



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, August 20, 2013

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:34 p.m. by Mayor Somers.

Members Present: Mayor Somers, Councilor Antipas, Councilor Morton, Councilor Schmidt, Councilor Streeter and Councilor Watson

Members Absent: Councilor Flax, Councilor Johnson and Councilor Peruzzotti

Also present were Town Manager Mark Oefinger, Planning and Development Director Mike Murphy, Town Clerk Betsy Moukawsher and Office Assistant Lori Watrous.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Mike Murphy.

III. RECOGNITION, AWARDS & MEMORIALS

2013-0198 Proclamation Honoring Pastor and Mrs. William Beck

Read

The proclamation was read by Mayor Somers.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Mary Elaine Kelly, 40 Plant Street, reminded Councilors of their duty to represent all citizens of Groton fairly and not to promote an 'us versus them' attitude. She challenged Councilors to strive to improve government and promote positive communication.

L. Michael Clancy, Preston CT, owns a commercial property on Route 12. He remarked that he has lost tenants in the past due to a blighted property north of his own. He is in favor of the blight ordinance. Mr. Clancy stated that if a blight ordinance is instituted, it should also be enforced.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

None.

VI. CONSENT CALENDAR

a. Approval of Minutes

2013-0212 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of August 6, 2013 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Administrative Items

2013-0202 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

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

Aimee F. 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 Kelledees - \$6.00 - Parks and Recreation Revolving
Heather King - \$10.00 - Parks and Recreation Revolving
Beverly L. Larval- \$5.00 - Parks and Recreation Revolving
Amy Matteson - \$50.00 - Parks and Recreation Revolving
Emily Nelson - \$5.00 - Parks and Recreation Revolving
Katherine S. 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
Jean M. Yellow Robe - \$2.00 - Parks and Recreation Revolving
Marsha Zimmermann- \$30.00 - Parks and Recreation Revolving
Katherine Zod - \$5.00 - Parks and Recreation Revolving
Emily Burke - \$13.00 - Parks and Recreation Revolving
Patricia Carrigan - \$20.00 - Parks and Recreation Revolving
Eileen Cicchese - \$31.74 - Parks and Recreation Revolving
Karen Colgan - \$10.00 - Parks and Recreation Revolving
Jane W. Coutu - \$60.00 - Parks and Recreation Revolving
Diane Darling - \$12.00 - Parks and Recreation Revolving
Susan Decorte-McMillan - \$1,000 - Parks and Recreation Revolving
Mark Fournier - \$100.00 - Parks and Recreation Revolving
Heather Frost - \$50.00 - Parks and Recreation Revolving
Patricia W. Garcia - \$10.00 - Parks and Recreation Revolving
Lillian Green - \$10.00 - Parks and Recreation Revolving
SECADD Inc. - \$300.00 - Parks and Recreation Revolving
James Ledwidge - \$10.00 - Parks and Recreation Revolving
Janet Ledwidge - \$12.00 - Parks and Recreation Revolving
Eric Motin - \$10.00 - Parks and Recreation Revolving
Knights of Columbus - \$300.00 - Parks and Recreation Revolving
Daniel Pineault - \$20.00 - Parks and Recreation Revolving
Barbara Strother - \$105.80 - Parks and Recreation Revolving
Wesley Williams - \$10.00 - Parks and Recreation Revolving
Lillian Zabinsky - \$100.00 - Parks and Recreation Revolving
Neil Zabinski - \$10.00 - Parks and Recreation Revolving
Kirsti Zarn - \$52.91 - Parks and Recreation Revolving
Mystic Photography Group - \$25.00 - Library Miscellaneous
Patricia Ludwig - \$50.00 - Library Miscellaneous

This Matter was Adopted on the Consent Calendar.

2013-0211

Special Trust Fund Contribution

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

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

Historical Haunts LLC - \$200.00 - Jabez Smith House Miscellaneous
General Dynamics Electric Boat - \$1,000 - Veterans Memorial Park Fund
Thames Valley Communications - \$500.00 - Veterans Memorial Park Fund
Metal Trades Council of New London County AFL-CIO - \$50.00 - Veterans Memorial Park Fund
City of Groton - \$500.00 - Veterans Memorial Park Fund

Paulann Sheets - \$3,000 - Veterans Memorial Park Fund
 Diane Donovan - \$18.00 - Library Miscellaneous

This Matter was Adopted on the Consent Calendar.

Councilor Streeter expressed his appreciation to all those who contributed to the Veterans Memorial Park Fund.

c. Deletions from the Town Council Referral List

2011-0032 Sister Cities Committee - Update

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

2013-0092 Voting District 4 Polling Location

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

2013-0096 Review of Town Register

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

2013-0205 Adoption of Blight Ordinance

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

2013-0206 Authorization to Use a Description of the Blight Ordinance in Notice of Adoption

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

2013-0208 Southeast Area Transit (SEAT) Board of Directors Appointments

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

2013-0213 Contribution to Veterans Memorial Project

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 Antipas, 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 received emails regarding the Blight Ordinance and the Poquonnock Bridge Fire District.

Councilor Streeter gave a Civil War presentation on August 12, 2013.

Councilor Watson attended a Mystic Schooners game.

Mayor Somers received an email regarding Sunday morning trash pick-up in Mystic. She presented a proclamation to Pastor and Mrs. William Beck for the 20th Anniversary of Steadfast Baptist Church.

b. Clerk of the Representative Town Meeting

The Town Clerk noted that the RTM passed two bonding ordinances at its last meeting. The next regular RTM meeting will be held on September 11, 2013.

c. Clerk of the Council

Town Clerk Moukawsher attended a Rotary meeting.

d. Town Manager

The Town Manager noted that a ground-breaking ceremony at Thames Edge at Fairview will be held on September 7, 2013, and the 9th annual dance to benefit the Homeless Hospitality Center and Covenant Shelter will also be on September 7, 2013.

