



Chairman Sean Sullivan

TOWN OF LEDYARD
CONNECTICUT
TOWN COUNCIL

RECEIVED FOR RECORD
AT LEDYARD, CT.
2012 JUL 26 AM 8:37

MINUTES

LEDYARD TOWN COUNCIL - REGULAR MEETING
WEDNESDAY, JUNE 27, 2012, 7:00 PM; COUNCIL CHAMBERS - ANNEX BUILDING

CALL TO ORDER - Chairman Sullivan called the regular meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Attendee Name	Title	Status	Arrived
Linda Davis	Town Councilor	Present	
Kevin Dombrowski	Town Councilor	Present	
Steve Eichelberg	Town Councilor	Present	
Mike France	Town Councilor	Present	
John Marshall	Town Councilor	Absent	
Mary McGrattan	Town Councilor	Present	
William Saums	Town Councilor	Present	
Sean Sullivan	Chairman	Present	
Sharon Wadecki	Town Councilor	Present	

IV. RESIDENTS AND PROPERTY OWNERS -

Mr. Edward Monahan, 49 Homestead Road, Ledyard, addressed the roadwork planned for Lantern Hill Road to construct a new dam and a new bridge on Lantern Hill Pond between North Stonington and Ledyard. He stated he has seen the plans for the construction work and he noted residents have concerns regarding the road closures. He stated the plan calls for the elevation of Lantern Hill Road to increase by upwards of four feet from the dam to the DEEP Boat Launch; and it also calls for re-grading the north end of Homestead Road. He stated this work will require road closures from August 1st to September 1st with access to Homestead Road from the north end of Lantern Hill Road. He requested more specifics regarding this plan and he questioned the involvement of the town's Public Works Department; the State's DOT or some other State Agency. He noted the road work is being done by Mashantucket Pequot Tribal Nation (MPTN) with BIA Funding, and he expressed concern that residents do not want to be left in the lurch without any egress for days on end and having to petition the MPTN to find out what is going on. He stated the residents hope that some communication will be set up in a routine way so they will know what to expect a few days in advance. He noted the plans include thirty technical drawings for the project and he stated he would like to see how the project will be phased in to accommodate the residents of Homestead Road and the adjacent Pentway so that they can get in and out of their homes. He stated there are a number of residents who are senior citizens and have issues such as medical needs and they are looking for assurance that their caretakers will have access to them; and in turn they want to know they will be able to get out of their homes. He stated they would appreciate a response; and he stated if the response is sent to him that he would share it with his neighbors.

Mayor Rodolico stated where Long Pond Road and Homestead Road come together there is a natural access where the homeowner has allowed emergency vehicles and police to use. He stated the homeowner has expressed a concern that during the construction residents will use this access point. Therefore, he stated they are working to ensure that this access will not be over used. He continued by addressing the construction work and he stated the MPTN will perform the work. He stated that he and Pubic Works Director Steve Masalin are having conversations with the MPTN and he noted there will be times when the road will be completely closed. However, he explained they will try to maximize the time there will be one lane open. He stated

they appreciated the work of the MPTN and he noted that he would relay Mr. Monahan's concerns; and a response to the residents' concerns will be provided. Mr. Monahan stated the residents take no exception with the homeowner's concern about residents accessing their property where the town roads come together and he stated their concerns are understandable. Chairman Sullivan noted the Town Council's summer meeting schedule and he expressed an interest in hearing back from the Mayor prior to the project beginning in August.

Mr. Michael Cherry, 5 Whipoorwill Drive, Gales Ferry, Planning Commission Chairman and Vice Chairman of the Regional Planning Commission on Economic Development (SCCOG) stated he provided some handouts at the June 13, 2012 Public Hearing regarding the proposed *"An Ordinance Combining the Zoning Commission of the Town of Ledyard with the Planning Commission of the Town of Ledyard"*. He stated he reviewed his notes, the minutes and tapes from the Public Hearing and he commented that there were some perceptions or fears that he saw as a result of the Public Hearing. He stated he would like to address those perceptions as well as comments that were published in the newspaper. He continued by addressing the following three perceptions: (1) More time required of the volunteers if the Commissions are combined – Mr. Cherry stated he updated the handout that listed twenty combined Planning and Zoning Commissions to include: (a) How often the combined Commissions meet; (b) The length of the meetings of the combined Commissions; and (c) The total monthly commitment of the volunteers serving on a combined Commissions. He stated it appears that separate Commissions meet more often and their meetings are longer than combined Commissions. He noted the Town of Waterford has a combined Planning and Zoning Commission and they have a number of significant developments underway such as: the Credit Union; Dana Farber Cancer Center; and the Waterford Commons. He also noted Stonington has some large developments that were opposed by their residents. He explained the Commission's job is to ensure that the application complies with the town's regulations. He stated the Stonington Planning and Zoning Commission addressed this large development and the issues raised by residents at the same time they were rewriting their Plan of Conservation and Development; and he commented this work is do-able. He stated the facts and data do not support the perception and fears that more time will be required of the volunteers; (2) Confusion in which hat the combined Commission is wearing – Mr. Cherry agreed that a combined Commission does wear two hats: (a) Legislative – writing regulations; and (b) Administrative – approving applications. He stated it can be difficult to keep these two hats straight and not want to not rewrite regulations when someone has a project that you would like, but it is not in accordance with the approved regulations; (3) Rush to Judgment or Rubber Stamp – Mr. Cherry stated he is a volunteer, everyone on the Planning Commission is a volunteer, and everyone on the Zoning Commission is a volunteer. He stated the town has paid professional staff that can answer whether an application meets the town's regulations. He went on to state the staff has access to legal support, engineering support or other support to provide the right input to support the Town's Commissions and he commented that he did not see that changing whether they have separate or combined Commissions. He continued by addressing the Land Use/Planning/Public Works Committee March 7, 2012 meeting at which they held a roundtable discussion with area land use officials and commissions. He stated at the June 13, 2012 Public Hearing Zoning Commission Chairman Treaster represented Mr. Butler's comments well. However, he noted Groton City's Planning and Zoning Chairman Mr. Rose's comments from the March 7th meeting did not get equal time. He stated Mr. Rose pointed out some strong reasons why combined Commissions worked better.

