



# Town of Groton, Connecticut

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

## Meeting Minutes

### Town Council

**Mayor Patrice Granatosky, Councilor David Atwater, Councilor Conrad F. Heede, Councilor Rachael Franco, Councilor Rich Moravsik, Councilor Lian Obrey, Councilor Juliette Parker, Councilor Rita Schmidt, and Councilor Joe Zeppieri**

Tuesday, April 3, 2018

6:30 PM

Town Hall Annex - Community Room 1

#### REGULAR MEETING - REVISED AGENDA

*Mayor Granatosky called the meeting to order at 6:30 pm. Town Clerk Betsy Moukawsher announced that all Councilors were present.*

#### I. ROLL CALL

Members Present: Mayor Granatosky, Councilor Atwater, Councilor Franco, Councilor Heede, Councilor Moravsik, Councilor Obrey, Councilor Parker, Councilor Schmidt and Councilor Zeppieri

*Also present were Town Manager John Burt, Director of Human Resources Robert Zagami, Director of Parks and Recreation Mark Berry, and Town Clerk Betsy Moukawsher.*

#### II. SALUTE TO THE FLAG

*The Salute to the Flag was led by Poquonnock Bridge Fire Department Chief Winski.*

#### III. RECOGNITION, AWARDS & MEMORIALS

*None.*

#### Recess for:

*Mayor Granatosky recessed the Town Council meeting at 6:31 pm.*

#### 2018-0062

#### **Public Hearing on Illicit Stormwater Discharge Ordinance**

PUBLIC HEARING ON ILLICIT STORMWATER DISCHARGE ORDINANCE

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

#### SECTION 1. PREAMBLE

##### 1.1. Purpose

a) This Ordinance is adopted under the authority of Chapter 98 of the Connecticut General Statutes ("C.G.S.") (Section 7-148 et seq.) in order to implement the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (the "MS4 Permit") issued by the Connecticut Department of Energy and Environmental Protection ("DEEP").

b) Adoption of this Ordinance is required by Connecticut law and provides for the health, safety and general welfare of the citizens of the Town of Groton through the regulation of non-stormwater discharges, and prohibition of any illicit discharge or illicit connection, to the stormwater drainage system owned and operated by the Town of Groton.

##### 1.2. General Provisions

a) Those technical words and terms used herein and identified in bold italic font are defined as provided in Section 5 of this Ordinance - Glossary.

b) Other words and terms relevant to this Ordinance may be defined in:

- C.G.S. sections 22a-423, as may be amended;
- Section 22a-430-3(a) of the Regulations of Connecticut State Agencies (General conditions applicable to water discharge permits), as may be amended; and/or
- The MS4 Permit issued by DEEP, as may be amended.

## SECTION 2. APPLICABILITY

### 2.1. Geography

a) Unless exempted or excluded as provided in Section 2.2 of this Ordinance, this Ordinance shall apply to water and other discharges entering and/or connections to the stormwater drainage system owned and operated by the Town of Groton excluding therefrom any water entering from any stormwater drainage system under the jurisdiction of:

1. the City of Groton,
2. the Groton Long Point Association,
3. any surrounding municipality,
4. the Connecticut Department of Transportation, and/or
5. any state or federal agency or institution or other institution required to manage their own stormwater drainage system under the MS4 Permit issued by DEEP, as may be amended.

### 2.2. Exemptions And Exclusions

a) The following non-stormwater discharges are exempt from this Ordinance provided that such discharges are controlled to the maximum extent practicable, do not contribute to a violation of water quality standards, and are not significant contributors of pollutants to any stormwater drainage system:

1. Uncontaminated ground water discharges including, but not limited to, pumped ground water, foundation drains, water from crawl space pumps and footing drains;
2. Irrigation water including, but not limited to, landscape irrigation and lawn watering runoff;
3. Residual street wash water associated with sweeping;
4. Discharges or flows from firefighting activities (except training);
5. Naturally occurring discharges such as rising ground water, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands; and
6. Other discharges meeting the above standards.

b) This Ordinance shall not apply to any non-stormwater discharge which is:

1. authorized by a permit issued pursuant to C.G.S. sections 22a-430 or 22a-430b, as may be from time to time amended; or
2. permitted by permit, waiver, or waste discharge order issued to the discharge under the National Pollutant Discharge Elimination System (NPDES).

## SECTION 3. ILLICIT DISCHARGES AND ILLICIT CONNECTIONS PROHIBITED

a) Any illicit discharge to the stormwater drainage system is prohibited and no person shall discharge or cause to be discharged into the stormwater drainage system any material other than stormwater.

b) The construction, use, maintenance or continued existence of any illicit connection to the

stormwater drainage system is prohibited. This prohibition expressly includes, without limitation, any illicit connection made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c) Any illicit discharge and/or illicit connection to the stormwater drainage system or other non-compliance with this Ordinance (each a "violation") is unlawful and shall cease and be eliminated.

#### SECTION 4. ENFORCEMENT

##### 4.1. Citation Hearing Procedure; Appointment of Officers

a) In addition to and not in limitation of other applicable rights and remedies available to the Town at law, in equity and/or pursuant to this Ordinance, Section 4 of this Ordinance establishes a citation hearing procedure pursuant to the provisions of C.G.S. sections 7-148(c)(10)(A) and 7-152c, respectively, as amended.

b) The Town Manager shall appoint a municipal employee or officer of the Town of Groton as the "Stormwater Compliance Officer" to administer, implement and enforce this Ordinance. The Town Manager shall also appoint a person or persons, other than the Stormwater Compliance Officer, to serve as a "Citation Hearing Officer" to conduct hearings authorized by Section 4.3 of this Ordinance. The Stormwater Compliance Officer and Citation Hearing Officer shall both serve at the pleasure of the Town Manager. The Town Manager shall retain all rights to appoint and/or remove the Stormwater Compliance Officer and Citation Hearing Officer, respectively.

c) The Stormwater Compliance Officer's powers and/or duties shall include, but not be limited to, the authority to:

1. Administer, implement and enforce this Ordinance;
2. Sample, test, monitor, inspect and otherwise investigate the stormwater drainage system owned and operated by the Town of Groton, and connections thereto, in order to determine whether this Ordinance has been violated and/or prevent and eliminate any existing or potential future violation;
3. Identify as soon as possible the person or persons responsible for any violation and order compliance with this Ordinance;
4. Issue notices of violation with this Ordinance;
5. Suspend or terminate any person's access to the stormwater drainage system pursuant to section 4.4(c) and/or (d) hereof;
6. Issue Citations for any fines, penalties, costs or fees due for violation of this Ordinance;
7. Make assessments for expenses, costs or fees due for violation of this Ordinance and/or related to any investigation, testing, monitoring, abatement, remediation, restoration or other actions required as a result of such violation or the elimination thereof, take actions to recoup costs and/or take such other actions deemed necessary or appropriate to enforce with this Ordinance;
8. Immediately take all reasonable and prudent measures, commence or require any other actions necessary or advisable, including but not limited to pursuit of legal and/or injunctive relief and remedies, to minimize or eliminate the discharge of pollutants to the stormwater drainage system and/or to eliminate and abate any violation of this Ordinance as soon as possible; and
9. Notwithstanding anything in this Ordinance to the contrary, in the event any violation of this Ordinance constitutes an immediate danger to public health or safety, the Stormwater Compliance Officer is authorized to enter upon the subject property, without giving prior notice, and to take any and all measures necessary to investigate, test, monitor, remediate, abate and otherwise eliminate the violation and to restore the property(ies) affected thereby, and may seek and recoup costs against the persons responsible and/or lien and/or levy and impose a special assessment against the property(ies) that are the subject matter of the violation.

