

**CITY OF GROTON  
MAYOR AND COUNCIL  
MINUTES  
MONDAY, APRIL 5, 2010**

**MUNICIPAL BUILDING  
COUNCIL CHAMBERS  
7:30 PM**

**Mayor Popp called the meeting to order at 7:30 p.m.**

**I. ROLL CALL**

Present: Mayor Dennis Popp, Deputy Mayor Marian Galbraith, Councilors David Hale, Lisa M. Luck, Celeste Duffy, Keith Hedrick, William Jervis, Finance Director Michael Hillsberg and City Clerk Debra Patrick. Excused: Treasurer Janice Waller-Brett.

**II. SALUTE TO THE FLAG**

Led by Mayor Popp.

**III. RECOGNITION, AWARDS AND MEMORIALS**

Mayor Popp recognized the efforts of the staff members for their tireless work during last weeks rain storm and all of the issues it created. He praised the Fire, Police, Highway and Customer Service Departments for all they did to assist our residents who were dealing with flooded basements and power disruptions. He thanked the residents for their patience as the City employees did their best to assist them. He announced that residents can apply for State sponsored 2% interest loans up to \$20,000.00 at [www.chif.org](http://www.chif.org). He said the loans can be used for replacement furnaces, appliances and structural problems caused by the flooding. He said FEMA will be coming soon to inspect the damage. Residents who wish to be included to apply for funding through them should contact the Mayor's office at 860-446-4103 or the City Clerk at 860-446-4102 to be added to the list to be given to FEMA. They will be inspecting homeowners requests first.

**IV. RECEIPT OF CITIZEN'S PETITIONS/COMMENTS**

None.

**V. RESPOND TO CITIZEN'S PETITIONS/COMMENTS**

None.

**VI. APPROVAL OF MINUTES**

**Councilor Jervis** moved **Deputy Mayor Galbraith** seconded a motion to approve the March 22, 2010 Committee of the Whole minutes. **Motion carried.**

**Councilor Duffy** moved **Deputy Mayor Galbraith** seconded a motion to approve the March 22, 2010 Special Mayor and Council minutes. **Motion carried.**

**VII. COMMUNICATIONS AND REPORTS**

**Councilor Hale** had no report.

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**Councilor Luck** attended the grand opening of the Senior Center March 27<sup>th</sup>, she complimented them on the great job they did on the facility. She attended the City sponsored Easter Egg Hunt April 3<sup>rd</sup>.

There was discussion on the Easter Egg Hunt, the amount of food collected for the food bank and Mayor Popp thanked Cub Scout Pack 41 for coming in to the fill the 7,500 Easter Eggs.

**Councilor Jervis** attended the quarterly employee breakfast and participated in the employee service awards presentations March 24<sup>th</sup>, he spoke at the Town of Groton public hearing for the budget speaking in favor of the work to be done on Thames Street. He said it was prophetic with the 2 retaining walls being so severely damaged in the storm.

**Councilor Hedrick** attended the Easter Egg Hunt and said it was a sight to see so many children run so fast.

**Councilor Duffy** attended and spoke in favor of the Thames Street repairs as a safety issue at the Town of Groton public hearing for the budget. She attended the Easter Egg Hunt and she said it was amazing.

**Deputy Mayor Galbraith** attended the opening for the Senior Center and said it is a beautiful facility. She attended and spoke in favor of the funding for the retaining walls on Thames Street at the public hearing for the budget.

**Mayor Popp** participated in a Chamber of Commerce of Eastern CT state of the City and Town luncheon March 26<sup>th</sup>. He met with Town of Groton Mayor Streeter on April 1<sup>st</sup> and Town Manager Oefinger April 5<sup>th</sup> and the product of those meetings was a request that we get an engineering proposal from Milone & MacBroom for the costs to repair the 2 retaining walls damaged March 30<sup>th</sup>. He said the costs will then be broken out from the request made for the budget. He said due to security issues the degree of damage to the retaining wall at EB has yet to be determined. He said they will be gaining access to it in the near future. He appointed Deputy Mayor Galbraith, Councilors Duffy and Hale to work with the Town of Groton on the Highway Department budget.

A slideshow of photos taken of the collapsed retaining wall at Paul's Pasta was shown to the Councilors. He said they are monitoring it daily for movement in the roadway and sidewalk.

There was discussion on the continuing issues with the retaining wall at EB.

Mayor Popp asked for a volunteer to participate on the LedgeLight Health District Task Force to develop a 10 year plan to reverse the epidemic of STD's in our local communities. He said the first meeting will be April 14<sup>th</sup> at 8:00 a.m. in New London.

Councilor Jervis agreed to attend.

Mayor Popp distributed copies of the CIP and Proposed Budget FY 2011. He said there is no tax increase.

There was some discussion on the breakdown of the budget regarding contractual obligations and health benefits.

Deputy Mayor Galbraith asked when they could have a presentation and discussion on the proposed budget.

Mayor Popp said he would like to get through the Town budget presentation, perhaps late April or early May we can schedule a meeting to discuss it.

