



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

Tuesday, July 16, 2013

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:35 p.m. by Mayor Somers.

Members Present: Mayor Somers, Councilor Flax, Councilor Morton, Councilor Peruzzotti, Councilor Schmidt and Councilor Watson

Members Absent: Councilor Antipas, Councilor Johnson and Councilor Streeter

Also present were Town Manager Mark Oefinger, Director of Public Works Gary Schneider, Economic Development Specialist Kristin Clarke, Town Clerk Betsy Moukawsher, Office Assistant Lori Watrous, and members of the Water Pollution Control Authority (John Wirzbicki, Edward Brennan, and Laura Baller).

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Mick O'Beirne.

III. RECOGNITION, AWARDS & MEMORIALS

2013-0140 Spicer Park Rowing Shell House

Read

The proclamation was read by Councilor Watson.

2013-0155 Academy Point Veterans' Wall of Honor

Read

The proclamation was read by Councilor Flax.

2013-0177 Proclamation Recognizing Matthew Even Buechel

Read

The proclamation was read by Councilor Morton.

2013-0184 Proclamation Recognizing Jeffrey Messina

Read

The proclamation was read by Senior Program Health Coordinator Michelle Hamilton, a representative of the Groton Adolescent Substance Abuse Prevention Coalition (GASP).

Groton 4th of July Parade Awards

Manager of Recreation Services Jerry Lokken presented awards to parade winners as follows: Best Use of Salute to Independence Theme to US Submarine Veterans, Inc.; Best Float to Groton Little League; Best Music to Junior Colonial Fife and Drum Corps; Most Patriotic to Beech Brook Farm Equine Rescue; Best Youth Participation to Community Dance Ensemble/The Dance Extension; Judges' Choice to Center Groton Fire Department; and Best Costumes to 1913 Model T Ford Speedster.

PUBLIC HEARING:

2013-0186 Public Hearing on Ordinance for Police Station Improvements

AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN OF GROTON POLICE STATION AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

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

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

Section 2. That the Town issue bonds or notes, in an amount not to exceed FIVE MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$5,345,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

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

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

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that (except to the extent reimbursed from grant moneys) project costs may be

paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings, including qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

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

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

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

Heard at Public Hearing

Mayor Somers called a recess for the Public Hearing at 7:49 p.m.

The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.

Director of Public Works Gary Schneider gave a brief summary of the project. He stated that the renovations would affect the detention area, the booking area, the sally port, and the pistol range. He also noted that there would be some hurricane proofing to withstand a Category 3 storm.

Jack Sebastian, 4 East Shore Avenue, is against proceeding with this bond referendum. He stated that portions of the Police Station improvements could be done over a period of years to eliminate the need for bonding.

Edith Fairgrieve, 8 Rowland Street, noted that approval of two bonding referenda is unlikely because of the excessive burden on taxpayers. She stated that, of the two, she prefers that the Police Station Improvements move forward. Ms. Fairgrieve feels that the Police Department should be outfitted and maintained for public safety.

Genevieve Cerf, 17 Crescent Street, agrees that the Police Station needs improvements, but does not believe that it should be funded through bonding. Borrowing money increases costs by about 57%, making debt service too high. Ms. Cerf would prefer to have the project broken into smaller pieces over time rather than bonding.

The Town Manager clarified that the Town could pay cash for any amount without going to the voters, but if it plans to bond \$750,000 or more there must be a referendum.

There being no further comments, Mayor Somers closed the Public Hearing at 8:02 p.m.

JOINT PUBLIC HEARING WITH WATER POLLUTION CONTROL AUTHORITY:**2013-0187 Public Hearing on Ordinance for Flanders Road Utilities Expansion**

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

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

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

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

Section 3. That the Town issue and renew temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or obligations for the project. The amount of the notes and obligations outstanding at any time shall not exceed NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000). The notes shall be issued pursuant to Section 7-264, Section 7-378 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a and 7-378b of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378, and the Town shall comply with the provisions of Section 22a-479(c) with respect

to any obligations.

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

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

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

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

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

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

Section 10. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if

the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Heard at Public Hearing

Mayor Somers called a recess for the Public Hearing at 8:03 p.m.

The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.

Economic Development Specialist Kristin Clarke gave a brief summary of the project. She noted that sewer and water lines will go up to I-95 and showed a map of the area that would be affected. Ms. Clarke stated that this project would create a new tax base.

Tim Tylaska, 800 Flanders Road, remarked that the only way to reduce taxes is to bring in more revenue and jobs. Mr. Tylaska stated that the Town needs to invest to increase its tax base.

Mick O'Beirne, 32 New London Road, recommends that Councilors look at this project from a cost-to-benefit point of view. If the project is bonded, taxpayers will pay 40-50% more than the amount bonded. He also noted that the usable land is not 100+ acres, since a large portion of the land is zoned residential and another portion is not suitable for industrial development due to its topography. Mr. O'Beirne stated that the Town should be honest with taxpayers about this being Phase I of a larger project.

Neal Gardner, 111 Mitchell Street, thinks that this project is a bad idea. With finance charges, taxpayers will pay over \$16 million with no guarantee of any additional growth in the tax base. He suggested enticing new businesses to other areas of Town through tax abatements.

John Sutherland, 32 Neptune Drive, noted that it is clear that this is only Phase I of a larger plan to extend beyond I-95. He stated that the numbers do not make sense, as the bonding interest rates will be well above the increased tax revenue. Mr. Sutherland noted that a similar project on Route 117 did not result in significant economic growth.

Mariellen French, 12 Little Gull Lane, stated that she has trouble with paying her taxes now and there is no guaranteed return on investment for this project. Ms. French is concerned with the rate at which the Town continues to borrow.

Joan Smith, 58 Mohegan Road, stated that most of the land on the lower segment of Flanders Road consists of wetlands and ledge. She remarked that the cost of the entire project should be discussed since it is inevitable that there would be a Phase II. Ms. Smith is concerned that properties such as Whittle's Farm are targeted for future development. She stated that high-density housing developments prove to be tax-negative, as more money is spent in services than is received in additional tax revenue.

Genevieve Cerf, 17 Crescent Street, stated that with debt service, the cost of the project would be \$16 million. The Town would need an additional \$20-\$30 million on the grand list to get a return on its investment. She noted that there are other commercial and industrial areas available in Town and it would be cheaper to move the businesses to where services are already provided.

Edith Fairgrieve, 8 Rowland Street, stated that she does not wish to pay for development of an unserviced area when there are vacant buildings in other areas in Town.

Dave Cote, 1101 Noank Ledyard Road, noted that the industrial tax base continues to decline. He stated that surrounding communities are offering incentives and suggested that Groton needs to

embrace the mixed-use zoning designation. Mr. Cote feels that the Town needs to make an investment for the long term and a commitment to growth.

There being no further comments, Mayor Somers closed the Public Hearing at 8:41 p.m.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Patrice Granatosky, 30 North Prospect Street, formally requested that the November 2012 evaluation of police services to find efficiencies and cost savings be released to the public. If the document is still deemed a draft and not subject to FOI, she encourages the Town to meet with the City and Groton Long Point to finalize it. \$40,000 was spent on this study and Ms. Granatosky urged the Council to release it to the public.

Mariellen French, 12 Little Gull Lane, stated that the elderly are not affluent and many do not have air-conditioning. Lately there have been many heat waves and the library and Senior Center have been closed on Sundays so there was nowhere to go for relief. She noted that the elderly can die in this kind of heat and requested that a place be made available for citizens to go.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Mayor Somers stated that the Library and Senior Center will be available as cooling centers.

The Town Manager noted that he relies on comments from the public to know when the Town needs to make cooling centers available. The Senior Center is a designated cooling center.

VI. CONSENT CALENDAR

a. Approval of Minutes

2013-0173 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

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

This Matter was Adopted on the Consent Calendar.

b. Administrative Items

2013-0163 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

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

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

Barbara Weeman - \$10.00 - Social Services Discretionary

Arianna Turello - \$20.00 - Parks and Recreation Discretionary

Darlene Jacaruso - \$30.00 - Parks and Recreation Discretionary

Lee Vincent - \$50.00 - Social Services Discretionary

Charles Rogers - \$35.00 - Social Services Discretionary

Mystic Garden Club - \$600.00 - Jabez Smith House

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

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

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

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

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

Martine Flory \$11.00 - Groton Utilities Energy Assistance Program

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

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

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

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

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

This Matter was Adopted on the Consent Calendar.

Mayor Somers highlighted various donations and thanked all for their generous contributions.

c. Deletions from the Town Council Referral List

2013-0157 Pistol Permit Process - Update

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

- 2013-0158 Road Paving Alternatives**
This Matter was Deleted from Referral List - No further action on the Consent Calendar.
- 2013-0172 Fiscal Impact of Flanders Road Utilities Expansion and Police Station Improvements Projects**
This Matter was Deleted from Referral List - No further action on the Consent Calendar.
- 2013-0180 Introduction of a Town of Groton Blight Ordinance**
This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.
- 2013-0181 Scheduling of Public Hearing on Town of Groton Blight Ordinance**
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 Watson, seconded by Councilor Peruzzotti, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar. The motion carried unanimously

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Councilors participated in the 4th of July Parade.