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**

The resolutions on tonight's agenda are a result of the Committee of the Whole meeting.

IX. UNFINISHED BUSINESS - None.

X. NEW BUSINESS

2013-0205 Adoption of Blight Ordinance

ADOPTION OF A BLIGHT ORDINANCE

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

Section 1. Purpose

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

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

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

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

Section 2. Definitions

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

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

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

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

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

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

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

c. Seriously damaged or missing siding or roofing.

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

e. Rodent harborage and/or infestation.

f. Persistent garbage or trash on the property.

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

h. Shrubs, hedges, grass, plants, weeds or any other vegetation that have been left to grow in an unkempt manner that are covering or blocking means of egress or access to any building or that are blocking, interfering with, or otherwise obstructing any sightline, road sign, or emergency access to or at the property, when viewed from any property line.

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

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

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

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

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

Section 3. Exemptions

The following properties and/or portions of properties shall be exempt from this Ordinance.

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

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

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

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

(5) Upland review areas or wetlands and watercourses;

(6) Maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design, or naturalized areas as defined in Section 2.(d), provided they do not cover or block means of egress or access to any building or block, interfere with, or otherwise obstruct any sightline, road sign, or emergency access to or at the property or promote rodent harborage and/or infestation.

Section 4. Prohibition

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

Section 5. Notice of Violation

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

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

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

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

Section 6. Penalty for Violation

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

Section 7. Enforcement Citation

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

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

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

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

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

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

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

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

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

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

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

Section 8. Recording of Lien

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

Section 9. Municipal Performance

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

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

Section 10. Exceptions and Pending Approvals

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

Section 11. Conflict and Separability

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

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

Refer to RTM.

A motion was made by Councilor Watson, seconded by Councilor Antipas, that this matter be Adopted as Amended and Referred to the Representative Town Meeting, due back on October 4, 2013.

The Mayor stated that the Town Attorney has proposed a few minor changes to the Ordinance.

Planning and Development Director Mike Murphy stated that the proposed changes would define naturalized areas and make some general wording changes.

Councilor Antipas stated that he considers Item j. regarding unreasonable impact on the value of neighboring properties to be unenforceable. Mr. Murphy remarked that a combination of the first several items would create an unreasonable impact on property values.

MOTION TO AMEND the Ordinance to include the proposed changes from the Town Attorney was made by Councilor Watson, seconded by Councilor Antipas.

VOTE on Motion to Amend passed 6 in Favor: Mayor Somers, Councilor Antipas, Councilor Morton, Councilor Schmidt, Councilor Streeter, and Councilor Watson

The motion carried by the following vote:

Votes: In Favor: 6 - Mayor Somers, Councilor Antipas, Councilor Morton, Councilor Schmidt, Councilor Streeter and Councilor Watson

2013-0206

Authorization to Use a Description of the Blight Ordinance in Notice of Adoption

AUTHORIZATION TO USE A DESCRIPTION OF THE BLIGHT ORDINANCE IN NOTICE OF ADOPTION

WHEREAS, on August 20, 2013, the Town Council adopted a Blight Ordinance, and

WHEREAS, the full text of the Ordinance is available in the Town Clerk's office, and

WHEREAS, Section 5.5.6.2 of the Town Charter provides that notice of the adoption of a legislative ordinance "shall include the title, serial number, and complete text of the ordinance, except that if so directed by the Town Council, a description of the ordinance prepared by the Town Attorney may be substituted for the complete text," now therefore be it

RESOLVED, that the Town Attorney is directed to prepare a description of the Blight Ordinance for publication as a substitute for the complete text.

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

The motion carried unanimously

2013-0208

Southeast Area Transit (SEAT) Board of Directors Appointments

RESOLUTION APPOINTING TOWN MANAGER MARK OEFINGER TO THE SOUTHEAST AREA TRANSIT (SEAT) REGIONAL BOARD

RESOLVED, that Town Manager Mark Oefinger, 45 Fort Hill Road, is hereby appointed to the Southeast Area Transit (SEAT) Board for a term expiring 12/1/15.

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

The motion carried unanimously

2013-0213

Contribution to Veterans Memorial Project

CONTRIBUTION TO THE VETERANS OF THE PERSIAN GULF WAR MEMORIAL AT THE LIBRARY/SENIOR CENTER VETERANS MEMORIAL PLAZA

WHEREAS, the Town Council has supported Town Council and Town Historian James Streeeter's efforts as a private citizen to raise funds for a memorial to honor veterans of the Persian Gulf Wars to be located at Veterans Memorial Plaza at the Library/Senior Center, now therefore be it

RESOLVED, the the Town Council authorizes a contribution to the memorial in the amount of \$1,000 from Account 10016 5230 Community Response.

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

The motion carried unanimously

XI. OTHER BUSINESS

Councilor Streeeter stated that there are materials, trash, a large dumpster, and vehicles stored by the State near various exit ramps in Town. He is concerned because this is the first impression for anyone coming off the highway into Groton.

Mayor Somers has also noticed that these areas appear to be becoming more permanent than before. She has talked to State Senator Andrew Maynard previously about the State's use of these areas and will contact him again.

XII. ADJOURNMENT

A motion to adjourn at 8:16 p.m. was made by Councilor Watson, seconded by Councilor Antipas and so voted unanimously.

Attest:

*Betsy Moukawsher, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant