



TOWN OF LEDYARD

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Ledyard, Connecticut 06339-1551
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Town Council Meeting Minutes

Chairman Kevin J.
Dombrowski

Regular Meeting

Wednesday, October 11, 2023

7:00 PM

Town Hall Council Chambers

In-Person: Council Chambers Town Hall Annex

Remote: Information noted below:

Join Zoom Meeting from your Computer, Smart Phone or Tablet:

<https://us06web.zoom.us/j/86330517674?pwd=ZGRrRqk8t56BjSZBznt4hrZ5d081s7A.1>

Audio Only: Telephone: +1 646 558 8656; Meeting ID: 863 3051 7674; Passcode: 345480

I. CALL TO ORDER

Chairman Dombrowski called the meeting to order at 7:00 p.m. at the Council Chambers, Town Hall Annex Building.

Chairman Dombrowski welcomed all to the Hybrid Meeting. He stated for the members of the Town Council and the Public who were participating via video conference that the remote meeting information was available on the Agenda that was posted on the Town's Website - Granicus-Legistar Meeting Portal.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Chairman Kevin Dombrowski
Councilor Bill Saums
Councilor Andra Ingalls
Councilor Gary Paul
Councilor John Marshall
Councilor Mary K. McGrattan
Councilor Whit Irwin
Excused: Councilor S. Naomi Rodriguez
Councilor Tim Ryan

IV. PRESENTATIONS

None.

V. RESIDENT & PROPERTY OWNERS (COMMENTS LIMITED TO THREE (3) MINUTES)

Ms. Ginina Diaz, 1546 Route 12, Gales Ferry, noted Attention Deficit Hyperactivity Disorder (ADHD), Anxiety, Post Traumatic Stress Disorder (PTSD), and Depression with Mania; stating that she has spent the last twenty-plus years learning to live with these diagnosis. She stated knowing how difficult it can be to own or share one's mental illness, that she would like commend Councilor Paul for his Facebook post on Monday. She thanked him for joining the work of letting others know that they were not alone. She stated that she would guess that not everyone believed in mental illness and that many do not know how to deal with it. She stated that she would assure you that the physical symptoms of mental illness that their bodies feel was very real; and she noted that a little compassion could go a long way. She stated many often say " *Oh, just think positive*", thinking that they were being supportive. However, she stated if it were that easy many of us would not struggle so much. She stated that she did not believe that anyone would volunteer to live with mental illness, commenting that she knew that she would return a diagnosis, or two, if she could. She stated with this being said that there were geographical factors that enabled the worsening of symptoms. She stated in looking at our community there were a few that keep a constant worry in the hearts of some of our residents. She stated the common ones being the lack of affordable housing, the countless sidewalks to nowhere that grossly limit residents ability to go out and safely walk our streets, as well as the concern and/or the discomfort in applying for social services; or for the food pantry services, due to worrying who would end up knowing that someone needed help. She noted that she stated the latter, as many in town were unapologetically judging, noting that many have no compassion or desire to understand. She stated that she sat-out the Town Council's July meeting due to being triggered here in this very room. She stated that she ended up being disappointed in herself because when it came time for the meeting that her anxiety and PTSD had won. She stated that she had to push herself to return to attending meetings, she had to do it for herself, using all of her tools to face an environment that now makes her extremely anxious. She stated that she did not realize how triggered how triggered she actually was until she noticed the lack of eye contact that she could commit to, as well as how badly her voice shakes at these meetings, compared to others. However, she stated that she continued to show up to support others, to speak on important topics. She stated that today she stood here with the hope of providing empathy, understanding, and courage to others, possibly starting the desire to learn for those who do not live with mental illness, to be a little bit more aware of what we say, and how we say it. She stated that we do not know by looking at each other who struggles and who doesn't. She asked that everyone educate themselves on mental illness and how the mind works and understand what your version of support translated to in the mind of someone who could not see that the glass was half full. Thank you.

Chairman Dombrowski thanked Ms. Diaz for her comments.

Mr. Allen Burton, 166 Gallup Hill Road, Gales Ferry, stated the reason he was present this evening was to talk about the property on Gallup Hill Road, where the Water Storage

Tank was torn down. He stated three-quarters of the property was wetland, and that he would like to purchase the property from the town to leave the property as-is to remain as open space. He stated he visited the town's Wetland Official who provided him with a map of the property that showed three-quarters of the parcel was wetlands. He stated he went to see the town's Wastewater Supervisor who told him that there was no sewer within 300-feet, Mr. Burton stated there was no way they could get a septic system on the property, without bringing in an engineered system. He went on to note that there was a culvert pipe that ran through the property that comes from the pond, to the catch basin, and that there was another pipe that shoots off of that to take the ground water from going into the street. He stated that he was letting the Town know that he was interested in purchasing the property, if it comes due, instead of letting it go off to be developed. He stated that he would like to see the property to remain as wetlands, noting that he had livestock on his property. He stated when Autum Way was built that the Building Inspector nicely asked him to move his animals out front to keep the residents living on Autum Way from complaining about the smell, which he did. However, he stated if they developed the former Water Storage Tower property that he did not know what he would do with his animals, noting that he has already moved them for the Autum Way residents. Therefore, he stated if he could get a reasonable price that he would like to purchase the property from the town.

Mayor Allyn, III, stated while they were waiting for the Water Storage Tank to be torn down that he and Mr. Burton spoke, which was probably about a year ago. Mr. Burton noted that they had to wait to take the Water Storage Tank down during the cold months because they could not get their equipment in because the ground was too wet. Mayor Allyn asked Mr. Burton to call his Office tomorrow (October 12, 2023) to talk about the town's process, to dispose of surplus property, explaining that it would involve the Town Council and a Special Town Meeting. Mr. Burton stated that he understood that there was a process involved and that he wanted to let the Town know that he was interested in purchasing the parcel. He stated that he would keep the property as-is, noting that he would maintain that side of the street so the town would not have to; and that he would put up a fence to keep people from wandering into the wetlands. Mr. Burton thanked the Town Council for the opportunity to address them this evening.

Chairman Dombrowski thanked Mr. Burton for his comments.

Mr. David Burton, 164 Gallup Hill Road, Gales Ferry, noted that he was also present this evening to talk about the former Water Storage Tank property. He stated he did not know whether the interest in building Affordable Housing on the property was unofficial or official. However, he stated that he wanted to bring the following concerns to the town's attention:

1. Zoning Regulations:

Mr. Burton stated that building condominiums or apartments on the property did not fit the Zoning Regulations. The area was zoned R-40, RM 40- single family houses, double wide trailers, duplexes. (Not condos or apartments).

2. Wetland Maps

Mr. Burton stated according to the town's maps the property was at least 75% wetlands. There were several engineered septic systems, upstream and downstream, that could be effected by any changes to the wetlands property. He questioned who would pay the bill to fix or repair the septic systems should they fail due to the wetlands changes.

3. Long term effect if a zone change occurs

Mr. Burton stated if they made changes to the Zoning Regulations that it would open-up other land for a possible zoning change; and he noted as an example Mr. Lozier's property. He stated that Mr. Lozier already had the paperwork in place for septic and water to the property because he was going to put in the double wide trailers, which did not occur because of density.

4. State Involvement

Mr. Burton stated once the state becomes involved with a low income or affordable housing project, the town and it's land use committee would lose control. He noted that the reason he knew this was because he dealt with Bill Cibes from the State Housing Department when he started an Affordable Housing subdivision (cluster housing) at Sablewoods Drive off of Route 117. He explained that during the time he was working on Phase of the Affordable Housing subdivision, that he brought Phase II to the Planning Commission. He stated about half the Commission Members did not like the Plan, noting that one of the Planning Commission members stated that the subdivision plan looked like the Highlands. He stated after the Planning Commission meeting that he talked to Mr. Cibes the next day and he told him not to worry because the State worked by different rules. He stated if the town opened up the former Water Storage Tank Property for Affordable Housing that they could be talking about 150 - 200 housing units on that property.

5. Schools - Taxes

Mr. Burton questioned how all of this housing would affect their schools. He stated they have 70 housing units going up in Ledyard Center; and 150-200 housing units going up on the Lozier property, which was a total of about 220 new housing units, noting that his estimate was on the low side. Therefore, he stated they could potentially have 400 plus students added to the school system. He questioned where the town was going to put all those students, and whether they were going to have to build another school. He asked how the town would make all this work without breaking the taxpayers' backs. .