Councilor Watson attended a ribbon-cutting ceremony at the Elks Club for its new bingo program. He also stocked clams and oysters with members of the Shellfish Commission.

Councilor Flax met with City Director of Finance Mike Hillsberg to continue learning about Groton City finances.

Mayor Somers attended an Eagle Scout ceremony, a meeting with SubBase Commander Capt. Lahti, and a School Facilities Initiative Task Force meeting. She received emails regarding the budget and Flanders Road.

b. Clerk of the Representative Town Meeting

At its July 10th meeting, the RTM listened to presentations on the proposed Ordinances for Police Station Improvements and Flanders Road Utilities Expansion. The next regular RTM meeting will be held on August 14, 2013.

c. Clerk of the Council

The Town Clerk noted that there are three vacancies on the Library Board and three alternate vacancies on the Zoning Commission. She noted that the State recently passed legislation changing Land Records recording fees in certain instances.

d. Town Manager

The Town Manager stated that on July 23, 2013, there will be a regular Committee of the Whole meeting followed by a Special Town Council meeting so the Council may act on the Ordinances being considered for bonding referenda. Mr. Oefinger noted that Kevin Foster from Simsbury won the Senior Open at Shennecossett Golf Club.

e. Town Attorney - No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Schmidt

No meeting, no report.

b. Economic Development - Chairman Johnson

No meeting, no report.

c. Education/Health & Social Services - Chairman Watson

No meeting, no report.

d. Environment/Energy - Chairman Peruzzotti

No meeting, no report.

e. Finance - Chairman Morton

No meeting, no report.

f. Personnel/Appointments/Rules - Chairman Flax

No meeting, no report.

g. Public Safety - Chairman Streeter

No meeting, no report.

h. Public Works/Recreation - Chairman Antipas

No meeting, no report.

i. Committee of the Whole - Mayor Somers

Mayor Somers noted that the Committee of the Whole discussed potential ordinances entitled: "Ordinance for Police Station Improvements," "Ordinance for Flanders Road Utilities Expansion," and "Town of Groton Blight Ordinance!"

IX. UNFINISHED BUSINESS - None.

X. NEW BUSINESS

2013-0180 Introduction of a Town of Groton Blight Ordinance

INTRODUCTION OF A BLIGHT ORDINANCE

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

Section 1. Purpose

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

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

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

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

Section 2. Definitions

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

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

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

welfare of the community.

- (2) A building or structure is a fire hazard.
 - (3) The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public and be evidenced by one or more of the following conditions:
 - a. Missing, broken or boarded up windows and doors longer than 6 months.
 - b. Collapsing or missing exterior walls or roof, or other exterior features including but not necessarily limited to stairs, porches, railings, hatchways, chimneys or floors.
 - c. Seriously damaged or missing siding or roofing.
 - d. Unrepaired fire or water damage longer than 6 months.
 - e. Rodent harborage and/or infestation.
 - f. Persistent household garbage or trash on the property.
 - g. Parking lots in excess of 10 parking spaces in a state of disrepair or abandonment evidenced, for example, by cracks, potholes, overgrowth of vegetation within the surface, pavement or macadam, or within medians and buffers.
 - h. Shrubs, hedges, grass, plants, weeds or any other vegetation that have been left to grow in an unkempt manner that are covering or blocking means of egress or access to any building or that are blocking, interfering with, or otherwise obstructing any sightline, road sign, or emergency access to or at the property, when viewed from any property line. Maintained gardens, flower beds and xeriscape landscaping as part of a landscape design are excluded from enforcement under this subsection.
 - i. On any premises with a building or dwelling located thereon, whether said building or dwelling is occupied or not, no grass or weeds shall be permitted by any owner or occupant to reach a height greater than 2 feet.
 - j. The overall condition of the property structure and/or grounds causes an unreasonable impact on the value of neighboring properties.
- (b) Town means the Town of Groton, CT.
- (c) Blight Ordinance Enforcement Officer means a Town official and/or employee designated by the Town Manager to enforce this Ordinance and to issue citations and/or take other actions he deems necessary to compel compliance with it.

Section 3. Exemptions

The following properties shall be exempt from this Ordinance.

- (1) Agricultural lands pursuant to C.G.S. 22-3(b);
- (2) Land dedicated as public open space or parks;
- (3) Land preserved in its natural state through conservation easements or conservation restrictions;
- (4) Areas designated as buffers or development free areas by a land use agency;
- (5) Upland review areas or wetlands and watercourses;
- (6) Maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design.

