



# Town of Groton, Connecticut

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

## Meeting Minutes

### Representative Town Meeting

**Moderator Syma Ebbin, Representatives Karin Adams, Robert Bailey, Alicia T. Bauer, Portia Bordelon, Clarence Casper, Kathy Chase, Bobbi Jo Cini, Thomas Frickman, James Gustavson, Autumn Hanscom, Rosanne Kotowski, Brandon Marley, Douglas R. Marshall, Robert Martin, Jackie Massett, Bruce A. McDermott, Juan Melendez, Nancy Mello Miller, Roscoe Merritt, Doug Monaghan, Scott Newsome, Cutter Oliver, Richard Pasqualini, Sheila Perry, Shawn Powers, Adam Puccino, Carolann Quinn, Kate Richards, Reginald Stanford, Anni Rodgers, Judith Strode, Irma Streeter, James Streeter, Patricia Wagner, Beverly Washington, Gary Welles, Michael Whitehouse, and Michael Whitney**

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Wednesday, June 13, 2018

7:30 PM

Groton Senior Center

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#### REGULAR MEETING

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*In the absence of the Moderator, Town Clerk Betsy Moukawsher called the meeting to order at 7:31 pm.*

#### A. ROLL CALL

Members Present: Rep. Adams, Rep. Bailey, Rep. Bordelon, Rep. Casper, Rep. Chase, Rep. Kotowski, Rep. Hanscom, Rep. Martin, Rep. Massett, Rep. McDermott, Rep. Mello Miller, Rep. Melendez, Rep. Merritt, Rep. Monaghan, Rep. Newsome, Rep. Oliver, Rep. Perry, Rep. Powers, Rep. Puccino, Rep. Quinn, Rep. Richards, Rep. Rogers, Rep. Stanford, Rep. Streeter, Rep. Streeter, Rep. Washington, Rep. Welles and Rep. Whitehouse

Members Absent: Moderator Ebbin, Rep. Bauer, Rep. Cini, Rep. Frickman, Rep. Gustavson, Rep. Marley, Rep. Marshall, Rep. Pasqualini Jr., Rep. Strode, Rep. Wagner and Rep. Whitney

*Also present were Town Manager John Burt, Superintendent of Schools Dr. Michael Graner, Assistant Town Manager Robert Zagami, Public Works Director Gary Schneider, Finance Director Cindy Landry, Town Councilor Rachael Franco, and Town Clerk Betsy Moukawsher.*

*Ms. Moukawsher asked for nominations for Moderator Pro Tempore, in absence of Moderator Ebbin.*

*Rep. Richards nominated Rep. Washington for the post of Moderator Pro Tempore, seconded by Rep. Monaghan.*

*Rep. Massett nominated Rep. Newsome for the post of Moderator Pro Tempore, seconded by Rep. Adams.*

*The vote to elect Rep. Newsome to serve as Moderator Pro Tempore for the June 13, 2018 meeting carried by a vote of 17 in favor, 11 opposed. (Opposed) Reps. Bordelon, Hansome, Kotowski, Melendez, Monaghan, Perry, Puccino, Richards, Rogers, Washington, and Welles .*

*Moderator Pro Tempore Newsome recessed the meeting at 7:35 pm in order to familiarize himself with the duties for the meeting. He resumed the meeting at 7:40 pm.*

#### B. MOMENT OF SILENCE AND SALUTE TO THE FLAG

*Moderator Pro Tempore led the Salute to the Flag after a moment of silence in remembrance.*

#### C. APPROVAL OF MINUTES OF APRIL 30, 2018 ANNUAL BUDGET MEETING

*A motion to approve the minutes was made by Rep. Powers, seconded by Rep. Adams.*

*The motion to approve the minutes carried unanimously.*

#### APPROVAL OF MINUTES OF MAY 9, 2018 REGULAR MEETING

*A motion to approve the minutes was made by Rep. Adams, seconded by Rep. Bailey.*

*The motion to approve the minutes carried unanimously.*

**D. CITIZENS' PETITIONS**

*None.*

**E. RECEPTION OF COMMUNICATIONS**

*Moderator Pro Tempore Newsome reported that Reps. Ebbin, Marshall and Strode had notified the Town Clerk of their absence for the meeting.*