Mr. Eric Treaster, 10 Huntington Way, Gales Ferry, Zoning Commission Chairman, stated the Zoning Official has suggested: (1) The town adopt a uniform policy for the refund of fees. He noted as an example a \$360 application fee is charged if a public hearing is required. He stated it has been questioned whether the application fee should be returned if the application is withdrawn. He stated currently there is no policy and the town keeps the application fee. He stated if the Town Council provides the Zoning Commission with a town policy that they would incorporate it into their documents, regulations, bylaws and fee structure; and (2) The town adopt a policy regarding zoning enforcement. Mr. Treaster stated they have zoning violations that are four and five years old that have been ignored. He stated new violations come in daily and he explained the Zoning Official would like a document that will inform the public of how zoning violations are to be prioritized. He questioned whether the Town Council would like to contribute information for the "Enforcement Priority Formula". Mr. Treaster continued by

stating upon request last month he submitted an electronic copy of the new proposed Zoning Regulations version 2.2; and he noted to date he has not received one comment from anyone. He stated he did not know whether no comments meant that the proposed regulations are excellent, or that they have not been read. He stated the Zoning Official has pointed out some serious deficiencies in the current Regulations, therefore, he stated would like to move the new proposed Zoning Regulations forward. Mr. Treaster went on to address the proposed *"An Ordinance Combining the Zoning Commission of the Town of Ledyard with the Planning Commission of the Town of Ledyard"* that the Town Council will deliberate later this evening. He stated he opposes the proposed Ordinance and he noted eleven people spoke at the June 13, 2012 Public Hearing. He pointed out nine people including himself spoke against combining the Planning Commission and the Zoning Commission; one person spoke in favor of the proposal without conditions; and one person was in favor of the proposal on the condition that the transition plan be improved. He stated there is a total of fifteen reasons in the record regarding the reasons people oppose the proposal. He urged the Town Council to look at each one of the fifteen reasons this evening and to make a decision on whether the reasons are wrong; or if it is not applicable; or if they are willing to live with it. He stated the Zoning Commission is required to protect their record, and he noted the Zoning Commission does a superb job in stating on the record the reasons for their decisions. He noted there are some members of the Town Council who did not attend the Public Hearing. He stated Zoning Commission members who miss a meeting are required to testify on the record that they have listened to the tape and studied the documents before they can participate in the deliberations and the vote; and he commented he did not know whether the Town Council has the same rules. Therefore, he stated if the Town Council works under these rules that he would request that the members of the Town Council, who were not present at the June 13th meeting, recuse themselves from the deliberations because they will not have knowledge of all the information that was entered into the record. He stated if the Town Council is depending on IQM2 to obtain the information that was presented at the Public Hearing that he wanted to note that IQM2 did not reflect the yellow highlighted areas on some of the exhibits he presented. He stated all the information /exhibits on IQM2 were presented only in black and white. He concluded by stating that he would support the Town Council's decision and work to make the outcome as successful as possible.

Chairman Sullivan noted Mr. Treaster discussed the following five issues: (1) Fees; (2) Zoning Violation Prioritization; (3) Draft Zoning Regulations; (4) People who testified at the June 13, 2012 Public Hearing; and (5) People who missed the Public Hearing. He continued by addressing issues 2; 3; and 5 as follows: (issues 2 & 3) Zoning Violation Prioritization and draft Zoning Regulations – Chairman Sullivan stated by state statute the Town Council is not to participate directly in either one of these things. He stated Zoning Enforcement is left exclusively to the Zoning Commission. Mr. Treaster stated the Zoning Commission is aware of the state statute, however, he stated they are receptive to comments from everyone. Chairman Sullivan stated he understands the Zoning Commission welcomes the Town Council's input on the draft Zoning Regulations, however, he stated some could accuse the Town Council from going where they are not suppose to go; (issue 5) People who missed the June 13, 2012 Public Hearing – Chairman Sullivan explained the requirements for the Town Council to adopt an Ordinance is completely separate from the detailed statutory procedures in adopting a Zoning Ordinance. He stated zoning directly infringes upon peoples' individual property rights. He stated as a result there are very detailed statutory requirements on adopting any zoning ordinance and public hearings relative to who may vote on any particular issue before the Zoning Commission if they did not attend the Public Hearing, etc. He stated those rules do not apply to the rules the Town Council has tonight for the adoption of a regular municipal ordinance. He stated a regular municipal ordinance is no different than any other piece of municipal legislation. He stated unless otherwise put in statute the Legislative Body (Town Council) is left to determine for themselves if they believe they are sufficiently informed; whether that was through the Public Hearing, reading the minutes, watching the video or listening to the audio tape, or other ways they have, to make an informed decision. He stated if they do not believe that they are sufficiently informed than it would be appropriate to abstain, otherwise, he stated the members of the Town Council are free to vote on the matter as they feel fit.

Councilor Dombrowski stated he was on the Zoning Commission and helped with the drafting of the Zoning Regulation rewrite. He apologized for not responding to Mr. Treaster noting that he has been on work travel for the last three weeks.

V. COMMITTEE COMMISSION AND BOARD REPORTS –

Chairman Sullivan stated the Committee to Investigate a Town Manager Form of Government's presentation will be rescheduled to the Town Council's next meeting. He stated it was his understanding that the final report has been completed, and he noted the Town Council looks forward to receiving the report before their next meeting for their review and preparation for the Committee's presentation.