Mr. Burton asked the Town Council to not just think about what was good for today, but to also think about the repercussions of making a small zoning regulation change, and it how it would affect the town down the road.

Chairman Dombrowski thanked Mr. Burton for his comments.

VI. COMMITTEE COMMISSION AND BOARD REPORTS

None.

VII. COMMENTS OF TOWN COUNCILORS

Councilor Paul noted Ms. Diaz's comments under "*Residents And Property Owners*" earlier this evening, stating that October 10, 2023 was *Mental Health Awareness Day*. He stated it was a day for us to recognize mental health, and that mental health does matter. He stated that he appreciated her comments, because it was important, noting that a Healthy Community was a Good Community.

Councilor Paul went on to state that he wanted to address a comment that was mentioned at the Community Relations Committee's September 20th Meeting, that the Community Relations Committee was a very different environment than the Town Council Meetings; noting that he wanted to take this opportunity to explain why that was. He stated that he understands and realizes that everyone does not know how the process and the meetings worked per-se, and that he also understood that it could be a little intimidating talking at a public meeting. He went on to explain that during the Town Council meetings that they do hear Residents Comments, but the reason there was not a back-and-forth discussion at that time was because the Town Council wanted to give everyone who would like to speak, the opportunity to do so; and because they needed to stay on task with the business listed on the Agenda. However, he stated although the Town Council does not discuss the Resident's Comment during that meeting; if the Chairman believed that the Town Council could help the Resident with the issue they presented, *Meaning that it was within the Town Council's Authority or Jurisdiction*, that the Chairman would refer the matter to one of their Subcommittee for their review, explaining that was where they had more of a back-and-forth discussions and where the background work was done. He went on to explain that the Town Council's Subcommittee Meetings were typically a less formal format, because this was where they roll up their sleeves and do the research and deliberate on issues that have been referred to their Subcommittees. He stated once the Subcommittees have completed their work, they forward a recommendation to the Town Council to be included on the Business of the Agenda to consider and to be voted on, if required. He noted as an example of this process that later tonight the Town Council would be considering "*An Ordinance Establishing Tax Relief for Certain Modified Handicap Accessible Vehicles in the Town of Ledyard*". He stated the new proposed Ordinance was the result of a Resident who spoke at a Town Council meeting asking for some relief for families who had to purchase special vehicles to transport their handicap family member. He noted after the resident spoke at the Town Council meeting the Chairman referred the matter to the Finance Committee. The Finance Committee researched the issue, worked with the Tax Assessor and others and drafted the new proposed Ordinance. He stated that he wanted to bring this up because it was important that residents understand the process, and because he understood that it can be intimidating. He stated as a new Town Councilor that he was intimidated just sitting at the dais. He stated that he wanted to encourage residents to attend meeting and to address the Town Council. He stated it was their time, it was their 3-minutes, it was their town, and that the Town Council does welcome residents to come up and share what they would like to share.

Councilor Saums thanked Ms. Diaz for wearing the color **green for Mental Health Awareness**; and he thanked her for sharing her comments this evening, noting that it means a lot, and it helped them to understand. He stated he could relate to her comments about

standing up at a public meeting to speak. He stated before he was on the Town Council that he attended a meeting as a resident to speak and that his voice shook too.

Chairman Dombrowski stated that recently the Town Council received a correspondence (email dated 9/20/2023) regarding the Ledyard Youth Football League, which he had referred to the Community Relations Committee. He stated Parks & Recreation Director Scott Johnson, Jr. forwarded an email dated October 4, 2023 in which the Ledyard Youth Football League stated that *they reached a suitable and logical agreement; and the Family was happy with the response*. Therefore, he stated because the matter has been resolved that he would withdraw the referral, stating that a review by the Community Relations Committee was no longer needed. He thanked the everyone who was involved and helped to come to a resolution that was amicable to all parties.

VIII. REVIEW AND APPROVAL OF MINUTES

MOTION to approve the following:

- Public Hearing Minutes of Special 27, 2023
- Regular Meeting Minutes of Special 27, 2023

Moved by Councilor Marshall, seconded by Councilor Ingalls

VOTE: 7 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

IX. COMMUNICATIONS

Communications List - October 11, 2023

Chairman Dombrowski stated a Communications List has been provided on the meeting portal for tonight's meeting and he noted the referral listed.

X. REFERRALS

XI. COUNCIL SUB COMMITTEE, LIAISON REPORTS

1. Administration Committee

Councilor Ingalls stated the Administration Committee met earlier this evening and addressed the following: (1) Reviewed a number of updated Job Descriptions; (2) Several Reappointments; and (3) One New Appointment. She noted the Committee had a number of items on tonight's agenda.

RESULT: .

2. Community Relations Committee

Councilor Paul stated the Community Relations Committee has not met since the last Town Council Meeting. He noted the Committee's next meeting was scheduled for October 18, 2023.

RESULT: .

3. Finance Committee

Councilor Saums stated the Finance Committee met on October 4, 2023 and he noted in addition to one the item on tonight's Agenda the Committee also discussed the following: (1) Financial Reports - Councilor Saums stated that Finance Director Matthew Bonin provided the unaudited year-end reports and an updated Unassigned Fund Balance for the FY 2022-2023. Councilor Saums noted after preparing the report, Mr. Bonin learned of one more outstanding entry and that he had to adjust the year surplus downward by approximately \$41,000. He explained that the report showed a Board of Education unadjusted, unaudited surplus of \$217,780 and an unaudited General Government surplus of \$152,488. The Town and the Board of Education continue to do an excellent job year after year of managing closely within the budgets approved by the voters. He stated this year's surplus represented about one half of one percent of the Town's \$64 million dollar budget. The best news was that the Town did not use the \$1 million that they originally anticipated would be needed from the Mill Rate Stabilization Fund. The current Unassigned Fund Balance stands at approximately 8% of the 2023 expenditures, which was coming closer to the Town's goal of setting 10% aside for Rainy Day Funds, and that does not include the Mill Rate Stabilization Fund. He stated that the Finance Committee thanked and congratulated the Board of Education and the General Government for their astute management of the Town's budget; (2) Nip Bottle Surcharge Revenues received from Public Act No.21-58 "*An Act Concerning Solid Waste Management*" - Councilor Saums stated the Finance Committee continued to work on ways to invest the Surcharge Revenues received from the Solid Waste (nip bottles) reimbursement program, which included discussing the highlights of a draft of Montville's program, with some revisions for Ledyard's Plan to encourage non-profits organizations to adopt roads, collect nip bottles, and trash. He stated the Ledyard Beautification Committee has also reviewed and discussed the first draft of Ledyard's plan and was willing to help serve as a clearinghouse for the non-profit organizations interested in participating in the program.

RESULT: .

4. Land Use/Planning/Public Works Committee

Councilor Paul stated the LUPPW Committee met on October 2, 2023; and in addition to the one item they have on tonight's Agenda the Committee also received a presentation from Historic Commission Member Earl (Ty) Lamb, and Tri-Town Trail Association Karen Parkinson regarding the Old Spicer Ruins on the Clark Farm Property. He stated they were exploring the possibility of making the ruins a Registered Historic Site. He stated the Committee would continue to discuss this matter at their November 6, 2023 meeting.

RESULT: .

Economic Development Commission

Councilor Paul stated at their October 3, 2023 meeting the EDC got their first glimpse of the new Town Marketing Video. He stated the video was comprised of the following four segments: Welcome; Quality of Life, Business and Commerce, and Community Organizations. He stated the EDC provided feedback regarding the video. He stated Mayor Allyn, III, did an outstanding job.

Mayor Allyn, III, stated there was no cost to the town to make the Marketing Video thanks to the many town businesses that provided advertisements. He stated the center of the screen was the video and that the businesses' advertisements were the boarder of the screen.

RESULT: .

Ledyard Beautification Committee

Councilor Ingalls stated the Beautification Committee met on October 3, 2023 and discussed the following: (1) Various Projects which included wreath making, paper making, and many other projects which would involve the children in our community; (2) Roadside Clean-up Projects - Councilor Ingalls stated as Councilor Saums reported during his Finance Committee Report earlier this evening, the Beautification Committee was willing to discuss helping to facilitate a Program to clean up trash and keep nip bottles from littering their roads She stated the Finance Committee was reviewing the Town of Montville's program, however, she stated there was a lot of details that needed to be worked out. She stated the idea of the Program would be to make the Surcharge Revenues the town would be receiving from the State for the nip bottles sold in town, available to non-profit organizations who wanted to do clean-up projects to earn some of those dollars; (3) Committee Vacancies - Councilor Ingalls noted the Committee currently had one vacancy and would probably have one more vacancy coming available for anyone who may be interested in participating on the Beautification Committee.

RESULT: .

Board of Education

Councilor Irwin noted that the Board of Education would be meeting on Tuesday, October 17, 2023.

RESULT: .

XII. REPORT OF THE MAYOR

REPORT OF THE MAYOR:

Mayor Allyn, III, reported on the following: (1) Tri-Town Trailhead Parking Lots - Mayor Allyn stated the Eversource Contractors completed their work and have installed two beautiful new parking lots for folks to access the Tri-Town Trail (Preston Plains Park to Bluff Point). He stated one parking lot was located by the Preston Plains Park and one parking lot was behind the old Clark Farm near the red steel building. He stated the

construction of the parking lots were an impact payment to the town for when they had to close the Tri-Town Trail for the power line upgrades; (2) Emergency Management Performance Grant (EMP) - Mayor Allyn stated the town once again submitted their Application for the EMP Grant. He stated this grant funding was used to pay for the Director of Emergency Management' salary; (3) Prescription Take Back Day October 28, 2023- Mayor Allyn stated he recorded a radio commercial for the Ledyard Prevention Coalition for the upcoming "*Take It To The Box Campaign*". He stated this would take place in front of the Ledyard Police Department, noting that last year they took back over 60-pounds of unused prescription medications. He stated that there was a Box in Police Department Lobby all year for folks to drop off unused medications any time. He stated it was especially important to Take It To the Box for a community like Ledyard where they have a lot of septic systems, noting that they do not want to be flushing these chemicals down the toilet and into their yards; (4) Legislative Working Group - Taxation at Tribal Reservations Meeting - Mayor Allyn stated September 19, 2023 was the Working Group's second meeting, noting that the next meeting was scheduled for October 17, 2023 in Hartford. He stated that both Ledyard and Montville would be giving a presentation on what the taxation means to the towns. He stated at the Tribal Reservations there was no taxation on the buildings of any kind or on the land. He stated there was tax on the business property that was on the Reservation, such as the Niki Outlet, California Pizza Kitchen, Dunkin Donuts, etc.; (5) United Way Partner Town of the Year - Mayor Allyn stated Ledyard was presented with the "*United Way Partner of the Year Award*". He stated the Library, Town Hall and the Rotary Club all worked with United Way this year, noting that they had a great year, in part because of the Ledyard's volunteers, and willingness to help; (6) Fiscal Year 2022/2023 Year End - Mayor Allyn noted as Councilor Saums mentioned during his Finance Committee report earlier this evening, the Fiscal Year 2022/2023 was closed out on October 3, 2023. He stated the Town ended the year with a 0.55% surplus, which was about one half of one percent on a \$64 million budget, noting that this was outstanding; (7) Housing Rehabilitation Program - Mayor Allyn stated the Housing Rehabilitation Program provided no interest loans to residents that qualified within the income limits for critical home improvements such as heating system, septic system replacements and roof replacements. He stated a lien would be placed on the property and once the property owner paid the funds back to the Town of Ledyard that those funds would then become available to be loaned to another qualifying resident. He stated Ledyard issued three more loans this week, and he noted in two-weeks that they would have another bid opening for three more homeowners. He stated it was a busy time of year, noting that several of the funding requests were for heating systems, noting that they would want to get these done before the winter; (8) Eagle Scouts - Mayor Allyn stated on Saturday October 7, 2023 and on Sunday, October 8, 2023 he presented Proclamations to two new Eagle Scouts. He congratulated Mr. Kyle Caswell - Troop-12; and Mr. Shawn Herren -Troop -16 for their hard work and accomplishments; (9) School(s) Consolidation/Improvement Projects (Middle School & Gallup Hill School) - Mayor Allyn stated today he along with Finance Director Matthew Bonin met with State Senator Cathy Osten and all of Ledyard's State Representatives regarding the State's Project Audit and their reimbursement for these School Projects. He noted the State currently owed Ledyard \$8 Million plus \$2 Million in retainage. He stated because the Town has had to continuously do Short-Term borrowing to pay the bills for the school

projects, as they were waiting for the State conduct their Project Audit and release the Grant funding that was owed to Ledyard, that it was costing their taxpayers a fortune in interest costs and borrowing costs. He stated Certificates of Occupancy were issued for both the Middle School and Gallup Hill School in August 2019; however, the Town was still waiting for the State to pay them the Grant Funding. He explained that the State has told the Town to submit its Final Audit Paperwork and that they would pay them. However, he stated the problem was that there were other towns that have had their schools in the State’s Audit Process for over ten-years. He stated if Ledyard had to wait ten-years for the \$8 Million plus the \$2 Million in retainage from the State that it would cost about \$4.5 Million of interest expenses that the State would leave the Town holding the bag for. He stated Ledyard made a very clear case to their State Delegation that the Town was due this Grant Funding now, before they have to renew their Short-Term Borrowing (BAN’s Bond Anticipation Notes) again in May, 2024. He stated their State Delegation will have to go the Department of Administration Services (DAS) and try to make the case for the Town. However, he stated that Ledyard was not backing down, because this was too important for the town and its taxpayers.

Questions to the Mayor - None.

RESULT: .

XIII. OLD BUSINESS

None.

XIV. NEW BUSINESS

CONSENT CALENDAR

- *1. MOTION to approve appropriations from the receipt of sales of vehicles and equipment through GovDeals in the total amount of \$23,820.61 as follows:
 - \$415.00 to Sawmill Donations Account #20810201-54202-24202
 - \$13,351.00 to the Police Vehicles CNR Account #21020101-57510
 - \$885.00 to the Public Works Light Equipment CNR Account #21040101-57314
 - \$1,609.00 to the Board of Education Reserve Fund CNR Account #21070101-58250; and
 - \$7,560.61 to the Board of Education Ag-Science CNR Account #21070101-58261

RESULT: APPROVED AND SO DECLARED

- *2. MOTION to approve two tax refunds in the combined total amount of \$19,287.46 with each exceeding \$2,400.00 in accordance with tax collector departmental procedures.
 - Good Essen - Foxwoods LLC \$5,882.69
 - Good Essen - Foxwoods LLC \$13,404.77

Approve the Consent Calendar
 Moved by Councilor Ingalls, seconded by Councilor Irwin
 VOTE: 7 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Andra Ingalls

SECONDER: Whit Irwin

AYE: 7 Dombrowski, Saums, Ingalls, Paul, Marshall, McGrattan, and Irwin

EXCUSED: 2 Rodriguez, and Ryan

Administration Committee

- *3. MOTION to adopt a proposed "An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance" as contained in the draft dated July 17, 2023.

DRAFT: 7/19/2023

Ordinance #

AN ORDINANCE
 CONCERNING LIABILITY PERTAINING TO
 FIRST RESPONDERS PROVIDING
 EMERGENCY ASSISTANCE

Be it ordained by the Town Council of the Town of Ledyard: *“An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance”* is hereby enacted.

Section 1: Authority

Pursuant to provisions of Connecticut General Statutes 52-557(b) **“Good Samaritan Law”**.

Section 2. Exempt from Liability

The Good Samaritan Law exempts the Town of Ledyard from liability; and its agents from liability, including paid and volunteer firefighters, police officers, emergency medical services personnel in providing emergency services to people in need.

This includes protection from civil liability for damages as a result of forcible entry believing that a person inside is in need of assistance or first aide.

Section 3 . Severability.

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 4. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Adopted by the Ledyard Town Council on: _____

Kevin J. Dombrowski,-Chairman

Approved / Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Background: There has been some incidents for which the Town received a bill for damages due to the breaching of a home in responding to an Emergency 911 Call and in concern for the wellness of the individual and in concern that the individual could have been unconscious and laying on the floor.

