



Town of Groton, Connecticut

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

Meeting Minutes - Draft

Representative Town Meeting

Moderator Jean-Claude Ambroise, Representatives Karin Adams, Scott W. Aument, Sr., Joseph Baril, Nancy E. Barnhart, Alicia Bauer, Genevieve Cerf, Susan Chase-Hildebrand, Michael Collins, Christine Conley, Susan Deane-Shinbrot, Luanne E. DeMatto, Nancy Driscoll, Neal Gardner, Nancy E. Gilly, Patrice Granatosky, Dolores Harrell, Karen Hatcher, Keith L. Hedrick, Conrad F. Heede, Lynn Crockett Hubbard, Rosanne E. Kotowski, Jim Loughlin, Jackie Massett, Bruce A. McDermott, Roscoe Merritt, Scott Newsome, Richard J. Pasqualini, Jr., Pam Ryley, Jack Sebastian, Dana S. Semeraro, Richard Semeraro, Joan Steinfeld, Irma Streeter, Mark Svencer, Archie C. Swindell, Richard Waselik, Lori A. Watrous, Amanda L. Whewell and Ivy R. Williams

Wednesday, September 11, 2013

7:30 PM

Groton Senior Center

REGULAR MEETING

A. ROLL CALL

Moderator Jean-Claude Ambroise called the meeting to order at 7:40p.m.

29 members were present, and a quorum was declared.

The Moderator reported that Reps. Driscoll, Harrell, Dana & Richard Semeraro, Steinfeld, Waselik and Williams notified the Town Clerk of their absence.

Members Present: Moderator Ambroise, Rep. Adams, Rep. Aument, Rep. Barnhart, Rep. Bauer, Rep. Cerf, Rep. Chase-Hildebrand, Rep. Collins, Rep. Conley, Rep. DeMatto, Rep. Gardner, Rep. Gilly, Rep. Granatosky, Rep. Hatcher, Rep. Hedrick, Rep. Heede, Rep. Hubbard, Rep. Kotowski, Rep. Loughlin, Rep. Massett, Rep. McDermott, Rep. Merritt, Rep. Pasqualini Jr., Rep. Ryley, Rep. Sebastian, Rep. Streeter, Rep. Svencer, Rep. Swindell and Rep. Watrous

Members Absent: Rep. Baril, Rep. Deane-Shinbrot, Rep. Driscoll, Rep. Harrell, Rep. Newsome, Rep. D. Semeraro, Rep. R. Semeraro, Rep. Steinfeld, Rep. Waselik, Rep. Whewell and Rep. Williams

Also present were Town Manager Mark Oefinger, Acting School Superintendent Sean McKenna, Planning Director Michael Murphy, Manager of Inspection Services Kevin Quinn, Town Clerk Betsy Moukawsher and Assistant Town Clerk Sally Whitney.

B. MOMENT OF SILENCE AND SALUTE TO THE FLAG

The members observed a moment of silence followed by the Salute to the Flag led by Assistant Town Clerk Sally Whitney.

C. APPROVAL OF MINUTES OF AUGUST 14, 2013

A motion that the minutes be approved was made by Rep. Massett, seconded by Rep. Barnhart.

Rep. Granatosky requested a correction in the Manager's report to reflect that she requested the Town Manager to provide the police study report at the October meeting to the RTM.

The Town Clerk stated that the minutes would be amended.

The vote to approve the minutes as amended carried 26 in favor, 2 abstentions. (Abstaining: Reps. Bauer and Kotowski.)

D. CITIZENS' PETITIONS

Gretchen Chipperini, 87 Phoenix Dr, voiced her opposition to the Blight Ordinance. She stated that the current bad economy is deterring economic growth and that this ordinance will create more problems than it eliminates. She believes that enforcement and compliance will be costly to the Town, businesses and residents. She feels that interpretation of the ordinance could be problematic and that the ordinance violates individual property rights. She predicts that the Town

will be subjected to lawsuits that will increase attorney fees and subsequently increase taxes. She asked the RTM to veto this ordinance so that language in Sections 2(a) and (3)a can be revised.

Rep. Hedrick arrived at 7:50 p.m.

E. RECEPTION OF COMMUNICATIONS

Moderator Ambrose stated that all RTM members will receive notice of the joint Town Council/RTM special meeting scheduled for 7:00 p.m. September 30, 2013 at the Senior Center. He noted that this is a public meeting.

F. REPORT OF THE TOWN MANAGER

1. Financial report

Mr. Oefinger reported that the Fund Balance as of June 30 is approximately \$9.3 million; the General Contingency balance is \$350,000; the Capital Reserve balance is \$2,291,142. He noted that the increase is due to General Fund projects and Water Pollution Control Fund projects being closed or completed.

2. Monthly briefing

The Town Manager highlighted various items from the Town Manager's News. He announced that the Town was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers' Association of the United States and Canada for the 18th consecutive year. He reported that a special joint meeting of the Town Council and RTM is being scheduled for Monday, September 30, 2013 to discuss the FYE2014-2015 budget review process. He will provide preliminary year end budget projections.

Rep. Sebastian asked the Town Manager to identify specific budget items that will be reduced or eliminated to decrease the budget.

G. REPORT OF THE SUPERINTENDENT OF SCHOOLS

Acting Superintendent Sean McKenna reported on his observations during the first days of the new school year. He invited the community to support the Fitch High School Band Competition scheduled for this month. He noted that this is the band's major fund raiser.

In response to members' questions, Mr. McKenna stated that he will review the bus routes and the length of time that students are being transported on buses. He noted that he will look into the manner in which complaints about busing are handled and that he will obtain information on the percentage of reimbursement for rehabilitation of schools versus new school construction.

H. LIAISON REPORTS

Town Council/Board of Education/City of Groton/RTM

Rep. Watrous summarized the discussion from the meeting held on September 4, 2013. Items discussed were playing fields; the need for consensus from the public on the number of middle schools; use of Fitch Middle School; security updates; and the status of the search for a new superintendent.

I. COMMITTEE REPORTS

1. FINANCE - Chairman Granatosky

No meeting, no report.

2. COMMUNITY DEVELOPMENT & SERVICES - Chairman Aument

Chairman Aument read the minutes of the meeting held on September 5, 2013. (Minutes are attached to the permanent record.)

Motion to approve the minutes was made by Rep. Aument, seconded by Rep. Hedrick and so voted unanimously.

2013-0205

Adoption of Blight Ordinance

ADOPTION 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 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.

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.
- (d) Naturalized Areas - For the purpose of this ordinance Naturalized Areas shall be defined as contiguous areas of vegetation that come from natural regeneration and/or intentional plantings with native plant material. These areas are an approach to landscaping as a means of promoting bio diversity, reducing water use, and reducing maintenance costs.

Section 3. Exemptions

The following properties and/or portions of 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, or naturalized areas as defined in Section 2.(d), provided they do not cover or block means of egress or access to any building or block, interfere with, or otherwise obstruct any sightline, road sign, or emergency access to or at the property or promote rodent harborage and/or infestation.

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 7, 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 Blight 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 Blight 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.

Refer to RTM.

A motion was made by Rep. Massett, seconded by Rep. Pasqualini Jr., that this matter be Vetoed.

Moderator Ambrose clarified Town Charter Sections 5.5.2.3, 5.5.5.3 and 5.5.5.4 pertaining to legislative ordinances and the RTM.

Rep. Massett noted for the record that she is making the motion to veto for the purpose of discussion only.

Members discussed the designation of an enforcement officer, the impact and costs for enforcement, and the possible increase in attorney and court fees that may be incurred by the Town.

Planning Director Michael Murphy and Manager of Inspection Services Kevin Quinn responded to questions regarding interpretation, process and compliance with the ordinance. They commented on the success of the Neighborhood Revitalization Zone (NRZ) that is in effect for the Fort Hill Homes section of the Town.

Several members agreed that the NRZ has been very successful, beneficial to the community, and well-received by residents of Fort Hill Homes. It was noted that community policing was helpful in referring individuals to the proper resources to achieve compliance.

Mr. Murphy explained that each situation is unique and that the goal is to assist everyone to find the proper resources to comply with the ordinance before issuing any citation. He stated that this is an ongoing process, and that staff works diligently with individuals to achieve compliance.

The motion failed by the following vote:

Votes: In Favor: 3 - Moderator Ambrose, Rep. Pasqualini Jr. and Rep. Sebastian
Opposed: 26 - Rep. Adams, Rep. Aument, Rep. Barnhart, Rep. Bauer, Rep. Cerf, Rep. Chase-Hildebrand, Rep. Collins, Rep. Conley, Rep. DeMatto, Rep. Gardner, Rep. Gilly, Rep. Granatosky, Rep. Hatcher, Rep. Hedrick, Rep. Heede, Rep. Hubbard, Rep. Kotowski, Rep. Loughlin, Rep. Massett, Rep. McDermott, Rep. Merritt, Rep. Ryley, Rep. Streeter, Rep. Svencer, Rep. Swindell and Rep. Watrous

3. EDUCATION - Chairman Hedrick

No meeting, no report.

4. RECREATION - Chairman Streeter

No meeting, no report.

5. PUBLIC SAFETY - Chairman Pasqualini

No meeting, no report.

6. PUBLIC WORKS - Chairman Collins

No meeting, no report.

7. RULES & PROCEDURES - Chairman Massett

No meeting, no report.

J. BUDGET DISCUSSIONS

Moderator Ambrose reiterated that notice will be sent to all members regarding the special joint meeting of the Town Council and RTM on September 30. He noted that budget strategy is one of the topics for discussion.

Members asked that outside agencies provide specific and detailed budget information on expenditures, salaries and raises.

The Town Manager explained that the Town Council has already requested that the City and Groton Long Point present budgets similar in format to the Town's.

In response to members, the Town Manager encouraged that questions be submitted prior to the September 30 special meeting so that staff can be prepared to address the issues. He noted that this meeting is being held to review the FYE2014-2015 budget process and establish goals for the

budget. He clarified that discussion of consolidation is not part of this meeting. He explained that the focus is to discuss the budget and determine how to provide the best services for the community and improve efficiency in the budget review process.

The Moderator stated that the intent is to open a dialogue between the Town Council and RTM, review the current budget process, and discuss ideas and possible changes for next year's budget. He stated that members could ask Councilors about their budget decisions and suggest reductions for the current year at that time.

In response to Rep. Hatcher, the Town Manager noted that there is a weekly status report on line for budget information. He stated that tracking quarterly expenditures is difficult, since many expenses are not calculated on a monthly or quarterly basis.

The Moderator indicated that he would like to discuss expenditures and budget performance further with the Town Manager so that information can be provided to the RTM.

K. OTHER BUSINESS

Moderator Ambroise recognized Assistant Town Clerk Sally Whitney's 30 years of service to the Town and announced that she is retiring on November 1, 2013. The members responded with a round of applause.

L. ADJOURNMENT

A motion to adjourn at 9:24 p.m. was made by Rep. Sebastian, seconded by Rep. Gardner and so voted unanimously.

Attest:

*Betsy Moukawsher, Town Clerk
Clerk of the RTM*

Sally A. Whitney, Assistant Town Clerk