VI. COMMENTS OF TOWN COUNCILORS

Councilor McGrattan stated the new Senior Center Director/Municipal Agent attended the Commission for Senior Citizens' meeting today. She stated the Director will start working on Tuesday, July 3, 2012. She went on to note the new Senior Center is keeping a record of the number of people who visit the Center and she stated the numbers have been increasing every year. She stated to date 4,612 people have visited the Senior Center this year.

Councilor Davis addressed the Senior Center data regarding the number of visits to the Center and she stated she would be interested in how many people this data represents. She went on to provide clarification questioning whether the 4,612 represents 100 people attending forty times a year or is it 40 people visiting one hundred times a year. She stated she would also be interested in the number of new people visiting the Center.

Councilor Saums stated he attended the Ledyard High School Class of 2012 Graduation on June 23, 2012 with Councilor Davis and Mayor Rodolico. He stated the students' speeches were fantastic and that Principal Lou Gabordi, in his last year at Ledyard High School, made a superb speech. He stated he hoped everyone would take the opportunity to read Mr. Gabordi's speech which is posted on the Patch. He thanked Mr. Gabordi for his four years as Principal at Ledyard High School and for all his years of service since his 1972 graduation from the school. He stated Ledyard High School is losing a really good Principal and that he hoped the town would see Mr. Gabordi serving in another capacity.

Chairman Sullivan provided an update to his May 9, 2012 announcement of being nominated to a position on the Defense Nuclear Facilities Safety Board in Washington D.C. He stated it is a position that requires confirmation by the United State's Senate and he will be required to resign from the Town Council if he is confirmed. He stated the Senate Staff anticipates action before the US Senate takes its August 3, 2012 recess. He stated if he is confirmed he will have to regretfully resign his position serving the Town of Ledyard.

VI. REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

MOTION to approve the
Public Hearing Minutes of June 13, 2012
Public Hearing Minutes of June 13, 2012
Public Hearing Minutes of June 13, 2012
Regular Meeting Minutes of June 13, 2012

Moved by Councilor France, seconded by Councilor Davis

VOTE: 5 - 0 - 3 Approved and so declared (Dombrowski, McGrattan, Wadecki abstained)

RESULT:	ADOPTED 5 - 0 - 3
MOVER:	Mike France, Town Councilor
SECONDER:	Linda Davis, Town Councilor
AYES:	Davis, Eichelberg, France, Saums, Sullivan
ABSTAIN:	Dombrowski, McGrattan, Wadecki
ABSENT:	Marshall

VII. COMMUNICATIONS

Chairman Sullivan stated that a Communications List has been provided and he noted the referrals listed.

COMMUNICATIONS LISTING FOR JUNE 27, 2012

INCOMING CORRESPONDENCE

1. Ms. Jackson ltr dated 6/13/12 re: Public Hearing 6/13/12 comments proposed Ordinance Combining the Planning Commission and Zoning Commission
2. Mr. Koe ltr dated 6/13/12 re: Public Hearing 6/13/12 comments proposed Ordinance Combining the Planning Commission and Zoning Commission
3. Mr. Cherry data 6/13/12 re: Data presented at Public Hearing 6/13/12 - proposed Ordinance Combining the Planning Commission and Zoning Commission
4. Mr. Whitle ltr dated 4/5/12 re: Public Hearing 6/13/12 comments proposed Ordinance Combining the Planning Commission and Zoning Commission
5. Mr. Treaster Data dated 6/13/12 re: Data presented at Public Hearing 6/13/12 - proposed Ordinance Combining the Planning Commission and Zoning Commission
6. Mr. Treaster Correspondence dated 6/13/12 re: Public Hearing 6/13/12 – Fifteen Reasons not to Combine the Planning Commission and Zoning Commission
7. Mayor ltr dated 6/13/12 re: Appointed Ms. Fraser to Conservation Commission
8. Mayor ltr dated 6/13/12 re: Appointed Ms. Schmidt to Conservation Commission
9. Gales Ferry Seniors ltr dated 6/15/12 re: Improvements to Gales Ferry
10. Planning/Development Director memo dated 6/19/12 re: Easement Holmberg property – Aljen Heights Water Project – Planning Commission's 6/6/12 meeting/action
11. Planning/Development Director memo dated 6/19/12 re: Easement Holmberg property – Aljen Heights Water Project
12. Poquentanuck Cove Action Cmt e-mail dated 6/19/12 re: Invite to Action Planning Meeting
13. RTC Application dated 6/19/12 re: Endorse Appointment of Gardner to Municipal Building Committee

OUT GOING CORRESPONDENCE

1. Admin Asst ltr dated 6/14/12 re: Action Ltr TC Meeting 6/13/12
2. Chairman Sullivan memo dated 6/15/12 re: Assignment of Duties – Chairman Pro tem Saums 6/18/12 – 6/23/12
3. Finance Cmt memo to LVES/Admin of Emgr Serv dated 6/21/12 re: Proposed amendments to Ordinance # 114
4. LTC ltr to Municipal Building Cmt dated 6/21/12 re: Assignment of proposed Police Facility initiative

NOTICE OF AGENDA

1. Public Safety Sp Mtg 6/19/12 Cancelled
2. Municipal Building Sp Mtg 6/19/12
3. Historic Mtg 6/19/12
4. IWWS Sp Mtg 6/26/12
5. WPCA Mtg 6/27/12
6. Library Mtg 6/18/12
7. Cmt to Investigate T. Mgr Form of Government 6/19/12; Sp Mtg 6/13/12 Cancelled
8. Finance Mtg 6/20/12
9. Sp Admin Mtg 6/27/12
10. Public Hear 6/27/12 (Ord Stormwater)
11. Town Council 6/27/12
- 12.