**F. REPORT OF THE TOWN MANAGER**

**1. Financial report**

*Town Manager John Burt reported that the General Fund Fund Balance as of May 31, 2018 was approximately \$8.9 million, which is 7.44% of the FYE 2018 General Fund adjusted Budget. He reported that the General Fund Contingency has a current balance of \$214,525, which includes the pending transfers. He reported that the Capital Reserce Fund balance as of May 31, 2018 is estimated at \$1.1 million.*

**2. Monthly briefing**

*Town Manager John Burt reported that the Town of Groton has received the Certificate of Excellence for the Comprehensive Annual Financial Report (CAFR), which is the highest award given. He reported that the Assistant to the Town Manager Nicki Bresnyan will be retiring in July. He stated that he does not plan to fill this position. He stated the he and Assistant Town Manager Robert Zagami are working on a reorganization for a couple of departments and the he will keep the RTM informed of their progress.*

*Mr. Burt reported that Mr. Zagami will assume the Director of IT duties, the head of the ERP, and he will represent the Town Manager at various meetings.*

*In response to Rep. Bordelon, Mr. Burt stated that water testing for lead has been conducted at Fitch Middle School, which tested safe. He stated that they plan to conduct more testing in other town buildings.*

*In response to Rep. Bailey, Mr. Burt stated that he plans to report regularly to the RTM, regarding the water testing.*

**G. REPORT ON ECONOMIC DEVELOPMENT**

*No report.*

*Rep. Kotowski commented on the Tax Increment Financing (TIF) program. She stated her concern regarding the proceeds. She stated that if TIF proceeds are returned to the General fund, she would like the funds to be used to off-set the local tax burden. (Statement is on file.)*

*In response, Town Manager John Burt stated that each TIF project is negotiated individually and voted on by the Council. He stated that funds returned to the General Fund my be designated to Economic Development purposes. He stated that he fully supports using any funds to reduce the tax burden.*

**H. REPORT OF THE SUPERINTENDENT OF SCHOOLS**

*Superintendent of Schools Dr. Michael Graner reported on the 2020 Plan and reviewed items from a prepared report. The report is on file in the Town Clerk's office.*

*In response to Rep. Richards, Dr. Graner explained the Board of Education's goals in education*

by reciting from the list that is on the report, which he gave to the RTM members. (On file.)

In response to Rep. Massett, Dr. Graner stated that New London's plan will not impact the Town of Groton. He stated that he believes that New London is no longer pursuing a Baccalaureate program.

In response to Rep. Whitehouse, Dr. Graner stated that they are monitoring the impact of any increase in school population. He stated that the District is prepared to expand if necessary.

In response to Rep. J. Streeter, Dr. Graner stated that Pleasant Valley School will eventually be the property of the Town of Groton.

In response to Rep. Kotowski, Dr. Graner stated that while the District is still considered an Alliance District, the Town will continue to receive \$25 million from the State. He explained the possibility of financial savings when Claude Chester and S.B. Butler schools are closed. He stated that if the Town closes schools, they can petition the State Commissioner to reduce the minimum budget requirement (MBR).

In response to Rep. Kotowski, Dr. Graner explained the time line for the next few years regarding construction. He stated that there will be a couple years or more before the financial impacts can be understood. He stated that the Commissioner may consider a reduction to the MBR if the school closure occurs because of a drop in enrollment.

Rep. Streeter stated that if a school is closed, we can apply to the State to lower the MBR. In response, Dr. Graner stated that the students from Pleasant Valley School were re-housed in other schools. He stated that our enrollment did not decrease. Dr. Graner stated that if a school is closed because of a drop in enrollment, the Town could petition the State to reduce the MBR.

Rep. Bordelon stated that she would like to see the same enthusiasm for Trades programs in schools, as is given to the Baccalaureate programs. She stated that she would like to see an R.O.T.C. program offered. In response, Dr. Graner stated that they have implemented Project Lead the Way, which is an engineering and drafting program offered at the Middle School and High School. He stated that they will be offering a Baccalaureate program for engineering, nursing, business, and culinary arts in the near future.