#### 4.2. Notification of Violation; Citations

a) Whenever the Stormwater Compliance Officer finds that a violation of this Ordinance has occurred, and identifies the person or persons responsible for such violation, such Stormwater Compliance Officer shall order compliance by sending written notice to the owner and occupant of the subject property(ies) and any other person or persons responsible as soon as possible (each a "respondent"). The Written Notice may require, without limitation, the following:

- i. Immediate cessation and/or elimination of the illicit discharge and/or illicit connection causing such illicit discharge;
- ii. The performance of monitoring, analysis and reporting;
- iii. The abatement or remediation caused by the illicit discharge or illicit connection and the restoration of any affected property(ies);
- iv. A warning that a Citation may result from failure to correct the violation, including the payment of fines, penalties, costs or fees due, and that failure to correct the violation may result in additional costs, fees or assessments to cover administrative and/or monitoring, testing, investigation, abatement, remediation and/or restoration work related thereto;
- v. Implementation of pollution prevention practices; and/or
- vi. Such other actions or directives as shall be within the scope of the Stormwater Compliance Officer's powers and duties.

b) The written notice shall explain the nature of violation and the steps required for compliance and shall constitute a written warning before the issuance of any Citation pursuant to this Ordinance. If investigation, testing, monitoring, abatement, remediation and/or restoration of and/or any other correction of a violation and/or property(ies) affected thereby is required ("Abatement Work"), the written notice shall also set forth a deadline within which such Abatement Work must be completed, and shall further advise that, should the respondent fail to perform such Abatement Work and correct the violation within the established deadline, such Abatement Work may be done by the Town of Groton and/or its designee, including but not limited to employees, licensed environmental professionals and/or contractors selected by the Town of Groton in its sole discretion, and the expense thereof shall be charged to each respondent and/or shall constitute a special assessment and/or lien against the property(ies) that are the subject matter thereof; provided, nothing in this Ordinance shall restrict the Town's rights, without prior notice, to pursue relief under section 4.1(c)(9) of this Ordinance and to recoup all costs and expenses related thereto through lien, special assessment or other applicable rights or remedies available to the Town.

c) Nothing herein shall prohibit the Stormwater Compliance Officer, in such officer's discretion, from allowing the respondent to whom the written warning is directed to submit a plan acceptable to such Stormwater Compliance Officer to correct the violation on a timely basis provided that the timeframe is reasonable considering the environmental impact of the violation and the cost and/or difficulty of eliminating such violation.

d) After the deadline for correction established pursuant to subsection 4.2(b) has expired, the Stormwater Compliance Officer shall re-inspect the subject violation to determine compliance. If the violation set forth in the written notice has not been corrected at the time of re-inspection, the Stormwater Compliance Officer may issue a citation ("Citation") to the respondent. Any Citation shall state: (1) the allegations against such respondent and the amount of any fines, penalties, costs or fees due; (2) that such respondent may contest liability before a Citation Hearing Officer by delivering in person or by mailing written notice of such hearing request to the Stormwater Compliance Officer within ten (10) days of the date of the Citation; (3) that if such respondent does not demand such a hearing, a judgment and, if applicable, an assessment may be entered against such respondent and/or special assessments and/or liens attached to the subject property(ies) involved with the violation; and (4) that such judgment and assessment may issue without further

notice.

i) The written notice required by section 4.2(a), and any resulting Citation issued pursuant to section 4.2(c), shall be served by the Stormwater Compliance Officer upon the respondent: 1) by hand delivery; (2) mailed, by certified mail, return receipt requested, to the last known address on file with the Groton Tax Collector of the respondent to whom it is directed; (3) if the respondent to whom such notice is issued is a registrant, such notice may be delivered in accordance with C.G.S. section 7-148ii; (4) by leaving a true and attested copy of the citation at the usual place of abode or residence of the respondent to whom it is directed, (5) in the case of a business entity, delivery to the business address or address of the statutory agent of such entity; or (6) through any other manner permitted by applicable law.

ii) Further, while the MS4 Permit issued by DEEP provides that the period between identification and elimination of an illicit discharge or illicit connection is not a grace period and may be subject to a fine, the starting date for imposition of any fine shall be at the discretion of the Stormwater Compliance Officer based on progress being made towards timely remediation following initial written notice of the non-compliance.

e) The Stormwater Compliance Officer may, but shall not be obligated, to perform daily re-inspections. Rather, the respondent to whom the Citation has been issued shall be responsible for reporting subsequent compliance to the Stormwater Compliance Officer. The Stormwater Compliance Officer shall re-inspect to confirm compliance within two (2) business days of receipt of such report of compliance absent extenuating circumstances.

f) Each day that non-compliance continues on and after the deadline imposed pursuant to section 4.2(b) hereof shall constitute a separate offense for which a fine may be imposed. No fine issued hereunder shall exceed \$250.00 per day. Any fine collected in connection with this Ordinance shall be deposited into the Town of Groton's general fund account.

g) An original or certified copy of the initial written notice issued pursuant to section 4.2(a) of this Ordinance and any resulting Citation shall be filed and retained by the Town of Groton and shall be deemed to be a business record within the scope of C.G.S. section 52-180 and evidence of the facts contained therein. In addition, such initial written notice and any Citation issued thereunder may be reported to DEEP, and may also be reported to any other agency with jurisdiction (including another municipality, a regional health district, a State agency, a federal agency, or other entity).

#### 4.3. Payment of Fines; Hearings; Appeals; Other Remedies

a) Admission of Liability by Payment of Fine. If any respondent who is sent a Citation pursuant to section 4.2(d) of this Ordinance wishes to admit to liability for any alleged non-compliance with this Ordinance, such respondent may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to. Payment may be made by cash, credit card, check or money order payable to the Town of Groton and submitted in person or mailed in accordance with the instructions specified in the Citation. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such respondent or other person making the payment. Any respondent who does not deliver or mail written demand for a hearing within ten (10) days of the date of the Citation shall be deemed to have admitted liability, and the designated Stormwater Compliance Officer shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by this Ordinance and shall follow the procedures set forth in this Section 4.3. Payment of the fine shall in no way relieve such respondent from liability and responsibility to abate the violation and/or to comply with other directives issued by the Stormwater Compliance Officer, nor from liability to the Town of Groton for the cost of any such Abatement Work incurred or performed by or at the direction of the Town pursuant to this Ordinance.

b) Hearing on Notice of Violation. Any respondent issued a Citation pursuant to this Ordinance may request a hearing with the Citation Hearing Officer by delivering in person or by mail written notice in accordance with the hearing request instructions set forth on the Citation within ten (10) days of the date of the Citation; provided that such request for a hearing shall not stay or delay response to the violation that is the subject of such Citation. Any respondent who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of the Citation, provided the Citation Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.

c) Procedure. The presence of the Stormwater Compliance Officer shall be required at the hearing if the respondent so requests. A respondent wishing to contest liability shall appear at the hearing and may present evidence in such respondent's behalf. The Stormwater Compliance Officer and/or any other designated municipal official, other than the Citation Hearing Officer, may present evidence on behalf of the Town of Groton. If the alleged respondent fails to appear, the Citation Hearing Officer may enter an assessment by default against such respondent upon a finding of proper notice and liability under this Ordinance. The Citation Hearing Officer may accept from such Stormwater Compliance Officer copies of police reports, investigatory and citation reports, and other official documents and may determine thereby that the appearance of such Stormwater Compliance Officer is unnecessary. The Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as such Citation Hearing Officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Citation Hearing Officer shall announce his or her decision at the end of the hearing. If the Citation Hearing Officer determines that the respondent is not liable, such officer shall dismiss the matter and enter his or her determination in writing accordingly. If the Citation Hearing Officer determines that the respondent is liable for the non-compliance, he or she may affirm or modify the notice of non-compliance, and shall forthwith enter and assess fines, penalties, costs or fees against such respondent as provided in the Citation and as permitted by this Ordinance, in writing, with a copy to such respondent.

d) Failure to Pay. If an assessment is not paid on the date of its entry, the Citation Hearing Officer shall send by first class mail a notice of the assessment to each respondent found liable and shall file, not less than thirty (30) days or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Connecticut Superior Court together with an entry fee of eight (\$8.00) dollars, against such person in favor of the Town of Groton, pursuant to C.G.S. section 7-152c, as amended. Notwithstanding any provision of the C.G.S., the Citation Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such respondent.

e) Appeals. A respondent against whom a determination of violation of this Ordinance and/or an assessment has been entered is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee pursuant to C.G.S. section 52-259, at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the superior court.

#### 4.4 Other Rights and Remedies

a) Cost of Abatement of the Non-Compliance. As required by the MS4 Permit issued by DEEP, it is hereby declared that the Stormwater Compliance Officer has the authority under this Ordinance to recoup costs incurred by the Town of Groton while undertaking actions to eliminate any illicit

discharge or illicit connection on a timely basis, including but not limited to administrative costs and costs of Abatement Work.

If any violation has not been corrected by the deadline and pursuant to the requirements set forth in the Stormwater Compliance Officer's written notice of violation, or in the event of an appeal to and decision of a Citation Hearing Officer or of a court in the case of an appeal, within five (5) days of the decision upholding the action of the Stormwater Compliance Officer or Citation Hearing Officer, as applicable, then the Town of Groton and its designees, including but not limited to employees, licensed environmental professionals and/or contractors selected by the Town of Groton in its sole discretion, may enter upon the subject property(ies) and are authorized to perform such Abatement Work. It shall be unlawful for any property owner, person in possession of the property or any other person to refuse to allow the Town to enter upon the subject property(ies) for such Abatement Work. No later than thirty (30) days after completion of such Abatement Work, the respondents shall be notified of the cost such Abatement Work, including but not limited to administrative costs, which costs shall become the liability of the respondent, a special assessment against the property(ies) that are the subject(s) of the violation and/or shall constitute a lien on such property(ies) for the amount of the assessment until paid in full. A certificate of the lien shall be recorded on the land records within such thirty (30) day time period, and simultaneously with such filing, notice shall be given to the owner of the property(ies) that are the subject matter thereof and the Town shall make reasonable efforts to mail a copy of the certificate by first class mail to any lienholder's current or last known address.

Notwithstanding anything in this Ordinance to the contrary, nothing in this Ordinance shall restrict the Town's rights, without prior notice, to immediately pursue relief under section 4.1(c)(9) of this Ordinance and to recoup all costs and expenses related thereto through lien or other applicable rights or remedies available to the Town.

b) Non-compliance deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any provision of this Ordinance is a threat to public health, safety, welfare and environment and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and /or civil action may be brought to abate, enjoin or otherwise compel the cessation and elimination of such nuisance.

c) Suspension. The Stormwater Compliance Officer may suspend, without prior notice in the event of an emergency, stormwater drainage system access to a person when such suspension is necessary to stop an actual or threatened illicit discharge or illicit connection which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or to minimize danger to persons.

d) Termination. Any person discharging to the stormwater drainage system in violation of this Ordinance may have their stormwater drainage system access terminated, after Citation by the Stormwater Compliance Officer, if such termination would abate or reduce the violation. The Stormwater Compliance Officer shall notify a person of the proposed termination of such respondent's stormwater drainage system access. The person may petition the Citation Hearing Officer of the Town of Groton for reconsideration and a hearing in accordance with this section 4.3(b) of this Ordinance.

e) Injunctive Relief. If a person has violated or continues to violate any provision of this Ordinance, the Stormwater Compliance Officer may petition for a preliminary or permanent injunction restraining such person from activities which would create further violation or compelling the person to perform Abatement Work to comply with such other order of the Stormwater Compliance Officer related to such violation.

f) Remedies Not Exclusive. The remedies described in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Stormwater Compliance Officer and Citation Hearing Officer to seek cumulative remedies. The Town of Groton may recover attorney's fees, court costs and other expenses associated with enforcement of this Ordinance.

## SECTION 5. GLOSSARY.

### 5.1 Specific Words And Terms

For the purposes of this Ordinance, the following words and terms shall have the meaning specified:

Illicit Discharge - any unpermitted discharge that does not consist entirely of stormwater or uncontaminated ground water except those discharges identified in Section 2.2 of this Ordinance when such non-stormwater discharges are not significant contributors of pollution. Illicit discharges include but are not limited to:

- any pollutants,
- any liquids or materials containing pollutants that cause or contribute to a violation of applicable water quality standards,
- a discharge of untreated sanitary wastewater from a municipal sanitary sewer (a sanitary sewer overflow),
- residential, industrial and/or commercial wastes,
- trash,
- used motor vehicle fluids,
- pesticides and/or fertilizers,
- food preparation waste,
- leaf litter, grass clippings, and
- animal wastes.

Illicit Connection: An illicit connection is defined as either of the following:

- (a) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the stormwater drainage system including but not limited to any conveyance which allow any non-stormwater discharge to enter the stormwater drainage system, and any connections to the stormwater drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by the Town; or
- (b) Any drain or conveyance connected to the stormwater drainage system which has not been documented in plans, maps or equivalent records and approved by the Town.

Maximum Extent Practical - a technology-based standard established by Congress in the Clean Water Act which allows the Town of Groton to exercise some flexibility when trying to reduce pollutants provided the following conditions exist:

- there must be a serious attempt to comply,
- practical solutions may not be lightly rejected.

Non-Stormwater - a discharge consisting of anything other than stormwater.

Person - any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner, occupant or as the owner's or occupant's agent.

Pollutant(s) - anything which causes or contributes to pollution including but not limited to:

- paints, varnishes, and solvents;
- oil and other automotive fluids;



- non-hazardous liquid and solid wastes and yard wastes;
- refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution;
- floatables;
- pesticides, herbicides, and fertilizers;
- hazardous materials including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed;
- sewage, fecal coliform and pathogens;
- dissolved and particulate metals;
- animal wastes; and
- wastes and residues that result from constructing a building or structure.

Stormwater - waters consisting of rainfall runoff, including snow or ice melt during a rain event.

Stormwater Drainage System - conveyances for stormwater (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains).

#### SECTION 6. 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 any other ordinance or parts of ordinances are in conflict herewith, the more restrictive provisions shall apply.
- c) 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.

*Gretchen Chipperini, 87 Phoenix Drive, stated that she was opposed to any new regulations such as the Illicit Stormwater Ordinance. She stated that stormwater drainage is the least of our problems and has never been an issue for decades. She stated that this is just another boondoggle to again grow the government. She stated that this Ordinance does nothing to fix the serious problems. She stated that legislation like this is not viewed well by developers. She stated that this discourages investment in our Town. She suggested that the Town Council focus on things that citizens care about such as the economy, taxes, and jobs.*

*No other citizens wished to speak at the Public Hearing. Mayor Granatosky closed the Public Hearing at 6:37 pm. She called the Town Council meeting back to order.*

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

*Sue Palmer, 35 Saundra Drive, Westerly, Rhode Island, stated that she was there on behalf of the Groton Retirees of the Municipal Employees Association CILU Local 62. She urged the Town Council to increase the retirement for 48 GMEA employees. Statement on file in Clerk's office.*

*Catherine Hoffman, 21 Indigo Street, Mystic, stated that she is an employee of the Town of Groton and works for the GMEA union. She stated that there is no money available for the support staff when they ask for it.*

*Donna Dusco, 974 Route 163, Oakdale, state that she is the current President of the Groton*

*Animal Foundation. She took the opportunity to introduce her organization to the Town Council. She stated that their primary mission is to subsidize medical care for animals in need who are housed at the Groton Animal Control. Statement on file in Clerk's office.*

*Douglas Hoffman, 21 Indigo Street, Mystic, urged the Town Council to reconsider the proposed pay increases.*

*Rosanne Kotowski, 24 Ann Avenue, Mystic, urged the Town Council to not support the proposed pay raises in the Planning Department any more than the generous raises that they are already receiving from the taxpayers in the 2019 budget. Statement on file in Clerk's office.*

*Chris Regan, 20 Finley Way, Stonington, state that he does not support the proposed pay raises. He advocates a train stop in Groton.*

*Westerly A. Donahue, 511 High Street, Mystic, stated that the number of personal items addressed in an executive session should be very limited because we need more transparency in local Government and not the opposite.*

*Ron Yuhas, 91 South Road, stated that he is the President of the Poquonnock Bridge Fire District. He stated that he does not support the proposed pay increases. He announced that he is unsure if the candidate for the Assistant Town Manager meets the qualifications for the position because it calls for a Masters Degree.*

*Wendy Yuhas, 91 South Road, stated that she does not support the proposed pay increases. She stated that the Assistant Town Manager position should have a Masters Degree or higher. She stated that she would like the Town Council to hold on their decision.*

*Allen Ackley, 99 North Road, stated that he was going to give up his time to Ronnie Yuhas but could not, so he had no further comments.*

*Gretchen Chipperini, 87 Phoenix Drive, stated that she does not support the proposed pay increases. Statement on file in Clerk's office.*

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

*Councilor Franco stated that she wanted to reassure the citizens that there were no decisions, votes, or motions made in any executive session. She stated that all decisions and all votes are made in public. She stated that she is open to questions and discussions about Town topics.*

*Councilor Zeppieri stated that the perception that some people have about John Burt not being invested in Groton is wrong. He stated that Mr. Burt works long hours and has made strong contributions in the interest of the Town of Groton.*

*Councilor Schmidt echoed Councilor Zeppieri's remarks about Mr. Burt. She stated that Mr. Burt is always available for the Town Council.*

*Councilor Moravsik stated that he agrees with remarks stated by Councilor Zeppieri and Councilor Schmidt regarding Mr. Burt.*

*Councilor Obrey stated that she agrees with the Councilors and she recommended that people view the Economic Development and Planning Departments' presentations at the Library.*

*Councilor Parker thanked the many people for attending the meeting and speaking about their concerns.*

*Mayor Granatosky, echoed what the other Councilors said about Mr. Burt's responsiveness to the*

*Town Council's questions. She stated that Cost of Living Allowances for retirees will be addressed. She stated that executive sessions are used for this type of business and that it cannot be discussed publicly.*

*Town Manager Burt stated that he should have the figures regarding the retiree COLAs by next week. He stated that this will be presented during the budget hearings. He stated that he is committed to living in Connecticut.*

## VI. CONSENT CALENDAR

### a. Approval of Minutes

#### 2018-0088 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meetings of February 27, 2018 and March 6, 2018 are hereby accepted and approved.

**This Matter was Adopted on the Consent Calendar.**

### b. Administrative Items

#### 2018-0066 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:  
Cindi Tiedemann - \$5.00 - Parks and Recreation Revolving  
Elizabeth Limkemann - \$100.00 - Library Miscellaneous

**This Matter was Adopted on the Consent Calendar.**

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

#### 2017-0159 Colonel Ledyard School Site

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### 2017-0202 Appointment to Noank School Public Gardens Task Force

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### 2017-0279 Miscellaneous and Ad Hoc Committee Appointments

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### 2017-0293 Adoption of Rules for the Thirty-First Town Council

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### 2018-0029 Adoption of an Ordinance Amending Various Ordinances to Increase Fines

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### 2018-0050 Lease of Town Hall Annex Office Space to Poquonnock Bridge Fire District

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### 2018-0060 Road Reconstruction Bond - Year 6 Projects

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### 2018-0063 Filling of the Deputy Tax Collector Position

**This Matter was Deleted from Referral List - No further action on the Consent Calendar.**

#### 2018-0067 Appointment of Other Attorneys as Recommended by the Town Attorney

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

#### 2018-0068 Supplemental Appropriation from Capital Reserve for Library/Senior Center Variable Message Display Sign

**This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.**

- 2018-0069 Naming of Community Center at Fitch Middle School**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0070 Filling the Patrol Officer Position in the Police Department**  
This Matter was Deleted from Referral List - No further action on the Consent Calendar.
- 2018-0074 Pfizer Local Community Grant - Senior Center**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0077 Town-City Highway Analysis**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0078 Position Changes**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0079 Reappointment of Susan Sayer to Zoning Commission**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0080 Reappointment of Carol Pratt to Retirement Board**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0081 Reappointment of Michael Kane to Planning Commission**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0082 Appointment of Joseph Baril to Neighborhood Revitalization Zone Committee**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0083 Appointment of Cynthia Baril to Neighborhood Revitalization Zone Committee**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0084 Appointment of Carl Strand, III to Library Board**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0085 Appointment of Marilyn Comrie to Library Board**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2018-0086 Appointment of Dominick Bassi to Parks and Recreation Commission**  
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

**Passed The Consent Calendar**

A motion was made by Councilor Moravsik, seconded by Councilor Heede, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar. The motion carried unanimously

**VII. COMMUNICATIONS & REPORTS (Other than Committee Reports)**

**a. Town Councilors**

*Councilor Moravsik reported that he attended the SEAT meeting, the Town Council budget sessions, and the March Town Council Appointments and Personnel Committee meeting.*

*Councilor Parker reported that she attended the Town Council budget sessions and the City of Groton's Easter egg grab and dash.*

*Councilor Franco reported that she attended budget meetings and Town affairs.*

*Councilor Heede reported that he attended the Personnel and Appointments Committee meeting on March 20, 2018, the Mystic Irish Parade, and the City of Groton Easter egg grab and dash.*

*Councilor Obrey stated that she has been working on the budget.*

*Councilor Atwater stated that he has been attending the budget meetings. He reported that he attended a Council meeting of the Children First Groton and School Readiness program. He reported that he attended Senator Murphy's panel discussion regrading transportation.*

*Councilor Schmidt reported that she attended the budget sessions and the Personnel Committee meeting. She reported that she received two emails, one from Lee Vincent regarding the transfer station and one from Robert Frink requesting a Resolution from the Town Council.*

*Councilor Zeppieri reported that he attended the transportation meeting with Senator Chris Murphy where a lot of problems were identified, but there were no solutions.*

*Mayor Granatosky reported that she attended budget meetings and marched in the Mystic Irish Parade along with Councilor Parker and Councilor Heede. She mentioned former RTM Moderator Kevin Power as a member of the Mystic Irish Parade Committee.*

**b. Clerk of the Representative Town Meeting**

*Town Clerk Betsy Moukawsher stated that the next regular RTM meeting will be held on April 11, 2018 at the Groton Senior Center at 7:30 pm.*

**c. Clerk of the Council**

*None*

**d. Town Manager**

*Town Manager John Burt stated that road bonding process has been finished with our bond rating agency review listed as stable with review from Standard & Poor's as AA+ stable, Moody's an AA with a negative outlook, and Fitch as AA stable. He reported that he has received information on a hybrid plan for non-union new employees that he plans to present soon. He reported that he attended a Groton Rotary meeting. He stated that he is looking forward to getting benchmarks from a few departments soon to track progress. He reported that he attended the Mystic Irish Parade.*

**e. Department Heads**

*None.*

**VIII. COMMITTEE REPORTS**

**a. Personnel & Appointments - Chairman Heede**

*Chairman Heede reported that we will be voting on items this evening.*

**b. Temporary Rules and Procedures - Chairman Heede**

*Chairman Heede stated that the rules will be voted on this evening.*

**c. Committee of the Whole - Mayor Granatosky**

**IX. NEW BUSINESS**

**2017-0159 Colonel Ledyard School Site**

RESOLUTION TERMINATING THE LEASE AGREEMENT WITH THE CITY OF GROTON FOR THE COLONEL LEDYARD SCHOOL SITE

WHEREAS, on September 21, 2010 the Town Council authorized a lease agreement with the City of Groton/Groton Utilities for the Colonel Ledyard School site at 120 West Street consisting of 8.32 acres of land and the 20,378 square foot former school building; and

WHEREAS, by a letter from Mayor Keith Hedrick, dated March 8, 2018, the City of Groton has asked to terminate the lease under Section 11, subsection (i), which is by mutual written agreement of the parties; and

WHEREAS, the City of Groton has offered to transfer an existing security monitoring agreement and associated payments to the Town of Groton; now therefore be it

RESOLVED, that the Town Council, by mutual agreement with the City of Groton, terminates the lease agreement for the Colonel Ledyard School site and directs the City of Groton to terminate the security monitoring agreement and associated payments, and be it further

RESOLVED, that the Town Council authorizes Town Manager John Burt to sign and execute whatever documentation is necessary to effectuate the lease termination.

**A motion was made by Councilor Moravsik, seconded by Councilor Heede, that this matter be Adopted as Amended.**

*Councilor Parker questioned if the monitoring system was being transferred. In response, Mayor Granatosky stated that the monitoring system would be terminated by a mutual written agreement for the lease with the City of Groton for the Colonel Ledyard school site and terminate the security monitoring system agreement. She stated that the vote for that item was 7-2-0 with Councilors Zeppieri and Obrey opposing that option.*

*Councilor Atwater suggested that the Council vote on the lease termination, and in a separate motion, terminate the monitoring system.*

*Town Manager Burt suggested that the Council amend the motion to included the language to terminate the monitoring system.*

*Councilor Atwater stated his concern that the monitoring system may have value. In response, Mayor Granatosky stated that the equipment had very little value. She stated that the monitoring system was in place because their was furniture stored in the school.*

*Councilor Heede stated that the monitoring system was attached to the doors and that the Police would be alerted if the doors were opened.*

*In response to Councilor Obrey, Mayor Granatosky stated the City Mayor Hedrick will terminate the contract with the security company.*

*Councilor Heede made a motion to amend the original motion to state that the City intends to terminate the security monitoring agreement and associated payments. The motion was seconded by Councilor Moravsik.*

*Councilor Franco made a second amendment to the motion to include the School site and to direct the City of Groton to terminate the security monitoring agreement and associated payments, seconded by Councilor Parker.*

*Councilor Zeppieri called for a Point of Order directed to the amendment to an amendment. Mayor Granatosky called on Councilors Heede and Moravsik to withdraw their amendment.*

*Councilor Atwater stated that we can't tell the City of Groton what to do. He stated that what we really want to say is that we do not want the security monitoring system.*

*Councilor Franco made a request that it be noted that the Town intends to sell this property.*

*Councilor Zeppieri stated that he did not vote for this item in Committee of the Whole because he thinks the property is vulnerable to damage by vandals. He is in favor of continuing the monitoring. He stated that he is in favor of taking the property back from the City of Groton, but opposed to removing the monitoring. He stated that this was the reason he will vote against this motion as it is phrased now.*

**The motion carried by the following vote:**

**Votes:** In Favor: 7 - Mayor Granatosky, Councilor Atwater, Councilor Franco, Councilor Heede, Councilor Moravsik, Councilor Parker and Councilor Schmidt  
Opposed: 2 - Councilor Obrey and Councilor Zeppieri

**2017-0202 Appointment to Noank School Public Gardens Task Force**

## APPOINTMENTS TO NOANK SCHOOL PUBLIC GARDENS TASK FORCE

RESOLVED, that Genevieve Cerf, 60 Williams Street, Noank, is hereby appointed to the Noank School Public Gardens Task Force.

**A motion was made by Councilor Parker, seconded by Councilor Moravsik, that this matter be Adopted.**

**The motion carried unanimously**

**2017-0279 Miscellaneous and Ad Hoc Committee Appointments**

## RESOLUTION MAKING APPOINTMENTS TO MISCELLANEOUS AND AD HOC COMMITTEES

WHEREAS, the Town Council makes appointments to miscellaneous and ad hoc local and regional committees as well as appointing liaisons to other groups, and

WHEREAS, upon its election every two years the Town Council should reconsider these appointments, now therefore be it

RESOLVED, that the following individuals are appointed or reaffirmed as appointees to the groups as noted:

Boating Advisory Board Liaison - Councilor Rich Moravsik  
Cable Television Advisory Council - Councilor Joe Zeppieri, Councilor Rita Schmidt, William Johnson (Terms Expire 7/1/19)  
Children First Groton - Councilor David Atwater  
Eastern Regional Catchment Area Council - David Hume  
Eastern Tourism District - Councilor Rita Schmidt  
Economic Development Commission Liaison - Councilor Lian Obrey, Councilor Rachael Franco  
Golf Advisory Board - Mayor Patrice Granatosky (ex-officio, non-voting)  
Long Island Sound Advisory Council - Councilor Conrad Heede  
Mystic Cooperative Task Force - Councilor Joe Zeppieri  
Pequot Woods Board of Trustees - Mayor Patrice Granatosky  
School Readiness Council - Councilor David Atwater  
Southeast Area Transit - Councilor Rich Moravsik, Mark Oefinger (Terms expire 12/1/19)  
Southeastern Connecticut Council of Governments - Mayor Patrice Granatosky and Town Manager John Burt (Alternate)  
Southeastern Connecticut Regional Resources Recovery Authority - Gary Schneider, Councilor David Atwater (Terms expire 4/16/21)  
Southeastern Connecticut Water Authority Representative Advisory Board - Councilor Conrad Heede, Mary Lou Smith (Terms expire 9/1/19)  
Thames Valley Council for Community Action, Inc. - Councilor Juliette Parker (Term Expires 12/3/19)  
Town Council/RTM/Board of Education Liaison Committee - Councilor David Atwater, Councilor Rachael Franco, Councilor Juliette Parker, Mayor Patric Granatosky  
Trails Coordinating Task Force - Councilor Rachael Franco, Carla Henschel, Bernard French (Task Force Expires 1/1/19)

**A motion was made by Councilor Franco, seconded by Councilor Parker, that this matter be Adopted.**

**The motion carried unanimously**

**2017-0293 Adoption of Rules for the Thirty-First Town Council**

## RESOLUTION ADOPTING RULES FOR THE THIRTY-FIRST TOWN COUNCIL

WHEREAS, at the first convening of the Thirty-First Town Council on December 5, 2017, Mayor Patrice Granatosky appointed a Temporary Rules Committee comprised of Councilors Heede, Parker, and Zeppieri, and

WHEREAS, the recommendations of the Temporary Rules Committee have been reviewed by the Committee of the Whole, now therefore be it

RESOLVED, that the Town Council adopts the Rules of Procedure of the Thirty-First Town Council (attached), said Rules to be effective immediately.

**A motion was made by Councilor Heede, seconded by Councilor Zeppieri, that this matter be Adopted.**

**The motion carried unanimously**

**2018-0029 Adoption of an Ordinance Amending Various Ordinances to Increase Fines**

## ADOPTION OF AN ORDINANCE TO AMEND SECTIONS 1-7, 7-31, 10-101, 10-140, 10-184, 11-56 AND 11-81 OF THE CODE OF ORDINANCES

## BE IT ORDAINED BY THE TOWN OF GROTON THAT:

Sections 1-7, 7-31, 10-101, 10-140, 10-184, 11-56 and 11-81 of the Town of Groton Code of Ordinances are amended as follows:

## 1. Sec. 1-7. - General penalty.

(a) Whenever in this Code or any other ordinance of the town, or rule or regulation promulgated by any officer thereof under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of such ordinance, rule or regulation shall be punished by a fine not exceeding \$250.00. Each day any such violation shall continue shall constitute a separate offense.

(b) The imposition of any punishment under this Code shall not prevent the enforced abatement of any lawful condition by the town.

(c) Any condition caused or permitted to exist in violation of any of the provisions of this Code, officially designated as such and each day that such condition continues shall be regarded as a new and separate offense.

## 2. Sec. 7-31. - Notice of violation; fines.

Whenever any police officer finds any vehicle in violation of section 7-30, he shall attach to such vehicle a notice to the owner or operator that such vehicle has been parked in violation of the law. Said notice shall indicate the nature of the violation and the amount of the fine and shall instruct such owner/operator how and by when payment of the fine may be made and the consequences for failing to pay the fine in full within the time provided by this section. The amount of the fine shall be \$50.00 if payment in full is received at police headquarters within fourteen days of the date on which such notice was attached to the owner/operator's vehicle. The fine shall be \$100.00 if payment in full is received at police headquarters after the fourteenth but no later than the thirtieth day after the notice was placed on the vehicle. Payment may be made either in person at the police headquarters or by mail addressed to police headquarters and postmarked before the end of the fourteenth or the end of the thirtieth day period, as the case may be. The Police Chief may designate other acceptable means of payment from time to time, provided he gives prior



written notice thereof to the Town Council. If such owner/operator does not pay the full amount of the fine before the end of the thirtieth day after the notice was placed on the vehicle, the police department shall cause such owner or operator to be prosecuted for such violation in the court having jurisdiction of such violations.

3. Sec. 10-101. - Permit-Required for persons over 16.

It shall be unlawful for any person over the age of 16 to solicit orders of purchase for future delivery of any goods, wares or merchandise including magazines and other printed matter, from door to door or on any street or highway within the town without first obtaining from the chief of police a solicitor's permit to do so and paying the chief of police the fee therefor, the amount of which shall be established by the Town Council by resolution from time to time.

4. Sec. 10-140. - Violations/penalties

(a) Any person, partnership or corporation who is found to have violated this article shall be fined a definite sum not exceeding \$250.00 for each such violation.

(b) Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one day of time shall be considered a separate offense for each day of violation.

(c) Nothing contained in this section shall be deemed to limit any remedy the town may have for the enforcement of this chapter.

5. Sec. 10-184. - Violation and penalty.

Every person, except those persons who are specifically exempt by this article, whether acting as individuals, owner, employee of the owner, operator or employee of the operator, or acting as a participant or worker in any way, who gives a massage or conducts a massage establishment without first obtaining a permit and paying a permit fee to the Town of Groton or shall violate any of the provisions of this article or of the rules and regulations established by the chief of police or the director of health pursuant to this article shall be subject to a fine not to exceed 250.00. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one day of time shall be considered a separate offense for each day of violation. Nothing contained in this section shall be deemed to limit any remedy the town may have for the enforcement of this article.

6. Sec. 11-56. - Ticketing of violators; penalties.

Whenever any police officer finds any vehicle(s) in violation of any parking regulation or restriction, he shall attach to such vehicle(s) a notice to the owner or operator that such vehicle has been parked in violation of law. Said notice shall indicate the nature of the violation and the amount of the fine and shall instruct such owner/operator how and by when payment of the fine may be made and the consequences for failing to pay the fine in full within the time provided by this section.

(1) The amount of the fine shall be \$20.00, if payment in full is received at police headquarters within fourteen days of the date on which such notice was attached to the owner/operator's vehicle. The fine shall be \$40.00 if payment in full is received at police headquarters after the fourteenth but no later than the thirtieth day after the notice was placed on the vehicle. Payment may be made either in person at the police headquarters or by mail addressed to police headquarters and postmarked before the end of the fourteen or the end of the thirty day period, as the case may be. The Police Chief may designate other acceptable means of payment from time to time, provided he

gives prior written notice thereof to the Town Council.

(2) If such owner/operator does not pay the full amount of the fine before the end of the thirtieth day after the notice was placed on the vehicle, the police department shall cause such owner/operator to be prosecuted for such violation in the court having jurisdiction of such violations.

7. Sec. 11-81. - Bus motor vehicles in livery service.

(a) Legislative finding. The operation of motor vehicles of the bus type in livery service for the purpose of conducting commercial tours on any of the enumerated public streets or highways, which streets or highways are narrow, without adequate sidewalks, and frequently congested, endangers the safety of pedestrians and other travelers on such streets or highways, especially children and the elderly, and constitutes a noisome, unreasonable and unnecessary invasion of the property and privacy rights of residents and property owners.

(b) Definitions. The term "motor vehicle of the bus type in livery service" means and includes every motor vehicle with a seating capacity of ten or more passengers which is used for the transportation of passengers for hire with the exceptions noted in C.G.S. § 13b-101.

(c) Acts prohibited. No person shall operate a motor vehicle of the bus type in livery service on any of the following public streets or highways:

Academy Lane  
Bank Street  
Burrows Street  
Clift Street  
Eldridge Street  
Elm Street (Mystic)  
Fort Rachel Place  
Front Street  
Gravel Street  
Grove Avenue  
High Street (Noank)  
High Street, Mystic from Noank Road (Route #215) north to Cow Hill Road/Allyn Street connector  
Library Street  
Military Highway between Grove Avenue and Crystal Lake Road  
Palmer Court (Noank)  
Park Place  
Pearl Street (Mystic)  
Pearl Street (Noank)  
Riverview Avenue (Noank)  
Starr Street  
Ward Avenue  
West Mystic Avenue

(d) Penalty. Any person violating the provisions of this section shall be fined not more than \$250.00 for each offense.

8. Each section of this Ordinance shall be effective on May 18, 2018.

**A motion was made by Councilor Obrey, seconded by Councilor Atwater, that this matter be Adopted.**

*In response to Mayor Granatosky, Town Clerk Moukawsher stated that the Ordinance becomes law by virtue of the Town Council approval and is enacted forty-five (45) days from approval. She*

*stated that the Representative Town Meeting has forty-five (45) day to veto the Ordinance.*

*Councilor Zeppieri stated that the Council should vote on each Ordinance that is being amended individually. He stated that the the first amendment is rather ambiguous. He stated that he has concern with two ordinances that have penalties for violating licenses for massage parlors and porn shops. He stated a concern with an ordinance that restricts the use of some public roads. He stated that these are all very different concepts. He stated that he isn't opposed to grouping some ordinances together but not all.*

*Town Manager Burt stated that this these are sections of the one Ordinance and he isn't sure that you can separate them. He stated that you can talk about each piece and consider amending.*

*Councilor Franco stated that this Ordinance has been before the Council twice. She stated that changes had been made and the Ordinance was brought back to the Council for approval.*

*Town Clerk Moukawsher stated that the Ordinance has been posted on the Town website for two months.*

*Councilor Zeppieri stated that Section 1-7 General Penalty has a penalty for violations that have to be specific penalties, he stated that we are acting against the law.*

*Town Manager Burt stated that the amendments to these Ordinances have been reviewed by the Town Attorney. Mr. Burt stated that this would have been in the previous version except for the change in the amount.*

*Councilor Zeppieri had concerns with the list of roads that prohibit livery buses. He stated that any road that can handle a school bus can handle a livery bus. He stated that this is an unnecessary law. He stated that these are public roads and that they should be used by the public for all purposes that are reasonable, including tour buses. He stated that he is very much opposed to that section.*

*Mayor Granatosky stated that Section 11-81 (a) includes the language for the purposes of conduction commercial tours, which would include people loading up a bus and riding through Mystic to look around at houses. This does not prohibit a bus transporting people to Ford's Lobster.*

*Councilor Obrey recalls that there had been a better explanation for these changes than there is in the Resolution. She stated that the information contained specifics as to what would be prohibited.*

*Councilor Franco stated that in Section 11-81(b) the term motor vehicle of the bus type in livery services means and includes every motor vehicle with a seating capacity of ten or more passengers, which is used for the transportation of passengers for hire with the exceptions. She stated that these streets are narrow and there are probably reasons that were figured out before we were Town Councilors.*

*Councilor Moravsik stated that a lot of the roads listed in this Ordinance are narrow, with no turn-around. He stated that if a bus goes down those streets, there's not way for them to turn around without going on private property and backing up. He stated that there had been a reasonable review of a lot of these roads for this reason. He stated that you may be able to apply for a variance for special occasions. He stated that Groton Long Point has the same Ordinance.*

*Councilor Zeppieri stated that he had grown up in Mystic on Gravel Street. He opined that buses can travel on these streets. He stated that this Ordinance prohibits buses that are carrying*

tourists. He stated that these are public roads and that people are free to use public roads within a reasonable use. He stated that this law is directed to preserving the privacy of a certain few people in the Town.

Councilor Schmidt stated that this part of the Ordinance was part of the original Ordinance, and it has not been changed. She stated that it was enacted due to the problems associated with tourist buses using loudspeakers and creating a real racket.

Councilor Moravsik stated that there have been no complaints from the bus companies regarding these Ordinances.

Mayor Granatosky stated that there are buses that go to these places, but they move onto private property to turn around. She restated that this Ordinance has been in effect for quite a while and there have been no complaints. She stated that this Ordinance seems to be functioning well in the community.