The Town decided to cite the “*Good Samaritan Law*” in an Ordinance to clearly state that the town as a non-profit and their agents were exempt from liabilities.

Moved by Councilor Ingalls, seconded by Councilor Irwin

Discussion: Councilor Ingalls noted the Town Council held a Public Hearing regarding the proposed new Ordinance titled “*An Ordinance Concerning Liability Pertaining To First Responders Providing Emergency Assistance*” on September 27, 2023. She stated the Ordinance was drafted to mirror State Statute, that protected our emergency services volunteers and personnel from being liable for damage done when they had to breach a door to reach a person who may be in distress.

Councilor Ingalls went on to explain that there have been some incidents where the Town received a bill for damages related to first responders breaching the door of a home in responding to an Emergency 911 Call. She noted an incident in which a person called Emergency Dispatch Services on behalf of a friend who needed emergency medical help. She stated the Emergency Services responded to the Emergency 911Call however, when they arrived at the resident’s home their vehicle was in the driveway, but there was no response at the door, and the house was locked. She stated the Emergency Services looked into the house and being concerned for the wellness of the individual; they breached the door. However, she stated as it turned out, the individual was not in the home, because the friend, who had made the 911-Call had already come and collected the individual and took them to the Emergency Room. However, she stated when the Emergency Services arrived at the home they did not know this, noting that the individual could have been unconscious and laying on the floor; and she noted time was of the essence in responding to an emergency call. She stated under these circumstances these were Emergency Services personnel doing their job in good faith efforts to help someone.

Councilor Ingalls noted Connecticut General Statutes 52-557(b) “*Good Samaritan Law*” exempted non-profits and first responders from liability in responding to and in providing emergency assistance. She stated the new proposed Ordinance cited CGS 52-557(b) and was consistent with the language provided in the Connecticut Good Samaritan Law. She stated by the town adopting the proposed Ordinance that they were bringing this law to public’s attention.

VOTE: 7 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Andra Ingalls

SECONDER: Whit Irwin

AYE: 7 Dombrowski, Saums, Ingalls, Paul, Marshall, McGrattan, and Irwin

EXCUSED: 2 Rodriguez, and Ryan

*4. MOTION to adopt a proposed “An Ordinance Establishing Tax Relief for Certain Modified Handicap Accessible Vehicles” as contained in draft dated July 31, 2023.

DRAFT: 8/23/2023

Ordinance #200 - _____
 AN ORDINANCE
 ESTABLISHING TAX RELIEF FOR
 CERTAIN MODIFIED HANDICAP ACCESSIBLE VEHICLES
 IN THE TOWN OF LEDYARD

Be it ordained by the Town Council of the Town of Ledyard: “*An Ordinance Establishing Tax Relief for Certain Modified Handicap Accessible Vehicles in the Town of Ledyard*” is hereby enacted.

Section 1: Authority

Pursuant to provisions of Chapter 203 of the Connecticut General Statutes § 12-81c “Municipal option to exempt certain motor vehicles”.

Section 2: Purpose

Individuals who have permanent legal residence in the town defined as those who occupy that property as their principal residence at least 183 days of each year, and who individually or jointly own a motor vehicle for the use of a disabled person as described herein, may receive a town tax exemption on the amount of taxes assessed on said motor vehicle provided that the requirements of this Ordinance are met.

Section 2: Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) Adaptive Control Devices: Includes, but shall not be limited to, any mechanical or electrical devices added to a standard motor vehicle to enable an individual with mobility restrictions to control the accelerator, foot brake, turn signals, dimmer switch, steering wheel and/or parking brake.
- (b) Motor Vehicle: A vehicle that has been altered, reconfigured or has undergone mechanical or structural changes that permit a person with a disability to safely drive such vehicle or ride as a passenger therein. Motor Vehicle shall include, but shall be limited to, vehicles equipped with hand controls, hoists, lifts and other adaptive control devices.

Section 3: Eligibility

Any individual who is a resident with disabilities or parent or guardian of a person with disabilities and owns a motor vehicle described herein shall be eligible for exemption of the personal property taxes for one said motor vehicle.

Section 4: Exemption

The town hereby ordains, pursuant to Connecticut General Statute § 12-81c, that an exemption from personal property taxation for the following:

- (a) Any ambulance-type motor vehicle that is used exclusively for the purpose of transporting any medically incapacitated individual, except for any such vehicle used to transport any such individual for profit; and
- (b) Any property owned by nonprofit ambulance company; and
- (c) Any motor vehicle owned by a person with disabilities or owned by the spouse, parent or guardian of such person, which vehicle is equipped for purposes of adapting it use to the disability of such person.

Section 5: Application

Applications for benefits under this program shall:

- ~~(a)~~ made on forms provided by the Assessor Office of the town; and
- (b) Be filed with the Assessor's Office of the town by October 1st to obtain a tax exemption for the next fiscal year.

~~(c)~~ This program shall be applicable to the assessment year commencing with the grand list of October 1, 2023 and thereafter until modified or repealed.

Section 6 . Severability.

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 7. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Adopted by the Ledyard Town Council on: _____

Kevin J. Dombrowski, Chairman

Approved / Disapproved on: _____

Fred B. Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

Background: This Ordinance was enacted in response to a resident’s appeal for relief from personal property tax for Modified Handicap Accessible Vehicles that complied with and was

in accordance with Connecticut General Statutes § 12-81c “*Municipal option to exempt certain motor vehicles*”.

Moved by Councilor Ingalls, seconded by Councilor Marshall

Discussion: Councilor Ingalls stated on September 27, 2023 Public Hearing was held regarding the new proposed “*An Ordinance Establishing Tax Relief for Certain Modified Handicap Accessible Vehicles*”. She explained that the Ordinance was drafted in response to a resident’s July 26, 2023 request asking that the Town Council consider adopting an Ordinance to provide a tax exemption for Modified Handicapped Accessible Vans in accordance with Connecticut State Statutes 12-81c. She stated the proposed Ordinance was not for vehicles that had a “*Handicap Permit*”.

Councilor Ingalls went on to state the resident who brought the available tax abatement to the Town Council’s attention was purchasing a Modified Handicapped Accessible Van which had been specifically fitted to accommodate the physical needs of a driver, which cost about \$90,000. She noted that Tax Assessor Adrianna Hedwall reported that the tax relief for this particular family was about \$2,000. She stated that she believed that she could speak for the whole Town Council, noting that they were impressed by the presentation, noting that the resident did his homework and brought them information. She stated the Town Council felt that drafting the new proposed Ordinance was the right thing to do.

Councilor Saums stated there were very few vehicles in town that would fit this type of description, and therefore, the cost to the taxpayers was minimal. He also noted that the cost to the revenue side of the budget was also minimal, noting as Councilor Ingalls stated it feels like this was the right thing to do.

Chairman Dombrowski stated a normal person would most likely not buy this type of vehicle, noting that after they purchased a \$44,000 vehicle, they would then have to extensively modify it at a cost of about \$90,000 in modifications to enable the vehicle to be lowered to allow an electric wheelchair to be driven onto the ramp and then lifted backup so the person could get into the vehicle, along with other modifications/upgrades. He stated these were the types of costs that most people do not have to spend on a vehicle. He stated providing this tax relief was the right thing to do, noting that other towns, such as Groton, Montville, New London, Stonington, North Banford, etc. currently provide tax relief noting that it was allowed by State Statutes 12-81c.

Councilor Ingalls noted that it was the Dealership that informed the resident when they were purchasing the van and making the modifications that some towns provided tax relief for handicapped modified vehicles. She stated that she was grateful that this tax relief benefit was

brought to the Town Council’s attention.

VOTE: 7 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Andra Ingalls

SECONDER: John Marshall

AYE: 7 Dombrowski, Saums, Ingalls, Paul, Marshall, McGrattan, and Irwin

EXCUSED: 2 Rodriguez, and Ryan

- *5. MOTION to adopt proposed amendments to Ordinance #300-012 (rev. 2) “An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard” as presented in the draft dated August 14, 2023.

DRAFT: ~~8/14/2023~~9/27/2023

Ordinance #300-012 (rev -2-+)

AN ORDINANCE
 CONCERNING BLIGHT AND PUBLIC NUISANCE
 FOR THE TOWN OF LEDYARD

Section 1. Purpose/Declaration

It is hereby found and declared that there exist in the Town of Ledyard a number of blighted properties and that continued existence of blighted properties constitutes a continuing nuisance and contributes to the decline of our neighborhoods. Existence of blighted properties adversely affects the economic well-being of the Town of Ledyard.

Section 2. Authority

This Ordinance is enacted pursuant to the Connecticut General Statutes (C.G.S.), Section 7-148(c) (7) and Section 14-150a. This Ordinance is to be enforced as a blight ordinance, pursuant to Section 7-148(c)(7)(H)(xv), and as a nuisance ordinance, pursuant to C.G.S. Section 7-148(c)(7)(E).

Section 3. Scope of Provisions

Many of the blighted properties may be rehabilitated, reconstructed, demolished, cleaned up, groomed, maintained, returned to satisfactory condition or reused to provide decent, safe, sanitary housing or commercial facilities. Such rehabilitation, reconstruction, demolition, cleanup or reuse of the blighted and nuisance properties would eliminate, remedy and prevent adverse conditions.

This Ordinance shall apply to the maintenance of all properties now in existence or hereafter constructed, maintained, or modified but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes, land preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

Section 4. Definitions

For the purpose of this Ordinance, the following words, terms and phrases shall have the following meanings, unless the context indicates otherwise:

- A. Legal Occupancy - Occupancy in accordance with state building, state fire, local zoning, or all other pertinent codes and Connecticut General Statutes.

New Owner Or New Occupant - Per PA 12-146(3)(b), "new owner" means any person or entity who has taken title to a property, and "new occupant" means any person who has taken occupancy of a property, within thirty days of the notice, of violation and reasonable opportunity to remediate required by C.G.S. 7-148 (c)(7)(h)(xv). –

- C. Dilapidated - Any building or structure or part thereof that would not qualify for a Certificate of Occupancy or which is deemed an unsafe structure as defined in the Connecticut State Building Code, or any dwelling or unit which is designated as unfit or unsafe for human habitation as defined by the Connecticut Health Code.

- D. Abandoned Motor Vehicle or Marine Vessel - Any motor vehicle or marine vessel which has the appearance that the owner has relinquished control without the intent of reclaiming it including but not limited to, a vehicle or marine vessel with no marker plates, or one which is unregistered, damaged, vandalized, dismantled, partially dismantled, inoperative or in such condition as to be unusable as a motor vehicle.

Abandoned Property - Any real property on which there is a vacant structure and on which (1) real property taxes have been delinquent for one year or more and orders have been issued by the Fire Marshal, Building and Zoning Official or Health District and there has been no compliance with these orders within the prescribed time given by such official or within 90 days, whichever is longer, (2) the owner has declared in writing to the Building and Zoning Official that the property is abandoned or (3) there has been a determination by the Zoning Official, in accordance with this Ordinance, that the vacant structure contributes to blight.

- F. Blighted Property - Any building, structure or parcel of land in or on which at least one of the following conditions exists:

1. It is dilapidated as documented by the Building and Zoning Official.
2. It is being used for or used as storage or harbor for illegal activity as documented by the Police Department, including criminal activities per investigations, arrest warrant applications and actual arrest convictions.
3. It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department.
4. The condition of the building, structure or parcel of land constitutes an unsafe structure as defined by the Connecticut Building Code and poses a serious or immediate danger to the safety, health or general welfare of the community as documented by the Building and Zoning Official or by the Health District.

5. It is not being adequately maintained, as determined by the following factors:
 - a. missing or boarded windows or doors, collapsing or missing walls, roof or floors,
 - b. seriously damaged or missing siding, or the building is otherwise dilapidated,
 - c. a structurally faulty foundation, fire damage, or physical hazards,
 - d. rodent harborage and infestation, improper storage of garbage, trash, rubbish, discarded household appliance or furniture, tires, discarded motor vehicle parts,
 - e. an overgrown plot of grass, customarily tended or mowed, adjacent to and/or part of a residence, business, commercial entity, or estate, wherein the grass has not been mowed and has grown to at least nine inches in length,
 - f. peeling or chipping paint exceeding thirty-three percent (33%) of the structure's total exposed surface area.
6. Any unregistered, abandoned or inoperable motor vehicle or marine vessel located on a parcel of land for a period exceeding 30 days.

Exceptions:

- a. Vehicles or marine vessels under cover. One unregistered motor vehicle or marine vessel being offered for sale by the owner or tenant provided said motor vehicle or vessel does not remain on the same property for a period exceeding 60 days
 - b. Motor vehicles located on a property of a business enterprise lawfully licensed by the Town of Ledyard and Connecticut Department of Motor Vehicles.
 - c. Any motor vehicle, which is in operable condition specifically adapted or designated for operation on drag strips or raceways.
 - d. Any inoperable or unregistered motor vehicle or marine vessel being actively restored to operating condition provided:
 - i. Only two such vehicles or vessels shall be allowed at one time on the property in question.
 - ii. Parts used in the restoration must be stored in the vehicle or marine vessel or in a structure.
 - iii. Such motor vehicles or marine vessels shall be covered and secured with a cover or tarp, provided the tarp is securely attached whenever work is not being done on them.
 - iv. The brush and growth under and around the motor vehicle(s) or marine vessel(s) shall be controlled and mowed.
7. It creates substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the neighborhood as documented by neighborhood complaints, which complaints have been independently substantiated.
 8. Its inadequate maintenance or dilapidated condition has led to the cancellation of insurance

on proximate properties.

9. Its inadequate maintenance or dilapidated condition has materially contributed to a decline or diminution in property values on proximate properties.
 10. It is adjacent to a sidewalk, for which the property's owner, agent, tenant or responsible person is responsible for maintaining safe conditions for the use of the public pursuant to ordinances and regulations of the Town of Ledyard, and its sidewalk is in any way obstructed by or littered with any substance, including trees, bushes, overgrowth, leaves, gravel, dirt, rubbish, garbage, bulky waste or trash, which would in any way impede or imperil public travel upon said sidewalk or render it unsafe.
 11. It attracts or harbors rodents, insects, vermin or disease-carrying animals.
- G. Building and Zoning Official - Building Official as defined in C.G.S., Section 29-260.
- H. Citation Hearing Committee - The Mayor shall appoint one or more Citation Hearing Officer(s), as defined in and pursuant to C.G.S., Section 7-152c to serve on the Citation Hearing Committee.
- I. Enforcement Officer - The Enforcement Officer(s) are those authorized by the Mayor to take such enforcement actions and to issue citations as specified in this Ordinance.
- J. Exempt Property - Any property acquired by the Town of Ledyard through foreclosure, eminent domain, or by a deed in lieu of foreclosure would be exempt from the provisions of this Ordinance only during the first six (6) months following the date of the foreclosure, and any building or structure undergoing remodeling being diligently conducted and pursued under an active building permit would only be exempt during such remodeling period.
- K. Inoperable Motor Vehicle or Marine Vessel - Any motor vehicle or marine vessel that is incapable of performing the function for which it was designed by virtue of missing parts or broken or severely damaged components.
- L. Marine Vessel - A ship, boat or other craft used in water navigation
- M. Motor Vehicle - Any device propelled by any power other than human power that is or was capable for the conveyance, drawing or other transportation of person or property and is suitable for operation on a highway. Excepted are agricultural tractors or farm implements.
- Neighborhood - An area of the Town of Ledyard comprised of premises or parcels of land any part of which is within a radius of 800 feet of any part of another parcel or lot within the Town of Ledyard.
- O. Public View - Visible from any public right of way or neighboring property.
- P. Sidewalk. Any public way adjacent to streets, highways and those public rights of ways used for vehicular traffic that are used for pedestrian traffic.

- Q. Under Cover Completely enclosed in a garage or other building serving the same purpose of a garage.
- R. Unregistered Motor Vehicle or Marine Vessel Any motor vehicle or marine vessel that in its present condition is able to be registered but does not have a valid registration.
- S. Vacant - A period of sixty (60) days or longer during which a building subject to this Ordinance is not legally occupied. Vacant status in and of itself does not constitute a blighted building.

Section 5. Designation of Blighted Property

- A. The Enforcement Officer(s) shall be responsible for determining whether a property which comes to the attention of the Town, whether through written complaint or through the normal operations of the Town, is blighted according to the definitions in this Ordinance.
- B. The Enforcement Officer(s) shall investigate and document conditions of blight, if any, and file a written report with the Mayor or his/her designee. The Enforcement Officer's report shall state whether or not the property is a blighted property within the meaning of this Ordinance. Such report shall be kept by the Town and may be available to the property owner upon request.

Section 6. Property Owner Notification

1. Whenever the Town of Ledyard identifies a blighted premises, written notice of the violation shall be given to the owner and/or the occupant of the property, by posting a notice of the violation in a conspicuous location at the blighted premises, and delivering a copy of the notice of the violation to an owner, either by hand delivery or by mail. Said notice shall specify that the owner or occupant has seven days, from the date notice was posted and mailed, to remediate the blighted conditions, or the Town will take enforcement action. In the case of an unidentified owner or one whose address is unknown, the Enforcement Officer shall publish a notice in in a local newspaper stating the property is cited for blight and, if applicable, whether the property has been determined to be abandoned.

The notice shall contain the following information:

- a. The address of the affected property.
 - b. The exact nature of the violation.
 - c. The time allowed for corrective action shall be in accordance with CGS 7-148.
 - d. The penalty for continued violation of this Ordinance.
 - e. The availability of a hearing procedure before the Blight Appeals Committee pursuant to CGS 7-152c; and
 - f. The penalty for violation of this ordinance shall be \$100 for each day that a violation continues.
2. Prior to the expiration of the-seven-day period specified in subsection ~~(A)~~ **6-1** of this section, the

property owner may request additional time for remediation. The Enforcement Officer may determine an alternate timetable of a reasonable length of time, if warranted. Such timetable will be in writing and must be signed by both the Enforcement Officer and the property owner. Failure to comply with the agreed upon timetable will make the property owner liable for retroactive fines and penalties as designated in Section ~~7~~, ~~8~~ subsections (A) and (B).

3. After the expiration of the seven-day period specified in subsection ~~(A)~~ ~~6-1~~ of this section and without the alternate timetable specified in subsection (B) above, the Town of Ledyard, through its designated agents, may enter blighted premises during reasonable hours for the purposes of remediating blighted conditions, provided neither the Town of Ledyard, nor its designated agents, enter any dwelling house or structure on such property. Costs associated with the remediation of blight may be recovered by the Town in accordance with C.G.S. Section 49-73(b).

Section 7. Creation or Continuation of Blighted Property Prohibited

No person, firm or corporation, no owner, agent, tenant, operator, possessor of real property, and no other person responsible for the care, maintenance and/or condition of real property, shall cause or allow any blighted property, as defined in Section ~~H~~ ~~4~~ of this Ordinance, to be created or continued.

Section 8. Enforcement: Criminal Violations And Civil Penalties

- A. Criminal Violations: Pursuant to C.G.S. 7-148 (c) (7) (H) (xv), any person or entity who, after written notice and a reasonable opportunity to remediate blighted conditions as specified in Section ~~6-1(A)~~ of this Ordinance, willfully violates Section ~~4~~ ~~7~~ of this Ordinance, may be fined by the State of Connecticut not more than two hundred and fifty dollars (\$250.00) for each day for which it can be shown, based upon an actual inspection of the property on each such day, the blighted conditions continued to exist after written notice to the owner or occupant, as provided in Section ~~6-1~~ ~~(A)~~. This section is designated as a violation pursuant to C.G.S. 53a-27.
 1. No person or entity shall be found guilty of a violation pursuant to Section ~~7~~ ~~8(A)~~ and a civil penalty pursuant to Section ~~7~~ ~~8(B)~~ of this Ordinance for the same occurrence.
 2. Any person who is a new owner or occupant shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate, provided pursuant to Section ~~6-1~~ ~~(A)~~, prior to imposition of a fine; if the blight is remediated during said extension, the case shall be dismissed.
- B. Civil Penalties: Any person or entity who fails to comply with Section ~~4~~ ~~7~~ of this ordinance, and, thereafter, fails to remediate the blighted conditions within five days of the notice provided pursuant to Section ~~6-1~~ ~~(A)~~ may be assessed a civil penalty for each building, structure or parcel of land in violation of this Ordinance. The amount of the civil penalty shall be one hundred dollars (\$100.00) per day. Each day a building, structure or parcel of land remains in violation of this Ordinance shall constitute grounds for the assessment of a separate civil penalty. The issuing officer shall deliver written notice of the civil penalty, either by hand delivery or by mail, to the owner or occupant responsible for the blighted

- premises. Said notice will include the nature of the violation and the penalty being assessed.
1. Penalties assessed pursuant to subsection (B) of this section shall be enforceable by citation pursuant to C.G.S. Section 7-152c.
 2. Persons or entities assessed a penalty pursuant to subsection (B) of this section shall remit fines for said violation within ten (10) days of the mailing of notice thereof. The fine imposed shall be payable to the Town of Ledyard. Uncontested payments received pursuant to this subsection shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the person or entity making the payment.

Section 9. Civil Penalty Citation Hearing Procedure

A. Notification of right to hearing. At the time that the civil penalty is assessed, the property owner shall be notified in writing of the availability of a hearing before the Citation Hearing Officer to contest the determination of blight and/or the assessed penalty. Specifically, the property owner will be notified:

1. that the owner may request a hearing to contest the determination of blight and/or the assessed penalty,
2. that the owner must provide a written request for such a hearing within ten days of the date of notification,
3. that if the property owner does not demand such a hearing, an assessment and judgment shall be entered against the property owner
4. that the judgment may be issued without further notice.

B. Rights of the Respondent

1. Admission of Liability. If the property owner who is sent notice pursuant to subsection (A) above wishes to admit liability for any alleged violation, the owner may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail in accordance with Section ~~7~~ **8** (A) (2) above and remediate the blighted property. Payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the property owner making the payment.
2. Constructive Admission of Liability. Any person or entity who fails to deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection A above shall be deemed to have admitted liability, and the ~~Citation Hearing Board~~ **Blight Enforcement Officer** shall certify the property owner's failure to respond to the Citation Hearing Board. The Citation Hearing Board shall thereupon enter and assess the fines, penalties, costs or fees provided for in this ordinance including per diem penalties retroactive to the original date of expected remediation as specified in Section ~~6-1~~ **(A)** and shall follow the procedures set forth in Section ~~8-9~~ **(C)** of this ordinance.

3. Right to Hearing. Any person or entity who requests a hearing shall be given written notice of the date, time and place for the hearing. The hearing shall be held not less than fifteen days, nor more than thirty days, from the date of the mailing of notice, provided, the Citation Hearing Board may grant, upon good cause shown, any reasonable request by any interested party for continuance.
- C. Formal Hearing Procedure. The Citation Hearing Officer shall preside over a hearing which shall be held in the manner outlined in Connecticut General Statutes, Section 7-152c. The Citation Hearing Officer shall render the decision in writing and file it within five days with the Enforcement Officer, the Mayor, and send it by certified mail, return receipt requested, to the property owner or other responsible person and to all parties in the proceedings. The Citation Hearing Officer may decide one of the following:
1. Dismissal. If the Citation Hearing Officer determines that the respondent is not liable, the Citation Hearing Officer shall dismiss the matter, and enter the determination in writing.
 2. Finding of Liability: Assessment. If the Citation Hearing Officer determines that the respondent is liable for the violation, the Citation Hearing Officer shall enter and assess the fines, penalties, costs or fees against the respondent, as provided by the Section ~~7 8~~ (A) including per diem penalties retroactive to the expected date of remediation as set forth in Section ~~5(A)~~ ~~6-1~~.
- D. Notice of Assessment; Effect.
1. Assessments must be paid to the Town of Ledyard within 10 days of receipt of the Citation Hearing Officer's determination.
 2. Not less than thirty days, but not more than twelve months, after the mailing, as set forth in subsection (D) (1) above, the Citation Hearing Officer shall file a certified copy of the notice of assessment with the clerk of a Superior Court designated by the Chief Court Administrator (as of the date of adoption hereof, the New London judicial district civil courthouse), together with the appropriate entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within the twelve-month period, assessments against the same person may be accrued and filed as one record of assessment.
 - a. Entry of judgment. The court clerk shall enter judgment in the amount of the record of assessment, and court costs, allowed by the General Statutes, in favor of the Town pursuant to C.G.S. 7152(c).
 - b. Effect of judgment; levy of execution permitted. Notwithstanding any provision of the General Statutes, the Citation Hearing Officer's assessment, when so entered as a judgment, shall have effect of a civil monetary judgment, and a levy of execution on the judgment may issue without further notice, to the respondent.
- E. A decision of the Citation Hearing Officer may be appealed to Superior Court in accordance with the provisions of C.G.S., Section 7-152c(g).

Section 10. Failure to Respond to Citation

- A. If the property owner, agent, tenant or responsible person fails to respond to the citation of blight or is unwilling or unable to rehabilitate, demolish, groom, or maintain the blighted property according to the provisions of this Ordinance, the Town may:
1. Take the necessary steps to acquire blighted properties, which have been certified by the Building and Zoning Official to be abandoned pursuant to the Urban Homestead Act of the Connecticut General Statutes.
 2. Take the necessary steps to acquire and rehabilitate the blighted premises in accordance with the Town of Ledyard Plan of Conservation and Development.
 3. Take the necessary steps to acquire blighted properties using other state or federal means as they may be available.

Section 11. Removal of Abandoned, Inoperable or Unregistered Motor Vehicles

For all properties declared blighted properties within the meaning of this Ordinance as a result of the presence of an abandoned, inoperable or unregistered motor vehicle, which blighted condition has remained in effect for thirty (30) days or which motor vehicle has remained abandoned, inoperable or unregistered on site for thirty (30) days after:

1. Notice by hand delivery or by certified mail, return receipt requested, to the last known address of the owner of the property on which such motor vehicle remains, or the owner of the abandoned motor vehicle, if different from the owner of the property requesting the removal of such motor vehicle; and
2. Notice in a newspaper having a general circulation in the Town of Ledyard.

The Chief of Police may provide for the removal and storage of said motor vehicle or parts thereof. The costs of the removal and storage of said motor vehicle or parts thereof and the costs of notices shall be borne by the owner of the property from which the motor vehicle or parts thereof are removed or, if the owner of the property is not the owner of the abandoned motor vehicle, by the owner of the abandoned motor vehicle.

Any motor vehicle that is removed pursuant to this Ordinance may not be returned to the same property unless it has been made operable and has been registered.

If the costs of the removal and storage of the motor vehicle remain unpaid for a period of thirty (30) days, the Chief of Police may order the motor vehicle or parts thereof sold at public auction and no such public auction shall occur without being sent, certified mail, return receipt requested, to the owner of the property involved or, if the owner of the property is different from the owner of the motor vehicle, the motor vehicle is to be auctioned and the proceeds of the auction applied to the cost of removal and storage. Notice of the auction shall be published in a newspaper having circulation in the Town of Ledyard at least ten (10) days prior to said auction date. The proceeds of such sale will be used by the Chief of Police to defray the costs of removal, storage and notice. If there should be any money left over after the payment of said costs, the excess proceeds shall be turned over to the owner of the property involved, or if the owner of the property is different from the owner of the abandoned motor vehicle, or if neither property is known, said funds shall be deposited in the General Fund of the municipality.

Any person aggrieved by a notice requesting the removal of a motor vehicle or by the removal of

same may, within 15 days of receipt of notice, appeal said ruling to the Citation Hearing Officer. Said appeal shall be heard and appeals may be taken from any such hearing in accordance with the procedures as set forth in the C.G.S., Section 7152c.

Section 12. Collection of Fines Imposed and Costs Incurred

- A. All fines imposed for violation of this Ordinance shall be payable to the Town of Ledyard and deposited in the General Fund.
- B. Upon petition of the property owner, the Town Council may waive and release the penalties and liens (excluding motor vehicle violations) if:
 - 1. The Town of Ledyard acquires the property; or At the time of the sale of the blighted property, in the Town Council's opinion, the buyer has the financial ability and intention and has indicated in writing to the Town Council his, her,
 - 1. or its intent to immediately rehabilitate the blighted property. Failure to rehabilitate the blighted property, within the agreed upon timeframe will result in reinstatement of the previous penalties and liens as well as accrual of additional penalties and liens from the date of the waiver.
- C. Pursuant to C.G.S., Section 7-148aa, any unpaid fine imposed pursuant to this Ordinance shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. In addition, pursuant to C.G.S. 49-73, any expenses incurred by the Town pursuant to this Ordinance shall be subject to a lien. Said lien may be foreclosed upon and enforced in the same manner as property tax liens. The Town of Ledyard Tax Collector is hereby empowered to place a lien on the land records in the manner as specified by Connecticut General Statutes provided a copy of said lien is mailed by first class mail to the owner as set forth on the most recent tax assessment list.

Section 13. Municipal Abatement

In any action to enforce this Ordinance or to enforce any violation hereof, including the failure to pay a fine or penalty, the Town of Ledyard may recover its costs, any and all fines provided for herein, equitable and legal relief, along with any reasonable attorney fees and its witness fees and such other relief as permitted by law.

Section 14. Administrative Responsibility

The Enforcement Officer(s) may prescribe administrative procedures necessary for the purpose of effectuating this Ordinance, which procedure shall be approved by the Town Council.

Section 15. Severability -

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 16. Violation

A violation of this Ordinance is a public nuisance.

Section 17. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and by the Ledyard Town Council on: _____

Kevin J. Dombrowski, Chairman

Approved / Disapproved on: _____

Fred Allyn, III, Mayor

Published on:

Effective Date:

Patricia A. Riley, Town Clerk

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Revision: Ordinance #130 “*Town of Ledyard Blight Ordinance*” Adopted March 12, 2013; Ordinance #300-012 “*Town of Ledyard Blight Ordinance*” Renumbered September 25, 2019; Ordinance #300-012 (rev.1) “*Town of Ledyard Blight Ordinance*” Amended and Adopted October 23, 2019.

History: The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #130 “*Town of Ledyard Blight Ordinance*” to Ordinance #300-012. No changes were made to the Ordinance (Town Council September 25, 2019 meeting). to Ordinance #300-012 (rev.1).

No changes were made to the Ordinance (Town Council September 25, 2019 meeting).

2013: Ordinance #130 “*Town of Ledyard Blight Ordinance*” was adopted after several years of work and debate. The intent of the Ordinance is to protect property values by providing the town with another tool to deal with problem properties in town, such as foreclosed properties/bank owned properties that have not been maintained for years. The Ordinance provides the town with a tool to request the bank mow the grass, trim the hedges, etc., because the neighbors are affected by the unmaintained property. The Ordinance also enabled the Town to request certain commercial and industrial properties be cleaned up and be maintained. The intent of the Ordinance is not intended to cause conflict between neighbors.

2019: The “*An Ordinance Concerning Blight and Public Nuisance for the Town of Ledyard*” was a complete rewrite of the Town of “*Ledyard Blight Ordinance*”, to more clearly define the intent.

2023: Minor edits were made to correct Section references and in Section 9 B(2) correct from “....and the ~~Citation Hearing Board~~” to “..... ***Blight Enforcement Officer***” .

Moved by Councilor Ingalls, seconded by Councilor McGrattan
Discussion: Councilor Ingalls stated in reviewing Ordinance #300-012 (rev.1) “Town of Ledyard Blight Ordinance” it was noticed that a few of the section references that pointed to other areas of the Ordinance were pointing to the incorrect sections; and therefore, needed to be updated. She stated this was an administrative action, noting that there were no substantive changes made to the Ordinance.

VOTE: 7 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Andra Ingalls

SECONDER: Mary K. McGrattan

AYE: 7 Dombrowski, Saums, Ingalls, Paul, Marshall, McGrattan, and Irwin

EXCUSED: 2 Rodriguez, and Ryan

- *6. MOTION to adopt Ordinance #500-005 (rev. 1) An Ordinance Rescinding “An Ordinance Establishing a Nursing Service Board “ as contained in the draft dated July 31, 2023.