MINUTES

1. Ledge Light Health District Minutes 6/14/12
2. Historic Minutes 4/16/12
3. Pension Board Minutes 5/9/12
4. Finance Minutes 6/6/12
5. Admin Minutes 5/11/12
6. Public Hear Minutes 6/13/12 (GFFD NAA Project)
7. Public Hear Minutes 6/13/12 (Lease(s) Former GFS)
8. Public Hear Minutes 6/13/12 (Proposed Ord Combine Planning/Zoning Commissions)
9. Town Council Minutes 6/13/12

REFERRALS

Administration Committee

1. RTC Application dated 6/19/12 re: Endorse Appointment of Gardner to Municipal Building Committee

VIII. COUNCIL SUB COMMITTEE, LIAISON REPORTS

Administration Committee

Councilor Eichelberg stated the Administration Committee met earlier this evening and discussed the following: (1) Proposed "*Town of Ledyard Blight Ordinance*"; (2) "*Resolution Regarding the Establishment for the Collection of a Fee for Connecticut Department of Motor Vehicle Reporting*"; (3) Proposed "Floater Position for the Mayor's Office/Finance Department/Town Clerk's Office". He also noted the Committee moved forward a couple of items that are on tonight's agenda.

Community Services Committee

Councilor Eichelberg stated the Community Services Committee has not met since the last Town Council meeting.

Finance Committee

Councilor France stated the Finance Committee met on June 20, 2012 and he noted they have a number of items on tonight's agenda. He went on to note the Committee discussed the following: (1) Ledyard Center Fire Truck purchase – Councilor France noted Administrator of Emergency Services Russ Shaw provided an update regarding the purchase of a 1500 Ferrara Igniter Pumper Truck to replace the Ledyard Center Fire Department's 1989 R14 Tanker Truck and to also move the R11 Truck to a reserve status; (2) Proposed amendments to Ordinance # 114 "*An Ordinance Amending an Ordinance Authorizing the Town of Ledyard to Make Appropriations for the Furnishing of Ambulance Service*". Councilor France noted the Committee sent a memo to the Director of LVES and the Administrator of Emergency Services to obtain their comments regarding the proposal. He stated comments are due by July 11, 2012.

Information Technology Committee

Councilor Davis stated the Information Technology Committee will be meeting on July 3, 2012.

Land Use/Planning/Public Works Committee

Councilor Dombrowski stated the Land Use/Planning/Public Works Committee will be meeting on July 3, 2012.

Board of Education

Councilor Davis noted Councilor Saums' comments regarding the Ledyard High School Class of 2012 Graduation. She stated it was a good event.

Water Pollution Control Authority

Councilor Saums stated the WPCA met on June 26, 2012 and he reported on the following: (1) Construction bids for Aljen Heights were opened on June 14th. The bids came in significantly below the engineer's estimate. He stated the Building Committee authorized the award to Haluch Water Contracting; and the Town submitted the "*request for authorization to award*" to the CT Department of Public Health on June 26th. He stated the Town anticipates a fairly rapid turnaround, expecting construction to begin around September 1, 2012 with completion in August, 2013; (2) Revenues and Expenses – Councilor Saums stated with the support of the Mayor, they are continuing to look into the WPCA revenues and expenses. The total outstanding Accounts Receivable has dropped from \$100,000 a few months ago to \$46,000; and he noted the total outstanding accounts receivable was at \$160,000 more than a year ago. He stated the WPCA is working to obtain better financial information regarding revenues and expenses, as well as water purchased. He stated at their meeting last night the WPCA reviewed data provided by Groton Utilities showing the water usage on the Route 117 system during the past two years; and the Mayor is working to gather additional data. The WPCA Finance Committee will now

take the lead, working with the Mayor and his staff to accomplish their goal; (3) WPCA Policies – Councilor Saums stated the WPCA continued its work to develop a complete set of policies, and they have agreed to work on 1-2 policies per month; (4) Water Main Extension Agreement – Councilor Saums stated the WPCA reviewed and approved, with conditions, a new water main extension agreement between the Town and Green Falls Associates for a project for Cedar Ridge and Oakridge Drive in Gales Ferry; (5) WPCA Meeting schedule - The WPCA meets on the 4th Tuesday of the month at 7:00 p.m. in the Council Chambers, Town Hall Annex.

Chairman Sullivan questioned the status of a previous proposal to raise the water rates by a significant amount. Councilor Saums stated a question regarding the water rates was raised at last night's meeting and he noted the WPCA stated without hard data it is difficult to prove what will be needed for a rate increase. Therefore, he stated before discussing a rate increase they plan to assemble the following data: water sold, water purchased, revenues and expenses. Councilor Sullivan questioned whether there was any indication that the WPCA was having difficulty paying their bills. Councilor Saums stated the WPCA is not out of money, however, the reports provided indicate that the expenses are running ahead of their revenues. He noted this has been going on for a couple of years, which is the reason the WPCA is continuing to look at these issues. Chairman Sullivan encouraged the WPCA to come to a resolution as soon as possible.

Chairman Sullivan noted the WPCA Liaison report is available on the IQM2 portal and he encouraged other Sub Committees and Council Liaisons to use the Legislative File program to post their reports to the portal as well. He stated by utilizing this feature the public will be better informed and able to actively participate in the Town Council's business, which includes asking questions of the Town Council.

Historic District Commission

Councilor France stated the Historic District Commission met on June 18, 2012 and discussed the following: (1) House Restoration project – The Historic District Commission is using the Up-Down Sawmill to make pine boards. He stated a neighbor offered pine trees from their property to be used for this house restoration; and Public Works Director Steve Masalin will assist with bringing the pine trees to the Up-Down Sawmill; (2) Nathan Lester House Environmental Assessment – Zero Draft has completed the assessment and the Historic District Commission will be installing additional insulation and reproofing a shed on the property.