Town Manager John Burt reported that they are reviewing applicants for the Mystic Education Center RFP (Request for Proposals). He stated that the Groton Heights Request for Proposals will be released at the end of the month. He stated that there has been a lot of interest in this property. He reported that the Town received the key to Colonel Ledyard School. He stated that he plans to fast track the proposal process for this property.

Rep. Oliver stated that the Town may not petition to lower the MBR while they are an Alliance District. Dr. Graner stated that he was trying to say this to Rep. Kotowski.

In response to Rep. Puccino, Dr. Graner stated that the Board of Education gives responsibility for vacant schools to the Town. Moderator Pro Tempore Newsome stated that the Public Works budget has a line item for maintenance programs to take care of vacant school buildings.

## **I. LIAISON REPORTS**

Rep. Welles gave a report on the June 4, 2018 Golf Advisory Board meeting.

Rep. Whitehouse gave a report on the June 7, 2018 Economic Development Commission.

Rep. Kotowski gave a report on the May 16, May 22, June 5, 2018 Town Council Committee of the Whole meetings and the June 5, 2018 Town Council meeting. (Report on file.)

*Rep. Bordelon gave a report on Board of Education joint meeting with the Town and City Councils, and the RTM.*

*Reps. Gustavson and Whitney joined the meeting.*

Members Present: Rep. Adams, Rep. Bailey, Rep. Bordelon, Rep. Casper, Rep. Chase, Rep. Gustavson, Rep. Kotowski, Rep. Hanscom, Rep. Martin, Rep. Massett, Rep. McDermott, Rep. Mello Miller, Rep. Melendez, Rep. Merritt, Rep. Monaghan, Rep. Newsome, Rep. Oliver, Rep. Perry, Rep. Powers, Rep. Puccino, Rep. Quinn, Rep. Richards, Rep. Rogers, Rep. Stanford, Rep. Streeter, Rep. Streeter, Rep. Washington, Rep. Welles, Rep. Whitehouse and Rep. Whitney

Members Absent: Moderator Ebbin, Rep. Bauer, Rep. Cini, Rep. Frickman, Rep. Marley, Rep. Marshall, Rep. Pasqualini Jr., Rep. Strode and Rep. Wagner

## **J. COMMITTEE REPORTS**

### **1. FINANCE - Chairman Washington**

*Chair Washington read the minutes of the June 11, 2018 meeting. The minutes are on file in the Town Clerk's office.*

*A motion to approve the minutes was made by Chair Washington, seconded by Rep. Martin. The motion carried unanimously.*

#### **2018-0090 FYE 2018 Fourth Quarter Transfers**

##### **RESOLUTION FOR FYE 2018 FOURTH QUARTER TRANSFERS**

WHEREAS, the Town Charter provides for supplemental appropriations to Adopted Budgets and transfers from the Contingency function during the year and

WHEREAS, the Town Charter also provides for the transfer of funds from one departmental function to another departmental function during the last three months of the fiscal year, and

WHEREAS, transfers are necessary and represent unforeseen or unexpected expenditures at the time the FYE 2018 budget was adopted, now therefore be it

RESOLVED, that transfers totaling \$29,800 be transferred from Contingency (#1074) to the following General Fund departments/functions and transfers of \$10,000 or more are referred to the RTM for approval:

Legislative Policy (#10018-5290) \$15,000;  
Legal fees and ad for Charter Revision Commission  
Town Clerk (#10050 5109) \$8,300  
Retirement of long term employee  
Executive Management (#10100 5117) \$6,500;  
Expenses related to hiring of new Town Manager

Refer to RTM 6.5.3

**A motion was made by Rep. Washington, seconded by Rep. Adams, that this matter be Adopted.**

**The motion carried unanimously**

### **2. COMMUNITY DEVELOPMENT & SERVICES -Chairman Oliver**

*No meeting, no report.*

### **3. EDUCATION - Chairman Whitney**

*No meeting, no report.*

### **4. RECREATION - Chairman Mello Miller**

*No meeting, no report.*

**5. PUBLIC SAFETY - Chairman J. Streeter**

*No meeting, no report.*

**6. PUBLIC WORKS - Chairman Newsome**

*Chairman Newsome read the minutes from the June 11, 2018 meeting. The minutes are on file in the Town Clerk's office.*

*Chair Newsome made a motion to approve the minutes, seconded by Rep. Whitehouse. The motion carried unanimously.*

**2018-0140****ADOPTION OF ILLICIT STORMWATER DISCHARGE ORDINANCE****ADOPTION OF 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 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 any 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 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.