DRAFT: 7/31/2023

Ordinance #500-005 (rev. 1)
AN ORDINANCE RESCINDING
"AN ORDINANCE ESTABLISHING A NURSING BOARD
FOR THE TOWN OF LEDYARD"

Be it ordained by the Town Council of the Town of Ledyard:

Section 1: Statement

The Ordinance # 500-005 entitled "*An Ordinance Establishing a Nursing Service Board*" amended and adopted by the Town Council on September 25, 2019 is hereby rescinded.

Adopted by the Ledyard Town Council on : _____

Kevin J. Dombrowski, Chairman

Approved/Disapproved on _____
Fred B. Allyn, III, Mayor

Published on: _____
Patricia A. Riley, Town Clerk

Effective Date:

Revisions: Ordinance #76 “*Ordinance Establishing a Public Health Nursing Service Board of the Town of Ledyard*” Adopted December 11, 1980; #76 “*Ordinance Amending an Ordinance Establishing a Public Health Nursing Service Board of the Town of Ledyard*” Amended and Adopted June 8, 1983; Ordinance #76 Amended and Adopted August 11, 1999; Ordinance #76 Amended and Adopted August 11, 2004; Ordinance #117 *Ordinance Amending an Ordinance Establishing a Public Health Nursing Service Board of the Town of Ledyard*” Adopted: February

27, 2008;

Effective: March 21, 2008. Amended, Adopted and Renumbered by the Town Council on: September 25, 2019.

History:

The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #117 to Ordinance #500-005.

2019: Section 2 added language regarding member attendance relative to being considered resigned; Section 7 “Severability: language updated for consistency with town ordinances. Added Section 8 “Effective Date” to be consistent with town ordinances. Removed Section 8 “Cancellation of Previous Ordinances” - Per Town Attorney the “Revisions” and “History” paragraph indicates that the previous ordinance has been updated and replaced.

2023: The Fiscal Year 2023/2024 Budget did not provide funding to support the Ledyard Visiting Nurses Association (LVNA). During the past decade the Ledyard Visiting Nurses Association (LVNA) was not sustaining their operational costs, as large healthcare organizations began to dominate the home healthcare market. This shortfall in LVNA revenues had fallen to the taxpayers, with the hope that this revenue slide would reverse itself, to no avail. On June 30, 2023, after 75 years of service to our community the Ledyard Visiting Nurses Association (LVNA) closed its doors.

Moved by Councilor Ingalls, seconded by Councilor Irwin

Discussion: Councilor Ingalls stated the Fiscal Year 2023/2024 Budget did not provide funding to support the Ledyard Visiting Nurses Association (LVNA). She explained the proposed “An Ordinance Rescinding “*An Ordinance Establishing a Nursing Service Board*” was an administrative action to cancel the Ordinance that established the Nursing Board.

Councilor Saums thanked the Ledyard Visiting Nursing Association for all the fine work they did for the Town of Ledyard. He stated unfortunately it became financially unviable, noted that it was sad to see them go, noting that they were a great organization and provided great service.

VOTE: 7 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Andra Ingalls

SECONDER: Whit Irwin

AYE: 7 Dombrowski, Saums, Ingalls, Paul, Marshall, McGrattan, and Irwin

EXCUSED: 2 Rodriguez, and Ryan

Finance Committee

7. MOTION to authorize overspending Account #10110209-55245 (Insurance Deductible) through June 30, 2024.

Moved by Councilor Saums, seconded by Councilor Ingalls

Discussion: Councilor Saums stated to-date the town has received four insurance deductibles, which was unusual. He stated Connecticut Interlocal Risk Management Agency (CIRMA) was the town's insurance provider.

Mayor Allyn, III, explained a typical deductible was about \$1,500; however, he stated for some situations, their insurance provider required a higher deductible for cases that may be a little more involved.

VOTE: 7 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Bill Saums

SECONDER: Andra Ingalls

AYE: 7 Dombrowski, Saums, Ingalls, Paul, Marshall, McGrattan, and Irwin

EXCUSED: 2 Rodriguez, and Ryan

Land Use/Planning/Public Works Committee

8. MOTION to extend Archery Hunting on Certain Town Owned Lands and Certain Open Space Properties for one-year in accordance with provisions in Ordinance#100-018 (rev. 1) "An Ordinance Providing Archery Hunting on Certain Town Owned Lands and Certain Open Space Properties".

Moved by Councilor Paul, seconded by Councilor Marhsall

Discussion: Councilor Paul stated Ordinance#100-018 (rev. 1) provided for Archery Hunting on Certain Town Owned Lands and Certain Open Space Properties. He stated in accordance with Section 4. "*Annual Expiration*" the Ordinance would expire annually at the end of the calendar year, unless a vote of the Town Council was taken to approve to extend it for one year. He stated that this was simply an Administrative Action.

Councilor Ingalls questioned whether there was a status report on how well the program was going. Councilor Saums stated the Archery Hunting Program was going great noting that everyone followed the Rules of the program. He stated there were two properties that were being used for archery hunting which were: (1) Clark Farm located on Route 117 on the north end of town; and (2) Founders Preserve (Paint Mill) Property located between Colonel Ledyard Highway and Pumpkin Hill Road on the south end of town (both properties were about 100 acres). He explained that this program was a Lottery System in which six people would win a lottery for each property to bow hunt for a total of twelve people. He stated when they began the program in 2018 that they had about sixteen applicants for the lottery, however, he stated that number has declined over the years, noting that this year they only received about six applicants. He stated the hunters who have been selected through the lottery were great, noting that they have volunteered to post markers when they were hunting on the properties for both the abutting property owners and to let people know that hunting could be taking place on the property. He stated some of the same people return every year, noting that he was one of them. He stated the reason the Ordinance included a sunset clause and required the Town Council to act to renew it

each year was in case the Program did not go well the town would discontinue the Archery Hunting on these properties. He concluded by explaining that that although the town no longer owned the Founders Preserve (Special Town Meeting October 28, 2020) that as part of the property transfer to Avalonia Land Conservancy that they have agreed to allow the Archery Hunting Program to continue on the open space property.

Mayor Allyn, III, stated last year between September 1st and December 31st they had 129 deer strikes with cars in Ledyard. He stated this was the time of year that the deer move around and that they were already seeing deer strikes again this year. He stated the deer population was not struggling.

VOTE: 7 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Gary Paul

SECONDER: John Marshall

AYE: 7 Dombrowski, Saums, Ingalls, Paul, Marshall, McGrattan, and Irwin

EXCUSED: 2 Rodriguez, and Ryan

General Business

9. MOTION to set a Hybrid (In-Person & Video Conference) Public Hearing date on December 13, 2023 at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, to discuss and receive comments regarding the Fiscal Year 2020 Community Development Block Grant program.

Moved by Councilor Irwin, seconded by Councilor Marshall

Discussion: Mayor Allyn, III, explained as part of the Community Development Block Grant program that a second Public Hearing was required to report on the status of the project. He noted this grant funding was for the renovation work to the Kings Corner Senior Citizens Housing Facility. He stated after talking with the Housing Development Team, LLC, who was the contractor, that were not available to attend the original date that had been proposed (November 8, 2023), noting that they would be available to attend the Public Hearing on December 13, 2023.

VOTE: 7 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Whit Irwin

SECONDER: John Marshall

AYE: 7 Dombrowski, Saums, Ingalls, Paul, Marshall, McGrattan, and Irwin

EXCUSED: 2 Rodriguez, and Ryan

10. Discuss Work Session Items as time permits.

None.

XV. ADJOURNMENT

Councilor Marshall moved to adjourn, seconded by Councilor Paul
VOTE: 7 - 0 Approved and so declared. The meeting adjourned at 7:41 p.m.

Transcribed by _____
Roxanne M. Maher
Administrative Assistant to the Town Council

I, Kevin J. Dombrowski, Chairman of the Ledyard Town Council,
hereby certify that the above and foregoing is a true and
correct copy of the minutes of the Regular Town Council
Meeting held on October 11, 2023.

Kevin J. Dombrowski, Chairman

DISCLAIMER:

Although we try to be timely and accurate these are not official records of the Town.

The Town Council's Official Agenda and final Minutes will be on file in the Town Clerk's Office.