IX. MAYORS REPORT

Mayor Rodolico reported on the following: (1) WPCA Data – Mayor Rodolico stated he attended the WPCA's June 26, 2012 meeting at which they had a good discussion. He stated he appreciated the fact that they have not been successful at getting some basic information on some fundamental questions. He stated he will be persistent to obtain the data regarding how much water we buy and how much water we bill for. He stated until they have an answer to this question he will be hesitant to take any other action; (2) Millstone Drill and Hurricane Drill – Mayor Rodolico stated a mandatory Millstone Drill is scheduled for July 17, 2012, however the Hurricane Drill is optional. He stated the town plans to participate in both drills. He stated he will be out of town during both the drills and asked whether a member of the Town Council would be available to attend the drills and act in his absence; (3) CL&P Northeast Utilities Transmission Project -Mayor Rodolico stated he met with CL&P Northeast Utilities Officials to discuss transmission wires that come across the river and across Route 12 through Gales Ferry and down into Groton. He stated the Utility wants to increase the current/power that is transmitted through those lines. He stated this project will need to raise the six towers and he stated there should not be any power outages when this work is being done. He stated the public will be informed of the work schedule; (4) Road Work – Route 12 resurfacing will begin around second week in July. He stated he has been talking with Michael Washington about rerouting traffic and he will provide information as it becomes available; (5) Police Facility – Mayor Rodolico noted on May 9, 2012 the Town Council *"appropriated up to \$20,000 from the sale of a portion of the former Gales Ferry School property to Account 6-10-11-99 (Police Building) to allow the Municipal Building Committee to support the design and site selection of an alternate police facility"*. He stated based on this action he attended the Municipal Building Committee's June 19, 2012 meeting to discuss the Police Facility, however, he stated the Committee informed him that projects need to be specifically assigned to their Committee. He stated he appreciated

Chairman Sullivan's letter dated June 21, 2012 to the Municipal Building Committee to inform them of the Town Council's action for them to take on the Police Facility initiative. Mayor Rodolico went on to note four proposals from architects have been received. He also stated that he has requested the appointment of one temporary member to represent the Police Facility project; (6) Dispatch Communication Services Requests for Qualifications (RFQ) – Mayor Rodolico stated the revised and updated "Attribute and Specifications" will be distributed to the six potential providers and he will request a late August return of the RFP for those who are interested in providing services; (7) Senior Center Director/Municipal Agent will start on July 3, 2012. Mayor Rodolico stated the individual has already spent some time at the Senior Center. He expressed his best wishes to Carol Geiler and thanked her for her three years of service to the town; (8) MUNIS Financial Software Training – Mayor Rodolico stated the end user training was held on June 26th & June 27. He stated all the appropriate general government staff attended the trainings at the High School's computer lab. He stated as with any new programs there will be some challenges until everyone becomes accustom to using the software; (9) IQM2 Media/Minute Traq Software Program – Mayor Rodolico stated he was working with the Town Council's Administrative Assistant to have all Committees/Commissions/Boards using the program by January 1, 2013; (10) July 4th Holiday Trash Collection – Mayor Rodolico stated because the holiday falls on Wednesday next week the trash collections for Wednesday, Thursday and Friday will be moved forward by one day. He stated this trash collection schedule is posted on the Town's Web Page and they will be using other media sources to inform residents; (11) Ledyard Fair Association Lease and Policies have not been updated in quite some time – Mayor Rodolico stated he will be meeting with the Ledyard Fair Committee on June 28, 2012 to review the lease and policies. He requested input and comments from the Town Council; (12) Op Sail and the 200th Commemoration of the War of 1812 - Mount Decatur access – Mayor Rodolico announced the public will be able to access Mount Decatur on Saturday, July 10, 2012 between the hours of 10:00 a.m. – 1:00 p.m. He stated this hike is being sponsored by Styron, Gales Ferry Methodist Church, Boy Scouts and others. Those interested in hiking up the mountain should meet at the Gales Ferry Methodist Church parking lot on Chapman Lane. He stated Styron has cleared the path and there will be Guides and Stations along the way to provide information on how wars were fought in terms of naval engagements and strategies. He noted the important part of history Mount Decatur provided; and he stated the view of the river from the top of the mountain is incredible. He stated Ledyard's emergency services and police will be standing by and those participating in the hike will be required to sign a release.

Questions to the Mayor -

Chairman Sullivan addressed Mayor Rodolico's comments regarding the Municipal Building Committee and his request for the Town Council to appoint a temporary member for the Police Facility project. He explained since the Town Council's May 9, 2012 meeting the Mayor went to the Municipal Building Committee to move forward with obtaining an architect to determine the best possible location for a new police facility. However, the Municipal Building Committee stated that they did not know whether they had been formally tasked to take on the police facility initiative. He stated as a result of the Town Council's May 9, 2012 action he fully believed that they had given the Municipal Building Committee that permission, and therefore, he wrote a letter to the Committee saying that the Town Council authorized the Municipal Building Committee to oversee the Police Facility project. He went on to note because item #9 on tonight's posted agenda "*to authorize the Permanent Municipal Building Committee to provide oversight of the proposed Police Facility initiative*"; has been resolved and was no longer needed that he will ask to replace item #9 with a motion to appoint a temporary member to the Municipal Building Committee for the Police Facility project at the appropriate time this evening.

Chairman Sullivan continued by addressing the Route 12 road work and he questioned how the public will know about the road work schedule. Mayor Rodolico stated the State will be posting signs. Chairman Sullivan suggested the town purchase some signs that could be used for road work or to direct residents during hazardous storms, etc. He stated if the town had these types of signs they could be used along with the State's signs.