**No action taken**

*Moderator Pro Tempore Newsome made a motion for discussion purposes to VETO the Ordinance, seconded by Rep. Streeter. Rep. Streeter stated his second to the motion to VETO was for discussion purposes.*

*The motion to VETO failed unanimously.*

**7. RULES & PROCEDURES - Chairman Richards****2018-0143 Change Start Time for RTM Regular Meetings**

## REPRESENTATIVE TOWN MEETING TIME CHANGE FOR REGULAR MEETINGS

WHEREAS, members of the Representative Town Meeting have additional obligations, and

WHEREAS, meetings that continue late into the evening may present difficulties, therefore be it RESOLVED, that the Representative Town Meeting will begin all regular meetings at 7:00 pm.

**A motion was made by Rep. Newsome, seconded by Rep. Kotowski, that this matter be Adopted.**

*Chair Richards explained that this item was part of a referral from Rep. Kotowski and that it had been discussed in a committee in March. She stated that at the April RTM meeting, Rep. Marshall suggested that this item be discussed after the Budget Session.*

*Moderator Pro Tempore Newsome made a motion to approve changing the start time for the RTM regular meetings to 7:00 pm, seconded by Rep. Kotowski.*

*Rep. Bordelon raised a concern for Representative who were elected with the understanding of their commitment being a regular meeting, once a month, starting at 7:30 pm.*

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

**Votes:** In Favor: 5 - Rep. Gustavson, Rep. Kotowski, Rep. Streeter, Rep. Whitehouse and Rep. Whitney  
 Opposed: 21 - Rep. Adams, Rep. Bailey, Rep. Bordelon, Rep. Casper, Rep. Chase, Rep. Hanscom, Rep. Martin, Rep. Massett, Rep. McDermott, Rep. Mello Miller, Rep. Melendez, Rep. Monaghan, Rep. Newsome, Rep. Oliver, Rep. Perry, Rep. Powers, Rep. Quinn, Rep. Richards, Rep. Rogers, Rep. Stanford and Rep. Streeter  
 Abstain: 4 - Rep. Merritt, Rep. Puccino, Rep. Washington and Rep. Welles

**K. BUDGET DISCUSSIONS**

*Rep. Kotowski read a statement that she had prepared in 2012. She stated that the data regarding the budget process was still relevant today. She presented variable budgeting options. (Statement is on file)*

*In response to Rep. Mello Miller, Town Manager John Burt stated that there are much more robust forms of budgeting. He mentioned an attempt at performance based budgeting.*

*Rep. Powers stated that Electric Boat is growing and that the new dock being built will increase our tax base. He reported that he sees more and more building through-out town. In response, Town Manager Burt stated that we should soon be seeing an increase in our tax rolls.*

*In response to Moderator Pro Tempore Newsome, Mr. Burt stated that we would have seen an increase in our tax rolls if it weren't from the Pfizer change. He stated that it is his hope that the Town will see increases for next year. He stated that he is gathering information regarding construction at Electric Boat.*

*Rep Bordelon stated that she would like to see why certain Capitol Improvement Projects are cut during the budget process. In response, Mr. Burt stated that many project that are cut will be re-introduced the following year. He stated that all projects are listed in the budget whether they have been cut or not.*

*Rep. Whitehouse explained how revenue based budgeting works. In response, Mr. Burt stated that revenues are kept in mind while developing the budget.*

*In response to Rep. Bordelon, Mr. Burt stated that the Groton Ambulance has their attorney reviewing the lease agreement.*

**L. OTHER BUSINESS**

*Rep. Whitehouse reported that The Day newspaper incorrectly reported that the RTM had made a recommendation in choosing the new Town Council member instead of the Groton Democratic Town Committee. He stated that in fact the RTM had not made any recommendations.*

**M. ADJOURNMENT**

*A motion to adjourn was made by Rep. Massett, seconded by Rep. Adams. Moderator Pro Tempore Newsome adjourned the meeting at 9:08 pm.*

*Attest:*

*Betsy Moukawsher. Town Clerk  
Clerk of the RTM*