Section 4. Prohibition

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

Section 5. Notice of Violation

- (a) The Blight Code Enforcement Officer shall give written notice of a violation of this Ordinance to the owner and occupant of and may give written notice to their agent(s), and/or any other person responsible for the Blighted Premises. The notice may be hand delivered or mailed by certified mail, return receipt requested, to the last known address of the person to whom it is directed.
- (b) Such notice shall state the violation and demand its abatement within a reasonable time to be determined by the Blight Code Enforcement Officer based on the nature and extent of the violations. If the violation is not corrected within the time provided in the written notice, the Blight Code Enforcement Officer may issue an enforcement citation and/or take other enforcement action as specified herein.
- (c) If the owner, agent, occupant and/or person responsible for the Blighted Premises cannot be ascertained or does not accept delivery of the written notice, the notice shall be published once in a newspaper having a substantial circulation in the town. The notice shall include the name of the last known owner of the real property upon which violation has been found and the address of the real property.
- (d) Any person who is a new owner or new occupant of a Blighted Property shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to Section 5(b). For purposes of this Ordinance, "new owner" shall mean any person or entity who has taken title to a property within thirty days of the notice, and "new occupant" shall mean any person who has taken occupancy of a property within thirty days of the notice.

Section 6. Penalty for Violation

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

Section 7. Enforcement Citation

- (a) A citation hearing procedure per C.G.S. § 7-152c is hereby established for purposes of this Ordinance. The Town Manager shall appoint one or more citation hearing officers for the Town.
- (b) If a violation remains unabated after the time allowed for abatement contained in the notice of violation issued per Section 5 hereof has expired, the Blight Code Enforcement Officer may issue a citation to the owner and occupant, and may issue a citation to any other person responsible for the violation in accordance with this Ordinance. The citation shall state the date by which the uncontested payment of fines, penalties, costs or fees shall be made.
- (c) Any person issued a citation pursuant to this Ordinance shall be entitled to a hearing to contest the citation pursuant to the provisions of C. G.S. § 7-152c.
- (d) At any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees set by a citation issued pursuant to this Ordinance, the Town shall send notice to the person or persons cited to inform the person or persons: (1) of the allegations against him/her/it and the amount of the fines, penalties, costs or fees due; (2) that he/she/it may contest liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if he/she/it does not demand such a hearing, an assessment and judgment shall be entered against him/her/it; and (4) that such judgment may issue without further notice.
- (i) For purposes of this Section 8, notice shall be presumed to have been properly sent if such

notice was mailed to such person's last-known address on file with the tax collector. If the person to whom notice is issued is a registrant, the Town may deliver the notice in accordance with C.G.S. § 7-148ii, provided nothing in this section shall preclude the town from providing notice in another manner permitted by applicable law.

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

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

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

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

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

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

Section 8. Recording of Lien

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

Section 9. Municipal Performance

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

(b) In the event the Building Code Enforcement Officer prevails in such legal proceedings, the violator shall be liable for all costs of bringing the property into compliance, and shall further be liable for all legal costs incurred by the town in bringing the property into compliance, including its reasonable attorney's fees.

Section 10. Exceptions and Pending Approvals

Any Blighted Premises for which any land use or building permit application for improvements to the Blighted Premises is pending, or which has been sold to a bona fide purchaser, shall be exempt

from the provisions of this Ordinance for a period of 90 days from the date of submittal of a complete application to the Town or from the date of sale.

Section 11. Conflict and Separability

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

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

Introduced by the Mayor

The entire text of the Town of Groton Blight Ordinance will be available at the Town Clerk's office and on the Town website.

2013-0181 Scheduling of Public Hearing on Town of Groton Blight Ordinance

RESOLUTION SETTING A PUBLIC HEARING ON A BLIGHT ORDINANCE

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

A motion was made by Councilor Flax, seconded by Councilor Watson, that this matter be Adopted.

The motion carried unanimously

XI. OTHER BUSINESS

Suspension of the Rules

A motion to suspend the rules to consider appointing two new members to the School Facilities Initiative Task Force was made by Mayor Somers, seconded by Councilor Watson and so voted unanimously.

2013-0197 Appointment of Christine Cabral and Jane Dauphinais to School Facilities Initiative Task Force

RESOLUTION APPOINTING CHRISTINE CABRAL AND JANE DAUPHINAIS TO THE SCHOOL FACILITIES INITIATIVE TASK FORCE

RESOLVED, that Christine Cabral, 66 Latham Street, and Jane Dauphinais, 826 Groton Long Point Road, are hereby appointed to the School Facilities Initiative Task Force.

A motion was made by Mayor Somers, seconded by Councilor Watson, that this matter be Adopted.

Mayor Somers noted that it has been difficult to achieve a quorum.

The motion carried unanimously

XII. ADJOURNMENT

A motion to adjourn at 9:17 p.m. was made by Councilor Watson, seconded by Councilor Flax and so voted unanimously.

Attest:

*Betsy Moukawsher, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant