and inspection costs, traffic control, related site and utilities work, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council shall determine the scope and particulars of the project and may reduce or modify the scope of the project, and the entire appropriation may be expended on the project as so modified or reduced.

Section 2. That the Town issue bonds, notes or obligations, in an amount not to exceed NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-259, Section 7-369 and Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes issued to finance the non-sewer portion of the project are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on such bonds or notes as the same become due and payable. The Town does hereby covenant and agree with the holders of the bonds, notes or obligations and all notes and interim funding obligations issued in anticipation of the receipt of the proceeds from the sale of such bonds, notes or obligations that in each year while any such bonds, notes or obligations issued to finance the sewer portion of the project are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town, other than properties within the City of Groton, in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on such bonds, notes or obligations as the same become due and payable.

Section 3. That the Town issue and renew temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or obligations for the project. The amount of the notes and obligations outstanding at any time shall not exceed NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000). The notes shall be issued pursuant to Section 7-264, Section 7-378 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or obligations shall be secured by

the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a and 7-378b of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378, and the Town shall comply with the provisions of Section 22a-479(c) with respect to any obligations.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that (except to the extent reimbursed from grant moneys) project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings, including qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or obligations to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes or obligations.

Section 7. That the Town Manager, on behalf of the Town, is authorized to apply for and accept federal and state grants to finance the sewer portion of the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State. The Town Manager, the Director of Finance and the Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

Section 8. That the Water Pollution Control Authority is authorized to construct the sewer portion of the project; to approve design and construction expenditures and any easement acquisition costs incurred for the sewer portion of the project; and to contract with engineers, contractors and others on behalf of the Town for said sewer portion of the project. All such authority is subject to the provisions of Section 1.

Section 9. That the Town Manager, the Director of Finance, the Water Pollution Control Authority and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes or obligations to finance the aforesaid appropriation.

Section 10. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Legislative History

6/25/2013

Town Council

Scheduled for Public  
Hearing

#### IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

This is the portion of the Council Agenda where the Council welcomes comments from citizens. Each presentation should be limited to five (5) minutes or less, and citizens should, if possible, submit written comments. Presentations should be related to matters pertinent to Groton. Town Councilors will only ask questions in order to clarify the speaker's presentation and can respond during the Responses to Citizens' Petitions portion of the Town Council meeting. Citizens should make their presentations from the lectern and state their names and addresses for the record.

#### V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

#### VI. CONSENT CALENDAR

All matters listed under Item VI (Consent Calendar) are considered to be routine and will be enacted by one motion. No separate discussion of these items will take place, unless cause is shown prior to the time Council votes on the motion to adopt.

##### a. Approval of Minutes

2013-0173 Approval of Minutes (Town Council)

Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meetings of May 28, 2013, June 4, 2013 and June 25, 2013 are hereby accepted and approved.

##### b. Administrative Items

2013-0163 Special Trust Fund Contributions

Resolution - Consent

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Richard and Jeanne Moorton - \$100.00 - Social Services Discretionary

Barbara Weeman - \$10.00 - Social Services Discretionary

Arianna Turello - \$20.00 - Parks and Recreation Discretionary

Darlene Jacaruso - \$30.00 - Parks and Recreation Discretionary

Lee Vincent - \$50.00 - Social Services Discretionary

Charles Rogers - \$35.00 - Social Services Discretionary

Mystic Garden Club - \$600.00 - Jabez Smith House

Theodore and Annette Ainslie - \$50.00 - Groton Utilities Energy Assistance Program

Joseph and Arlene Atwood - \$40.00 - Groton Utilities Energy Assistance Program

Robert and Phyllis Boggs - \$6.52 - Groton Utilities Energy Assistance Program

M.S. Douglass - \$20.00 - Groton Utilities Energy Assistance Program

David and Deborah Downes - \$30.00 - Groton Utilities Energy Assistance Program

Martine Flory \$11.00 - Groton Utilities Energy Assistance Program

Elisa Giommi - \$10.00 - Groton Utilities Energy Assistance Program

Lynne Griffin - \$150.00 - Groton Utilities Energy Assistance Program

Armand and Nancy Morin - \$25.00 - Groton Utilities Energy Assistance Program

Marilyn and John Turkowski - \$25.00 - Groton Utilities Energy Assistance Program

Daniel Tyler - \$25.00 - Groton Utilities Energy Assistance Program  
 Mark and Kathy White - \$50.00 - Groton Utilities Energy Assistance Program  
 Mary Dickson - \$10.00 - Groton Utilities Energy Assistance Program  
 City of Groton Matching Funds \$752.99 - Groton Utilities Energy Assistance Program  
 Advanced Improvements LLC - \$250.00 - Veterans' Memorial Park  
 William Hart - \$1,000.00 - Veterans' Memorial Park  
 The Lighthouse Voc Ed Center, Inc. - \$250.00 - Veterans' Memorial Park  
 Groton Lodge of Elks, BPOE #2163 - \$1,000.00 - Veterans' Memorial Park  
 Everest A. Brustolon - \$500.00 - Veterans' Memorial Park  
 Par-Four Restaurant - \$1,672.00 - Veterans' Memorial Park  
 Groton Lions Club - \$500.00 - Veterans' Memorial Park  
 Richard Kent - \$250.00 - Veterans' Memorial Park  
 James L. Streeter - \$500.00 - Veterans' Memorial Park  
 Rugh Protective Agency Inc. - \$250.00 - Veterans' Memorial Park  
 Tom and Betsy Moukawsher - \$250.00 - Veterans' Memorial Park  
 Tricia M. Cunningham - \$100.00 - Veterans' Memorial Park  
 Community Hearing Aids of Connecticut - \$100.00 - Veterans' Memorial Park  
 Byles-MacDogall Funeral Service - \$1,000.00 - Veterans' Memorial Park  
 Milone and MacBroom - \$500.00 - Veterans' Memorial Park  
 Eileen C. Duggan, Esq. and Michael P. Carey, Esq. - \$500.00 - Veterans' Memorial Park  
 Bailey Agencies Inc. - \$500.00 - Veterans' Memorial Park  
 American Legion Post 114 - \$250.00 - Veterans' Memorial Park  
 Pride Kelledees - \$6.00 - Parks and Recreation Revolving  
 Irene Burke - \$10.00 - Parks and Recreation Revolving  
 William Grundy - \$500.00 - Parks and Recreation Revolving  
 Aimee Allaire - \$4.00 - Parks and Recreation Revolving  
 Marci Casey - \$20.00 - Parks and Recreation Revolving  
 Sandra Champion - \$9.00 - Parks and Recreation Revolving  
 James Eskra - \$40.00 - Parks and Recreation Revolving  
 Larry Grundy - \$15.00 - Parks and Recreation Revolving  
 Lauren Huck - \$10.00 - Parks and Recreation Revolving  
 Pride Kelledees - \$6.00 - Parks and Recreation Revolving  
 Heather King - \$10.00 - Parks and Recreation Revolving  
 Beverly Lavalley - \$5.00 - Parks and Recreation Revolving  
 Amy Matteson - \$50.00 - Parks and Recreation Revolving  
 Emily Nelson - \$5.00 - Parks and Recreation Revolving  
 Katherine Nelson - \$10.00 - Parks and Recreation Revolving  
 Nina Nelson - \$5.00 - Parks and Recreation Revolving  
 Lawrence Taylor - \$1.00 - Parks and Recreation Revolving  
 Merin Troutman - \$10.00 - Parks and Recreation Revolving  
 Arianna Turello - \$20.00 - Parks and Recreation Revolving  
 Katherine Wilhelm - \$40.00 - Parks and Recreation Revolving  
 Jeanne Yellow Robe - \$2.00 - Parks and Recreation Revolving  
 Marsha Zimmermann - \$30.00 - Parks and Recreation Revolving  
 Katherine Zod - \$5.00 - Parks and Recreation Revolving  
 Martin Zeldis - \$90.00 - Library Miscellaneous  
 Historical Haunts LLC - \$125.00 - Jabez Smith House Miscellaneous  
 Various Donors - \$80.00 - Jabez Smith House Miscellaneous

### c. Deletions from the Town Council Referral List

2013-0157	Pistol Permit Process - Update	Referral
2013-0158	Road Paving Alternatives	Referral
2013-0172	Fiscal Impact of Flanders Road Utilities Expansion and Police Station Improvements Projects	Referral

2013-0180	Introduction of a Town of Groton Blight Ordinance	Referral
2013-0181	Scheduling of Public Hearing on Town of Groton Blight Ordinance	Referral

**VII. COMMUNICATION REPORTS (Other than Committee Reports)**

- a. Town Councilors
- b. Clerk of the Representative Town Meeting
- c. Clerk of the Council
- d. Town Manager
- e. Town Attorney

**VIII. COMMITTEE REPORTS**

- a. Community & Cultural Development - Chairman Schmidt
- b. Economic Development - Chairman Johnson
- c. Education/Health & Social Services - Chairman Watson
- d. Environment/Energy - Chairman Peruzzotti
- e. Finance - Chairman Morton
- f. Personnel/Appointments/Rules - Chairman Flax
- g. Public Safety - Chairman Streeter
- h. Public Works/Recreation - Chairman Antipas
- i. Committee of the Whole - Mayor Somers

**IX. UNFINISHED BUSINESS**

**X. NEW BUSINESS**

2013-0180	Introduction of a Town of Groton Blight Ordinance	Referral
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INTRODUCTION OF A BLIGHT ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. Purpose

(a) This Ordinance is enacted pursuant to authority granted by the Connecticut General Statutes, including without limitation by C.G.S. § 7-148(c)(7)(H)(xv), as amended by P.A. 12-146, §§ 2 and 4; C.G.S. § 148-o(b) and C.G.S. § 7-152c.

(b) This Ordinance prohibits any owner, occupant, agent, tenant and/or person in control of real property located in the Town of Groton, from allowing, creating, maintaining or causing to be created or maintained Blighted Premises.

(c) This ordinance shall apply to public and private property, regardless of principal or accessory uses, and is intended to protect, preserve, and promote public health, safety and welfare, including the preservation of property values.

(d) Notwithstanding the foregoing, this Ordinance shall not apply within the jurisdictional boundaries of the City of Groton or Groton Long Point.

## Section 2. Definitions

The following words, terms, and phrases shall have the following meaning ascribed to them in this section.

(a) Blighted Premises means any building, structure or parcel of land where at least one of the following conditions exists:

(1) A condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.

(2) A building or structure is a fire hazard.

(3) The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public and be evidenced by one or more of the following conditions:

a. Missing, broken or boarded up windows and doors longer than 6 months.

b. Collapsing or missing exterior walls or roof, or other exterior features including but not necessarily limited to stairs, porches, railings, hatchways, chimneys or floors.

c. Seriously damaged or missing siding or roofing.

d. Unrepaired fire or water damage longer than 6 months.

e. Rodent harborage and/or infestation.

f. Persistent household garbage or trash on the property.

g. Parking lots in excess of 10 parking spaces in a state of disrepair or abandonment evidenced, for example, by cracks, potholes, overgrowth of vegetation within the surface, pavement or macadam, or within medians and buffers.

h. Shrubs, hedges, grass, plants, weeds or any other vegetation that have been left to grow in an unkempt manner that are covering or blocking means of egress or access to any building or that are blocking, interfering with, or otherwise obstructing any sightline, road sign, or emergency access to or at the property, when viewed from any property line. Maintained gardens, flower beds and xeriscape landscaping as part of a landscape design are excluded from enforcement under this subsection.

i. On any premises with a building or dwelling located thereon, whether said building or dwelling is occupied or not, no grass or weeds shall be permitted by any owner or occupant to reach a height greater than 2 feet.

j. The overall condition of the property structure and/or grounds causes an unreasonable impact on the value of neighboring properties.

(b) Town means the Town of Groton, CT.

(c) Blight Ordinance Enforcement Officer means a Town official and/or employee designated by the Town Manager to enforce this Ordinance and to issue citations and/or take other actions he deems necessary to compel compliance with it.

## Section 3. Exemptions

The following properties shall be exempt from this Ordinance.

(1) Agricultural lands pursuant to C.G.S. 22-3(b);

(2) Land dedicated as public open space or parks;

(3) Land preserved in its natural state through conservation easements or conservation restrictions;

(4) Areas designated as buffers or development free areas by a land use agency;

- (5) Upland review areas or wetlands and watercourses;
- (6) Maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design.

#### Section 4. Prohibition

No owner, agent, occupant and/or a tenant required by a lease to maintain a property, and/or any person in control of real property located in the Town shall allow, maintain or cause to be maintained a Blighted Premises.

#### Section 5. Notice of Violation

(a) The Blight Code Enforcement Officer shall give written notice of a violation of this Ordinance to the owner and occupant of and may give written notice to their agent(s), and/or any other person responsible for the Blighted Premises. The notice may be hand delivered or mailed by certified mail, return receipt requested, to the last known address of the person to whom it is directed.

(b) Such notice shall state the violation and demand its abatement within a reasonable time to be determined by the Blight Code Enforcement Officer based on the nature and extent of the violations. If the violation is not corrected within the time provided in the written notice, the Blight Code Enforcement Officer may issue an enforcement citation and/or take other enforcement action as specified herein.

(c) If the owner, agent, occupant and/or person responsible for the Blighted Premises cannot be ascertained or does not accept delivery of the written notice, the notice shall be published once in a newspaper having a substantial circulation in the town. The notice shall include the name of the last known owner of the real property upon which violation has been found and the address of the real property.

(d) Any person who is a new owner or new occupant of a Blighted Property shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to Section 5(b). For purposes of this Ordinance, "new owner" shall mean any person or entity who has taken title to a property within thirty days of the notice, and "new occupant" shall mean any person who has taken occupancy of a property within thirty days of the notice.

#### Section 6. Penalty for Violation

Violations of this Ordinance shall be punishable by a civil penalty of no less than \$10.00 and no more than \$100.00 for each day a violation continues. Each day after due notice of the violation has been served shall constitute a separate offense.

#### Section 7. Enforcement Citation

(a) A citation hearing procedure per C.G.S. § 7-152c is hereby established for purposes of this Ordinance. The Town Manager shall appoint one or more citation hearing officers for the Town.

(b) If a violation remains unabated after the time allowed for abatement contained in the notice of violation issued per Section 5 hereof has expired, the Blight Code Enforcement Officer may issue a citation to the owner and occupant, and may issue a citation to any other person responsible for the violation in accordance with this Ordinance. The citation shall state the date by which the uncontested payment of fines, penalties, costs or fees shall be made.

(c) Any person issued a citation pursuant to this Ordinance shall be entitled to a hearing to contest the citation pursuant to the provisions of C. G.S. § 7-152c.

(d) At any time within twelve months from the expiration of the final period for the uncontested

payment of fines, penalties, costs or fees set by a citation issued pursuant to this Ordinance, the Town shall send notice to the person or persons cited to inform the person or persons: (1) of the allegations against him/her/it and the amount of the fines, penalties, costs or fees due; (2) that he/she/it may contest liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if he/she/it does not demand such a hearing, an assessment and judgment shall be entered against him/her/it; and (4) that such judgment may issue without further notice.

(i) For purposes of this Section 8, notice shall be presumed to have been properly sent if such notice was mailed to such person's last-known address on file with the tax collector. If the person to whom notice is issued is a registrant, the Town may deliver the notice in accordance with C.G.S. § 7-148ii, provided nothing in this section shall preclude the town from providing notice in another manner permitted by applicable law.

(e) If the person to whom notice is sent pursuant to this section wishes to admit liability, he/she/it may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the Town.

(f) Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for by subsection 7(c) of this Ordinance shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fine, penalties, costs or fees provided for by this Ordinance and shall follow the procedures for obtaining a judgment from the Superior Court set forth in C.G.S. § 152c(f).

(g) A person who makes a timely request for a hearing shall be given written notice of the date, time and place of the hearing. The hearing shall be held at a time and conducted in the manner provided by C.G.S. § 7-152c(e).

(i) The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this Ordinance.

(ii) If the hearing officer's assessment is not paid on the date of its entry, he shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment and an entry fee with the clerk of a superior court facility designated by the Chief Court Administrator.

(iii) The person against whom an assessment has been entered by the hearing officer pursuant to this section is entitled to judicial review by way of appeal pursuant to the provisions and requirements of C.G.S. § 7-152c(g).

#### Section 8. Recording of Lien

Any unpaid fine imposed shall constitute a lien upon the real estate in accordance with C.G.S. § 7-148aa. Each such lien shall be continued, recorded and released as provided for in C.G.S. § 7-148aa and the General Statutes.

#### Section 9. Municipal Performance

(a) In addition to any penalties as permitted by statute, and the citation, hearing and assessment provisions of this Ordinance, the Building Code Enforcement Officer is authorized to institute any and all legal proceedings before the superior court to compel compliance with this Ordinance.

(b) In the event the Building Code Enforcement Officer prevails in such legal proceedings, the violator shall be liable for all costs of bringing the property into compliance, and shall further be

liable for all legal costs incurred by the town in bringing the property into compliance, including its reasonable attorney's fees.

Section 10. Exceptions and Pending Approvals

Any Blighted Premises for which any land use or building permit application for improvements to the Blighted Premises is pending, or which has been sold to a bona fide purchaser, shall be exempt from the provisions of this Ordinance for a period of 90 days from the date of submittal of a complete application to the Town or from the date of sale.

Section 11. Conflict and Separability

(a) The provisions of this Ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this Ordinance.

(b) If a court of competent jurisdiction finds any provision of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective. If any other ordinance or parts of ordinances are in conflict herewith, the more restrictive provision shall apply.

Legislative History

	6/28/2013	Mayor	Referred	Town Council Committee of th
	7/9/2013	Town Council Committee of the Whole	Discussed	
	7/9/2013	Town Council Committee of the Whole	Recommended for a Resolution	
2013-0181	Scheduling of Public Hearing on Town of Groton Blight Ordinance			Referral

RESOLUTION SETTING A PUBLIC HEARING ON A BLIGHT ORDINANCE

RESOLVED, that the Town Council will hold a public hearing on a Blight Ordinance on Tuesday, August 6, 2013 at 7:30 p.m. in Town Hall Annex Community Room 1.

Legislative History

	6/28/2013	Mayor	Referred	Town Council Committee of th
	7/9/2013	Town Council Committee of the Whole	Recommended for a Resolution	

**XI. OTHER BUSINESS**

**XII. ADJOURNMENT**