**VIII. COMMITTEE REFERRALS**

None.

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**IX. NEW BUSINESS**

**R-10-4-28 RESOLUTION THAT THE MAYOR AND COUNCIL **FINALLY**  
APPROVE “AN ORDINANCE CONCERNING ILLICIT DISCHARGE  
AND CONNECTION TO STORMWATER DRAINAGE SYSTEMS”**

**SECTION 1. PURPOSE/INTENT.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of The **City of Groton, Connecticut** through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by illicit stormwater discharges by any user
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

**SECTION 2. DEFINITIONS.**

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency. Employees or designees of the **Director of Public Works/City Engineers.**

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, 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.

Illegal Discharge. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

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

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any

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non-stormwater discharge including sewage, processed or domestic wastewater to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or conveyance had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

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

Pollutant. Anything that causes or contributes to pollution. Pollutants may include, but are 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 or accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse. A channel through which water flows. These include rivers, streams, brooks, lakes, ponds, anabranches, swales and so forth.

**SECTION 3. APPLICABILITY.**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

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**SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

The **Director of Public Works/City Engineers** shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

**SECTION 5. SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

**SECTION 6. ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

**SECTION 7. DISCHARGE PROHIBITIONS.**

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or liquids containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows as per section 3(a) (2) of the General permit for the Discharge of Storm water from MS4, as amended from time to time.

The following discharges are exempt from discharge prohibitions established by this ordinance providing they contain no pollutants:

- landscape irrigation;
- uncontaminated ground water discharges such as pumped ground water, foundation drains, water from crawl space pumps and footing drains;
- irrigation water;
- lawn watering runoff;
- residual street wash water;
- discharges or flows from fire fighting activities (except training); and naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.

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The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or the Connecticut Department of Environmental Protection, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval **by the Director of Public Works/City Engineers** has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

**SECTION 8. SUSPENSION OF MS4 ACCESS.**

Suspension due to Illicit Discharges in Emergency Situations

The **Director of Public Works/City Engineers** may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

**SECTION 9. INDUSTRIAL, COMMERCIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

Any person subject to an industrial, commercial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the **Director of Public Works/City Engineers** prior to the allowing discharges to the MS4.

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**SECTION 10. MONITORING OF DISCHARGES**

**Applicability.**

This section applies to all facilities that have stormwater discharges associated with industrial, commercial or construction activity.

**Access to Facilities.**

The **Director of Public Works/City Engineers** shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

Facility operators shall allow the **Director of Public Works/City Engineers** ready access to all parts of the premises for the purposes of inspection, sampling, and the examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

The **Director of Public Works/City Engineers** shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

The **Director of Public Works/City Engineers** have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the **Director of Public Works/City Engineers** and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Unreasonable delays in allowing the **Director of Public Works/City Engineers** access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial, commercial or construction activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

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If the **Director of Public Works/City Engineers** have been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

**The Director of Public Works/City Engineers** will adopt requirements identifying Best Management Practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial, commercial, or construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) or stormwater management plan (SMP) as necessary for compliance with requirements of the NPDES permit.

**SECTION 12. WATERCOURSE PROTECTION.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**SECTION 13. NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the State of Connecticut said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person



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shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the **Director of Public Works/City Engineers** within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**SECTION 14. ENFORCEMENT.**

7. Notice of Violation.

Whenever the **Director of Public Works/City Engineers** finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by a written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, sampling, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine to cover administrative and remediation costs;
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

**SECTION 15. ENFORCEMENT MEASURES**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the governmental agency or designated contractor to enter upon the premises for the purposes set forth above.

**SECTION 16. COST OF ABATEMENT OF THE VIOLATION**

The owner of the property and/or any person violating this ordinance shall be notified of the cost of abatement, including administrative costs. If the amount due is not paid in full within thirty (30) days after notice of the violation, the charges together with 18% interest shall become a

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special assessment against the property and shall constitute a lien on the property for the amount of the assessment and be recorded on the land records.

**SECTION 17. INJUNCTIVE RELIEF**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**SECTION 18. COMPENSATORY ACTION**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watercourse cleanup, etc.

**SECTION 19. FINES/PENALTIES**

Any person that has violated or continues to violate this ordinance shall be liable for fines and penalties to the full extent of the law including \$100.00 dollars for each day of violation and/or 30 days in jail pursuant to Article V; Section 14 of the Charter of the City of Groton. To the maximum extent permitted by law, the City of Groton shall be entitled to recover all cost of collection of abatement costs including its reasonable attorney fees and costs.

**SECTION 20. REMEDIES NOT EXCLUSIVE**

The remedies listed 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 authorized enforcement agency to seek cumulative remedies.

**SECTION 21. ADOPTION OF ORDINANCE**

This ordinance shall be in full force and effect upon final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**WHEREAS**, this Ordinance was published in The Day, a newspaper having general circulation in the City of Groton on March 4, 2010 and March 5, 2010;

**THEREFORE, BE IT RESOLVED** that Mayor and Council Initially Approve “An Ordinance Concerning Illicit Discharge and Connection to Stormwater Drainage Systems”.

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**Councilor Hale** moved **Deputy Mayor Galbraith** seconded a motion to approve **R-10-4-28**. Mayor Popp said there were no negative comments brought to him and he asked the City Clerk if she had received any petitions. Clerk Patrick said she had not.  
**Motion carried.**

**R-10-4-29 RESOLUTION THAT THE MAYOR AND COUNCIL FINALLY APPROVE “AN ORDINANCE WITHHOLDING BUILDING APPLICATION APPROVAL FOR PROPERTY WHEN TAXES ARE DELINQUENT”**

**Be It Ordained by the City Council of the City of Groton:**

Pursuant to Connecticut General Statute §7-148(2)(B) approval of all applications for building permits, driveway permits, certificates of occupancy, or other building applications made to the building official of the city shall be withheld when taxes, charges or assessments imposed by the municipality are delinquent for the property for which an application was made. As used in this section, the term "other building application" applies only to commercial and industrial properties and shall include any application for mechanical or electrical permits;

**Definitions:**

Delinquent Amounts is defined as: Any delinquent real or personal property taxes, any delinquent sewer assessments or usage charges or any delinquent water assessments or usage charges, and any interest, fees and charges thereon as determined by the Tax Collector of the Town of Groton or other authorized body.

**Issuance of Permit Procedure:**

The following procedure is hereby established to implement this section:

- a. No official or agent of the City of Groton or any member of any board, office, department, commission or agency thereof shall approve an application for or issue a certificate of occupancy, zoning, building, inland wetlands, driveway or any other permit for the use of or improvements to real property until such time as the Building Official verifies that no Delinquent Amounts exist on the property for which the certificate of occupancy, zoning, building, inland wetlands, driveway or any other permit is sought.
- b. The Building Official shall maintain a current list of delinquent taxpayers in the Building Office. Said list shall be obtained from the Tax Collector of the Town of Groton or other duly authorized official and updated at the request of the Building Official no later than every quarter.

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- c. At the time any such application for a certificate of occupancy, zoning, building, inland wetlands, driveway or any other permit is filed, the person responsible for issuing said certificate or permit shall refer to the most recent list of delinquent taxpayers to determine if the subject property is on the list. Any subject property on the list shall be denied a permit until the following items have been submitted to the Building Official:
1. A certification from the Tax Collector that any delinquent real and personal property taxes as increased by interest, fees and charges or from whatever other authority relative to items other than real and personal property taxes have been paid or
  2. A certification from the Tax Collector that the taxpayer has entered into an acceptable agreement with the Tax Collector for the payment of the delinquent real and personal property taxes as increased by interest, fees and charges or from whatever other authority relative to items other than real and personal property taxes; provided, however, that the failure of such taxpayer to pay the delinquency in accord with such agreement shall entitle the building official to revoke the permit under which work at the property is proceeding and to refuse to issue further certificates in connection therewith until full compliance has been certified by the tax collector.
- d. The Building Official may grant a building application for or issue a certificate of occupancy, zoning, building, inland wetlands, driveway or any other permit for the use of or improvements to real property without the payment of Delinquent Amounts if s/he certifies in writing, as part of the file, that an emergency, health or safety concerns exist that warrant the grant or, that the work proposed is to comply with the order of a local authority having jurisdiction.
- e. The Building Official of the City of Groton and Tax Collector of the Town of Groton, subject to the approval of the Mayor and Town Manager respectively, shall develop any necessary forms to implement this section.

**WHEREAS**, this Ordinance was published in The Day, a newspaper having general circulation in the City of Groton on March 4, 2010 and March 5, 2010;

**THEREFORE, BE IT RESOLVED** that the Mayor and Council Finally Approve “An Ordinance Withholding Building Application Approval for Property when Taxes are Delinquent”.

**Councilor Luck** moved **Councilor Duffy** seconded a motion to approve **R-10-4-29**.

Mayor Popp said there were no negative comments brought to him and he asked the City Clerk if she had received any petitions.

Clerk Patrick said she had not.

**Motion carried.**

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**X. POSSIBLE EXECUTIVE SESSION**

**Deputy Mayor Galbraith** moved **Councilor Duffy** seconded a motion to enter Executive Session to discuss personnel issues to include Attorney Shafner, Attorney Ryan and HR General Manager Scheetz. **Motion carried.**

**Executive Session commenced at 7:54 p.m.**

**Councilor Hale** moved **Councilor Duffy** seconded a motion to exit Executive Session.

**Motion carried.**

**Executive Session ended at 8:45 p.m.**

**XI. COMMENTS FROM EXECUTIVE SESSION**

None.

**XII. ADJOURNMENT**

**Councilor Hale** moved **Councilor Luck** seconded a motion to adjourn. **Motion carried.**

**Mayor Popp** adjourned the meeting at **8:45 p.m.**

**ATTEST:**

**APPROVED:**

**Debra Patrick  
City Clerk**