In agreement with Councilor Heede, Town Manager Burt stated that nothing changed in this section of the Ordinance. He stated that all of the changes had been review by Town Council.

Councilor Atwater stated that this section of the Ordinance is specific to commercial tours not just to buses.

**The motion carried by the following vote:**

**Votes:** In Favor: 8 - Mayor Granatosky, Councilor Atwater, Councilor Franco, Councilor Heede, Councilor Moravsik, Councilor Obrey, Councilor Parker and Councilor Schmidt  
Opposed: 1 - Councilor Zeppieri

**2018-0050 Lease of Town Hall Annex Office Space to Poquonnock Bridge Fire District**

RESOLUTION AUTHORIZING A LEASE OF TOWN HALL ANNEX OFFICE SPACE TO THE POQUONNOCK BRIDGE FIRE DISTRICT

WHEREAS, Town Manager John Burt authorized preparation of a lease of Town Hall Annex office space to the Poquonnock Bridge Fire District for the district's Fire Marshal, and

WHEREAS, the term of the lease will be from April 4, 2018 to June 30, 2023, with automatic one year renewals, and

WHEREAS, the Town Council has reviewed a draft of the lease, and

WHEREAS, the Planning Commission has made a favorable recommendation on the lease in response to the referral under Connecticut General Statutes Section 8-24, now therefore be it

RESOLVED, that Town Manager John Burt is authorized to finalize and execute the lease described above.

**A motion was made by Councilor Atwater, seconded by Councilor Schmidt, that this matter be Adopted.**

**The motion carried unanimously**

**2018-0060 Road Reconstruction Bond - Year 6 Projects**

RESOLUTION ACCEPTING YEAR 6 REPORTS FROM THE TOWN, CITY, AND GROTON LONG POINT FOR THE ROAD MAINTENANCE AND REHABILITATION PROGRAM

WHEREAS, in November 2012 Groton voters approved a five-year road maintenance and rehabilitation program for calendar years 2013 through 2017 in the amount of \$11,200,000 that provides funding for the Town, City, and Groton Long Point to maintain and rehabilitate the community's road system, and

WHEREAS, the Town Council and RTM approved the reappropriation of any portion of said \$11,200,000 which was not been expended or financed, and

WHEREAS, the road maintenance and rehabilitation program requires each entity to file a report with the Town Council by December 30th of each year that identifies the roads completed in the calendar year, compares estimated costs to actual costs, and identifies the roads to be addressed in the upcoming year, and

WHEREAS, the Town Council has reviewed the reports and proposed list of roads to be maintained/rehabilitated in Calendar Year 2018, now therefore be it

RESOLVED, that the Town Council accepts the Year 6 Road Maintenance and Rehabilitation Program Reports from the Town, City, and Groton Long Point.

**A motion was made by Councilor Schmidt, seconded by Councilor Moravsik, that this matter be Adopted.**

**The motion carried unanimously**

**2018-0067**

**Appointment of Other Attorneys as Recommended by the Town Attorney**

RESOLUTION APPOINTING OTHER ATTORNEYS AS RECOMMENDED BY THE TOWN ATTORNEY

WHEREAS, the Town Charter, at 8.2.2, provides that the Town Attorney may, with the approval of the Town Council, appoint attorneys to perform specialized services or otherwise to assist the Town Attorney, and

WHEREAS, the Town Attorney is empowered by the Charter to recommend the terms of employment of such attorneys, therefore be it

RESOLVED, that pursuant to the recommendation of Town Attorney Duggan, the following attorneys may be appointed and continue to serve in the assignments indicated, under terms prescribed by the Town Attorney, until such time as their replacements may be approved by the Town Council:

Board of Education Attorneys (from Berchem, Moses & Devlin, P.C.)

Floyd Dugas  
Paula Anthony  
Eric Barba  
John Khalil  
Jennifer Jasensky  
Rebecca Goldberg  
Michelle Laubin  
Chris Sugar  
Christine Sullivan

Bond Counsel (from Day Pitney, LLP)

Judith Blank  
Doug Gillette  
Namita Shah  
Richard Wasserman  
Glenn Rybacki  
Emily Kagan  
Kristin Burgess

A motion was made by Councilor Zeppieri, seconded by Councilor Parker, that this matter be Adopted.

The motion carried unanimously

2018-0068

**Supplemental Appropriation from Capital Reserve for Library/Senior Center Variable Message Display Sign**

RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE CAPITAL RESERVE FUND

WHEREAS, a project was approved in the FYE 2018 Capital Improvement Program entitled 4) I) "Variable Message Display" with anticipated funding from fundraising and grants, and

WHEREAS, the Town has estimated the total construction cost to be \$26,800, and

WHEREAS, the Groton Parks Foundation has \$7,355 for this project from Senior Center and Library fundraisers, and

WHEREAS, the Town has been awarded a \$20,000 reimbursable grant from the Office of Emergency Management for this project which will be returned to the Capital Reserve fund, and

WHEREAS, the Finance Director has determined that there are sufficient funds in the fund balance of the Capital Reserve, now therefore be it

RESOLVED, that a supplemental appropriation of \$20,000 be made from the Capital Reserve Fund's fund balance for FYE 2018 Capital Project 4) I) Variable Message Display.

Refer to RTM under Rule 6.5.3.

A motion was made by Councilor Moravsik, seconded by Councilor Parker, that this matter be Adopted and referred under Rule 6.5.3 to the Representative Town Meeting.

The motion carried unanimously

2018-0069

**Naming of Community Center at Fitch Middle School**

RESOLUTION DESIGNATING A NAME FOR THE COMMUNITY CENTER PORTION OF THE FORMER FITCH MIDDLE SCHOOL

WHEREAS, the Parks and Recreation Department would like to identify that portion of the former Fitch Middle School that the department will be moving into as a community center, and

WHEREAS, the Parks and Recreation Department sought community input into the naming of the community center, and

WHEREAS, the two most suggested names were Groton Community Center and Fitch Community Center now therefore be it

RESOLVED, that the Town Council designates the portion of the building that the Parks and Recreation department will be moving into as the Groton Community Center, with the name "Fitch" to remain on the front of the building.

A motion was made by Councilor Parker, seconded by Councilor Heede, that this matter be Adopted.

The motion carried unanimously

2018-0074

**Pfizer Local Community Grant - Senior Center**

RESOLUTION AUTHORIZING THE TOWN MANAGER TO APPLY FOR THE PFIZER GRANT FOR A SENIOR CENTER WITHOUT LIMITS PROGRAM

WHEREAS, the Senior Center would like to apply for grant funds in the amount of \$5000 from the Pfizer Local Community Grant Program and

WHEREAS, the grant will fund the technology materials to offer the “Senior Center without Limits” and to improve WiFi capability at the center by purchasing lap tops, web cams and wireless heads, now therefore be it

RESOLVED, that the Town Manger or his designee is authorized to apply for the Pfizer grant for a Senior Center without Limits program.

**A motion was made by Councilor Franco, seconded by Councilor Heede, that this matter be Adopted.**

**The motion carried unanimously**

**2018-0077**

**Town-City Highway Analysis**

**RESOLUTION FOR FYE 2018 GENERAL CONTINGENCY TRANSFER FOR TOWN-CITY HIGHWAY ANALYSIS**

WHEREAS, The Town Charter provides for General Contingency transfers during the year, and

WHEREAS, the Town Council desires conducting a comparative analysis of the City and Town Highway operations, and

WHEREAS, the Town Manager and City Mayor have agreed that the comparative analysis will be funded at 50% each, and

WHEREAS, the Town and City have selected a consulting firm to conduct such analysis and the estimated cost is \$70,000, now therefore be it

RESOLVED, that the Town Council authorizes a transfer of \$35,000 from the General Fund Contingency, Account 10741 5499 to the Public Works account, 10350 5290 for 50% of the cost of the comparative analysis of the City and Town Highway operations and authorizes the Town Manager to enter into a contract for such analysis.

Refer to RTM under Rule 6.5.3.

**A motion was made by Councilor Heede, seconded by Councilor Moravsik, that this matter be Adopted and referred under Rule 6.5.3 to the Representative Town Meeting.**

*In response to Councilor Franco, Town Manager Burt stated that this study will not be binding in any way, and as we move forward, we may stop the study at any time if we find it isn't valuable. Councilor Franco stated that we will be receiving updates as the study progresses and it should be completed within six months.*

*Councilor Moravsik reported that all Councilors received an email from former Town Councilor Bob Frink. He reported that within the email there is an outline of the problems that the Town has with the City of Groton. He stated that a presentation was also included in this email.*

*Mayor Granatosky stated that the Town Manager and the Mayor of the City have been meeting on a regular basis to discuss many issues. She stated that this is just one of the issues. She stated that she is hopeful that the relationship will improve as we keep the lines of communication open and we proceed with this study.*

**The motion carried unanimously**

**2018-0078**

**Position Changes**

**RESOLUTION TO CREATE HUMAN RESOURCES DIRECTOR/ASSISTANT TOWN MANAGER POSITION AND TO EXTEND THE TOWN MANAGER'S CONTRACT**

WHEREAS, the Town Council desires to make changes to certain positions and/or to salaries and benefits associated with certain positions effective April 9, 2018; now, therefore, be it

RESOLVED, that the position of Human Resources Director is revised, following approval by the Town Manager, to Human Resources Director/Assistant Town Manager, with a salary of \$108,212 on the Assistant Town Manager pay scale; and, be it, further,

RESOLVED, that the job description for Human Resources Director/Assistant Town Manager is approved, and, be it, further

RESOLVED, that the Mayor be authorized to sign a contract with the Town Manager to include an extension of the terms of the contract by one year; plus reimbursement for mileage for work-related travel outside of Town; and, be it, further,

RESOLVED, that the funds to pay for these changes come from existing budgets for the remainder of FYE 2018.

**A motion was made by Councilor Obrey, seconded by Councilor Atwater, that this matter be Adopted.**

*Mayor Granatosky stated that the Town Attorney has looked at all of the language in this resolution and assured the Town Council this is perfectly legal and within the bounds of Town Council authority.*

*Councilor Moravsik stated that there were people that spoke against this situation. He stated that if we left the Human Resource Director where he was and we hired another person as Assistant Town Manager, we would be spending a lot more money than the difference between the current salary of the Human Resource Director and his new salary. He stated that he believes this is a smart move in combining the positions. He stated that the Human Resources Director can well handle these positions. He stated that he is more than qualified to the job. He explained the amount of work that the Town Manager has and that this change should relieve some of the work. He stated that this is saving money, not spending money.*

*Mayor Granatosky stated that the position of Assistant Town Manager is in existence already and has been on the books for quite a few years unfilled. She stated that we are not adding a whole new body. We are lucky enough to have Mr. Zagami accept the increase in his responsibilities and giving him a small increase in his salary. We believe he will be able to handle both positions. This will allow Mr. Burt and Mr. Zagami to function better serving the Town.*

*Town Manager Burt stated that we will be able to get some other projects done. Mayor Granatosky stated that one of those projects that we are all eager get started is looking into the Balfour Beatty situation. Mr. Burt stated that he will be taking the lead on this project.*

*Councilor Franco ask if there is a "Plan B" if this situation doesn't work out. In response, Mr. Burt stated that he has every confidence that this will work out. Mr. Burt stated that the Human Resource position is still there and Mr. Zagami could go back to that position at that level of salary, if this scheme doesn't work out.*

*Councilor Schmidt stated that several previous Town Councils had tried to fill the Assistant Town Manager position, and we are finally able to fill that position. She stated that it has been needed and that we will be very happy with the results.*

**The motion carried by the following vote:**

**Votes:** In Favor: 8 - Mayor Granatosky, Councilor Atwater, Councilor Franco, Councilor Heede, Councilor Moravsik, Councilor Obrey, Councilor Schmidt and Councilor Zeppieri  
Abstain: 1 - Councilor Parker

**2018-0079**

**Reappointment of Susan Sayer to Zoning Commission**



## RESOLUTION REAPPOINTING SUSAN SAYER TO THE ZONING COMMISSION

RESOLVED, that Susan Sayer, 37 Bayview Avenue, Mystic is hereby reappointed to the Zoning Commission for a term expiring 12/31/22.

A motion was made by Councilor Heede, seconded by Councilor Atwater, that this matter be Adopted.

The motion carried unanimously

**2018-0080 Reappointment of Carol Pratt to Retirement Board**

## RESOLUTION REAPPOINTING CAROL PRATT TO THE RETIREMENT BOARD

RESOLVED, that the Town Council reappoints Carol W. Pratt, 124 Ridgewood Drive, Mystic, as a participant member to the Retirement Board for a term ending 12/31/20.

A motion was made by Councilor Heede, seconded by Councilor Atwater, that this matter be Adopted.

The motion carried unanimously

**2018-0081 Reappointment of Michael Kane to Planning Commission**

## RESOLUTION REAPPOINTING MICHAEL KANE TO THE PLANNING COMMISSION

RESOLVED, that Michael D. Kane, 51 Jupiter Point Road, is hereby reappointed to the Planning Commission for a term ending 12/31/22.

A motion was made by Councilor Heede, seconded by Councilor Atwater, that this matter be Adopted.

The motion carried unanimously

**2018-0082 Appointment of Joseph Baril to Neighborhood Revitalization Zone Committee**

## RESOLUTION APPOINTING JOSEPH BARIL TO THE NEIGHBORHOOD REVITALIZATION ZONE COMMITTEE

RESOLVED, that Joseph Baril, 26 St. Joseph Court, is hereby appointed as a member of the Neighborhood Revitalization Zone Committee for a term ending 12/31/20.

A motion was made by Councilor Heede, seconded by Councilor Atwater, that this matter be Adopted.

The motion carried unanimously

**2018-0083 Appointment of Cynthia Baril to Neighborhood Revitalization Zone Committee**

## RESOLUTION APPOINTING CYNTHIA BARIL TO THE NEIGHBORHOOD REVITALIZATION ZONE COMMITTEE

RESOLVED, that Cynthia Baril, 26 St. Joseph Court, is hereby appointed as a member of the Neighborhood Revitalization Zone Committee for a term ending 12/31/20.

A motion was made by Councilor Heede, seconded by Councilor Atwater, that this matter be Adopted.

The motion carried unanimously

**2018-0084 Appointment of Carl Strand, III to Library Board**

## RESOLUTION APPOINTING CARL STRAND, III TO THE LIBRARY BOARD

RESOLVED, that Carl A. Strand, III, 373E River Road. Mystic, is hereby appointed to the Library Board for a term ending 12/31/20.

A motion was made by Councilor Heede, seconded by Councilor Atwater, that this matter be Adopted.

The motion carried unanimously

**2018-0085 Appointment of Marilyn Comrie to Library Board**

## RESOLUTION APPOINTING MARILYN COMRIE TO THE LIBRARY BOARD

RESOLVED, that Marilyn J. Comrie, 566 Sandy Hollow Road, Mystic, is hereby appointed to the Library Board for a term ending 12/31/19.

A motion was made by Councilor Heede, seconded by Councilor Atwater, that this matter be Adopted.

The motion carried unanimously

2018-0086

**Appointment of Dominick Bassi to Parks and Recreation Commission**

RESOLUTION APPOINTING DOMINICK BASSI TO THE PARKS AND RECREATION COMMISSION

RESOLVED, that Dominick Bassi, 951 Eastern Point Road, is hereby appointed as a member of the Parks and Recreation Commission for a term ending 12/31/22.

A motion was made by Councilor Heede, seconded by Councilor Atwater, that this matter be Adopted.

The motion carried unanimously

**X. OTHER BUSINESS**

**XI. ADJOURNMENT**

*Mayor Granatosky adjourned at 8:30 pm.*

*Attest:*

*Betsy Moukawsher  
Groton Town Clerk  
Clerk of the Council*