Chairman Sullivan noted the Millstone Drill scheduled for July 17, 2012 and he stated he would be out of town and would not be able to attend in the Mayor's absence. He solicited the members of the Town Council to participate in the Millstone Drill.

Chairman Sullivan commented on the Ledyard Fair Lease and he noted in accordance with state statute a public hearing will be required. Mayor Rodolico stated his Office is working to present the proposed lease to the Town Council for a public hearing date to be scheduled. He went on to note that there is an exception for renewed leases.

Chairman Sullivan questioned the status of the purchase of the Volpe property. Mayor Rodolico stated the environmental report and survey have been completed. He stated they are waiting for the appraisal.

X. OLD BUSINESS –

1. No Action on the
MOTION to remove from the table the
MOTION to accept an easement from Richard A. and Diane Y. Holmberg from Avery Hill to current tank site; and to grant an easement to the Holmbergs for town-own land at Map 25, Block 2512, Lot 15A.
2. No action on the
MOTION to accept an easement from Richard A. and Diane Y. Holmberg from Avery Hill to current tank site; and to grant an easement to the Holmbergs for town-own land at Map 25, Block 2512, Lot 15A.
3. MOTION to remove from the table the
MOTION to adopt a proposed "*An Ordinance Combining the Zoning Commission of the Town of Ledyard with the Planning Commission of the Town of Ledyard*" as contained in the draft dated April 8, 2012.
Moved by Councilor Eichelberg, seconded by Councilor France

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Steve Eichelberg, Town Councilor
SECONDER:	Mike France, Town Councilor
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

4. MOTION to adopt a proposed "*An Ordinance Combining the Zoning Commission of the Town of Ledyard with the Planning Commission of the Town of Ledyard*" as contained in the *amended* draft dated *June 27, 2012* April 8, 2012.

Draft 4/8/12–6/27/12

AN ORDINANCE
COMBINING THE ZONING COMMISSION OF THE TOWN OF LEDYARD
WITH THE PLANNING COMMISSION OF THE TOWN OF LEDYARD.

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

Section 1. Authority

Pursuant to Chapter IV, Section 4, of the Town Charter, commencing on the *ninetieth* ~~sixtieth~~-day after the effective date of this ordinance, the duties of the Zoning Commission of the Town of Ledyard as set forth in Chapter 124 of the General Statutes; shall be discharged by the Planning Commission of the Town of Ledyard which shall hereafter be known as the Planning and Zoning Commission of the Town of Ledyard.

Section 2. Purpose

WHEREAS the Town Council finds combining the duties of the Planning Commission and the Zoning Commission into a single commission will enhance development within the Ledyard by reducing the number of boards and commissions with oversight of land use;

AND WHEREAS the Town Council finds combining the duties of the Planning Commission and the Zoning Commission into a single commission will improve the efficiency of the Town Planning Director and staff by reducing the number of monthly meetings the staff must support; There shall therefore be a single town commission known as the Planning and Zoning Commission of the Town of Ledyard to discharge the duties specified in Chapters 124 and 126 of the General Statutes.

Section 3. Organization/Membership

The Planning and Zoning Commission of the Town of Ledyard shall be served by members as provided for in Chapter IV, Section 3, of the Town Charter, consisting of five (5) regular members who shall be electors of the Town of Ledyard and shall hold no salaried municipal office and shall not be members or alternate members of the Zoning Board of Appeals. Appointment and removal of any member of the Planning and Zoning Commission shall be as provided for in Chapter IV, Section 9, of the Town Charter

Section 4. Duties

The Planning and Zoning Commission of the Town of Ledyard shall have the duties as specified in Chapter IV, Sections 3 and 4 of the Town Charter and all duties heretofore assigned by ordinance to either the Planning Commission of the Town of Ledyard or the Zoning Commission of the Town of Ledyard.

Section 5. Implementation

Within two weeks after effective date of this ordinance, all current members and current alternate members of the Planning Commission of the Town of Ledyard and the Zoning Commission of the Town of Ledyard shall indicate to their respective chairmen whether they desire to serve on the Planning and Zoning Commission of the Town of Ledyard. The respective chairmen shall thereafter report to the Town Council the desires of their members. In addition, the respective chairmen shall make recommendations to the Town Council regarding present members to serve on the combined commission.

Within thirty days after the effective date of this ordinance, the Town Council shall notify each member and alternates to serve on the Planning and Zoning Commission, and such members and alternates shall thereafter familiarize themselves with the Ledyard Zoning regulations, Subdivision regulations, Current Plan of Conservation and Development, and their duties and responsibilities under the General Statutes and the ordinances of the Town of Ledyard.

Within thirty days of the effective date of this ordinance, the respective chairmen shall report to the Town Council all permit applications for which a public hearing has been or will have been held or commenced on or before the sixtieth day after the effective date of this ordinance and for which final action is expected to be pending on the sixtieth day after the effective date of this ordinance. The Town Council may make temporary appointments of alternates and such temporary alternates may thereafter be seated as necessary to ensure each such outstanding application will be acted upon by members present at the public hearing.

Within ~~ninety sixty~~ five days of the effective date of this ordinance the chairman of the Planning and Zoning Commission of the Town of Ledyard shall direct the town's Land Use attorney to take any necessary step to substitute the Planning and Zoning Commission as the responsible party in any pending litigation involving either the Planning Commission of the Town of Ledyard or the Zoning Commission of the Town of Ledyard.

The Zoning regulations of the Town of Ledyard as adopted and made effective October 11, 1963 and as thereafter amended shall remain in full force and effect except as they may be further amended by the Planning and Zoning Commission of the Town of Ledyard by procedures established in the General Statutes.

The Subdivision regulations of the town of Ledyard as adopted on March 22, 1962 and as thereafter amended shall remain in full force and effect except as they may be further amended by the Planning and Zoning Commission of the Town of Ledyard by procedures established in the General Statutes.

Section 6. Repeal

Ordinance 21, "An Ordinance establishing a separate Zoning Commission and Panel of Alternates", adopted on December 5, 1973, is hereby repealed. Part II of Ordinance 5, "An Ordinance separating the combined Planning Commission of the Town of Ledyard into a separate Planning Commission of the Town of Ledyard and a separate Zoning Commission of the Town of Ledyard", adopted on October 23, 1961 and as amended and adopted on September 13, 1972, is also repealed.

Section 7. Severability

If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of this Ordinance are hereby declared severable.

Moved by Councilor Eichelberg, seconded by Chairman Sullivan

Discussion: Chairman Sullivan stated a Public Hearing was held on June 13, 2012. He noted as Zoning Commission Chairman Eric Treaster pointed out eleven citizens spoke at the Public Hearing as follows: one person spoke in favor of the proposal without conditions; one person was in favor of the proposal on the condition that the transition plan be improved; and nine people spoke against the proposal. He stated he was interested in hearing the reasons the two Committees brought the proposal forward to the Town Council.

Councilor Dombrowski stated after the Land Use/Planning/Public Works Committee (LUPPW) reviewed the proposed Ordinance, other town's Ordinances and spoke with neighboring officials it was the LUPPW Committee's opinion that a combined Planning and Zoning Commission would streamline the process for all applicants by providing one point of contact for applicants; and it would eliminate the process of having to go between all the different agencies in town. He stated the process would require the applicants to see one commission instead of five. He noted he read the minutes from the June 13, 2012 Public Hearing and from the Town Council's meeting and he stated this initiative was not politically driven; and it was not to get rid of certain volunteers. He stated as Mr. Cherry noted there are a number of municipalities that have combined Planning and Zoning Commissions and they are working fine; and they are not rubber stamping what the staff tells them to. He stated most professionals, including Ledyard's Planning Director, agree that the town does not have the proper amount of staffing to support two separate commissions. He stated in accordance with the proposed *"An Ordinance Combining the Zoning Commission of the Town of Ledyard with the Planning Commission of the Town of Ledyard"* the Planning Director would be the only staff person required to attend the Commission's meetings; the Zoning Enforcement Officer would be required to provide a written report and would only attend meetings when required for a special reason. He continued by addressing the Public Hearing comments concerning the checks and balance between the Planning Commission and Zoning Commission. He stated as the former Chairman and member of the Zoning Commission he could say the enabling statutes do not support this concern of "checks and balance". He stated the Planning Commission does not serve as a checks and balance to the Zoning

Commission; and the Zoning Commission does not serve as a checks and balance to the Planning Commission. He stated the checks and balances are with the Zoning Board of Appeals and the state court system for an appeal process. He explained there is only one statute where there is a checks and balance between the two commissions which would only apply to the following scenario: *"If an application goes forward to the Zoning Commission and it does not comply with the Plan of Conservation and Development, and the Planning Commission denies the application, the Zoning Commission could only approve the application by a super majority"*.

Councilor Eichelberg addressed the June 13, 2012 Public Hearing comments. He stated the proposed *"An Ordinance Combining the Zoning Commission of the Town of Ledyard with the Planning Commission of the Town of Ledyard"* has never been a referendum on the Zoning Commission or the Zoning Commission Chairman; and that it has never been a political issue. He stated the proposal being considered this evening is an attempt to streamline the process for applicants and developers. He commented some may not agree with this step, however, he stated not agreeing with this step is different than saying this is a political move or an indictment of anyone on the Zoning Commission. He stated as the former Chairman and member of the Economic Development Commission they talked about streamlining the process with several experts who advised them that the best way to attract developers to the town was to streamline the process; make it easier so developers do not have to make multiple appointments and talk to multiple people time and time again. He stated he believes the proposed *"An Ordinance Combining the Zoning Commission of the Town of Ledyard with the Planning Commission of the Town of Ledyard"* is a good attempt to streamline the application process, which is the reason the Administration Committee voted to move the proposal forward to the Town Council. He stated it is imperative that the Land Use Clerical Assistant position proposed by Mayor Rodolico be filled. He stated this position will be very useful in staff support for any land use commission going forward.

Chairman Sullivan stated he fully supports the passage of the *"An Ordinance Combining the Zoning Commission of the Town of Ledyard with the Planning Commission of the Town of Ledyard"* this evening. He stated he recognized that the majority of the people who spoke at the June 13, 2012 Public Hearing did not support the proposed Ordinance. He stated most of the people who spoke were directly connected to the status quo; and he commented that his experience tells him that people who are directly connected to the status quo will more passionately be opposed to a specific proposal than those who are not connected and do not follow the details closely. He went on to note that his other experience goes back to a March 2012 Board of Education Finance Committee meeting at which specific cuts were proposed to the Board of Education's budget; cuts which fortunately did not come to pass. Nevertheless, he stated there was a significant turnout of parents who spoke passionately about their support of the school and they also spoke passionately about the need for the town to do something to increase the commercial development in town to attempt to get more tax revenue from non-homeowners so that the town could take the tax burden off the homeowners and still support the education of our children. Therefore, he stated they have to do something. He noted the towns of Waterford and Stonington both have a combined Planning and Zoning Commission; both have a good education system; and both have a lower tax rate than Ledyard. Therefore, you have to ask whether having a combined Planning and Zoning Commission is a bad thing. He agreed there is no proof that combining the Planning Commission and Zoning Commission will improve commercial development; however, he stated when parents ask what the town has been doing to try to increase commercial development that he finds it very hard not to take this step, if for no other reason, the Town Council can look those parents in the eye and say they have tried. He stated changing to a combined Planning and Zoning Commission is not irreversible.

Councilor McGrattan stated she was the Mayor of Ledyard twenty-five years ago when Planning Director Bill Haase came to work for the Town. She stated a few months before his passing she visited him every week and they reminisced about his days working in Ledyard and some of the problems he ran up against as the Town Planner. She stated Mr. Haase told her about how things worked in Stonington and how much smoother it was there than it was in Ledyard. Therefore, she stated she will support combining the Planning Commission and Zoning Commission.

Councilor Davis noted that many of the issues she was planning to discuss have already been covered this evening by her fellow Councilors. However, she stated there was one comment at the June 13, 2012 Public Hearing that she did want address. She noted the following comment: *"Currently the Zoning Commission utilizes the town staff for very little of its needs, so we as volunteers do most of the work that a support staff would normally do"*. She stated although she sincerely appreciates the work of the town's volunteers, and she does not want to offend anyone, that they do not want volunteers doing staff work. She stated it is a liability and it is a danger for volunteers to be doing staff work. She went on to state that this comment made her understand the reason volunteers were concerned about doing more work if the two commissions are combined. She stated she looked at the Town of Waterford as an example, because they currently have a number of development projects going on. She stated Waterford's combined Planning and Zoning Commission met twelve times since January 1, 2012 and most of their meetings ran about one hour and some ran an hour and half or a bit longer. She stated the big difference between Ledyard and Waterford was that their volunteers clearly relied on support staff, and most of the application work was done when the volunteers went to the meetings. She stated hearing the comments at the June 13, 2012 Public Hearing gave her an understanding of why some were against the proposal; and it also reinforced her belief to support the proposal.

Councilor France addressed the passionate outcry from the members of the Zoning Commission who spoke at the June 13, 2012 Public Hearing to keep the status quo because they have always done things this way. He stated his background is engineering and he explained that engineers look for objective quality evidence, which is something factual, objective, not emotional and not an opinion. He stated at the Public Hearing they only received a number of strong opinions and no factual evidence was brought forward. He stated there was no factual data stating that separate commissions provided a benefit; and there was no factual data stating that a combined commission was flawed. He stated the best information they came up with was that it does not matter which way you go. Therefore, he stated he finds it hard to support the status quo without any evidence to the contrary. He stated you would expect that if you are doing something for almost forty years, that there would be evidence that the current process was the way to enact and manage planning and zoning in town. However, he stated they do not have evidence, therefore, he stated for that reason, there is not a reason to remain the same.

Councilor Saums stated he has spent most of his life paying attention to zoning issues because they are the most important regulations a town/city has. He stated Zoning Regulations protect the value of most peoples' largest single investment, which is their home. He stated Zoning Regulations also protect the quality of life. He stated he has served on the LUPPW Committee for five years and he takes this matter seriously. He stated the LUPPW Committee had the votes to bring this initiative to combine the Planning Commission and Zoning Commission years ago. However, he stated because he was the one Committee member who opposed the initiative it did not come forward. He went on to note the LUPPW Committee's March 7, 2012 meeting at which neighboring land use officials participated in a round table discussion on this subject. He stated Stonington's Planner Bill Haase

was not able to attend because of his illness, and with Councilor McGrattan's suggestion he called and spoke with Mr. Haase about the function of separate land use commissions and combined land use commissions. Councilor Saums noted the record quoted Mr. Haase as saying "You could do it either way". However, Councilor Saums stated what Mr. Haase said to him was: "You can do it either way you want, but in his experience working in Ledyard, that the town has suffered from silo organizations". He stated the Planning Commission and Zoning Commission have historically been silos. He went on to state based on his conversation with Mr. Haase; and because he believes a combined commission will give Planning and Zoning more authority, he voted at the LUPPW Committee's meeting to bring the proposal forward to the Town Council; and he stated he would support the Ordinance this evening. He continued by addressing Section 2 of the proposed Ordinance: "*WHEREAS the Town Council finds combining the duties of the Planning Commission and the Zoning Commission into a single commission will enhance development within the Ledyard by reducing the number of boards and commissions with oversight of land use;*" and he stated this language was a weak term. He stated the real goal is to streamline the application process. He stated Ledyard wants smart development in both commercial and residential development. He agreed with Councilor Davis' comments in that Commissions need to rely on staff; and he thanked the members of the Zoning Commission and he particularly thanked Zoning Commission Chairman Mr. Treaster for their efforts during a time when there were a lot of changes in the Zoning Office. He stated the Zoning Commission volunteers have done a lot for Ledyard in stepping in to fill the gaps. He went on to state what the Zoning Commission has been doing for the town has been working in terms of appearance and quality of life. However, he stated Ledyard does not have enough of the right commercial development. He went on to state that the two commissions can not be combined, however, the Planning Commission can take on the role, obligations and responsibilities of the Zoning Commission. Therefore, he stated both Commissions are technically not being disbanded. He stated the existing Planning Commission will take on the role of the Zoning Commission; and he noted there are some openings on the Planning Commission. He concluded by expressing the following concerns: (1) The loss of volunteers; (2) The loss of expertise and experience; (3) The timeline for implementation; and (4) The transition /rules relative to applications that are currently being heard and are in the process. He stated to make all this work he believed the timeline in the proposed Ordinance needs to be extended. He suggested a friendly amendment be made to the proposed Ordinance to extend the implementation timeline.

Councilor Wadecki stated although she was not able to attend the June 13, 2012 Public Hearing she read the minutes and all the written communications that were submitted. She noted for years the subject of having a combined Planning and Zoning Commission has been discussed by the Town Council. She noted most of the speakers were volunteers and she noted the member of the Town Council are also volunteers, therefore, she understands the amount of time and effort the town's volunteers dedicate to the town. She stated keeping in mind the volunteers who have served the town and listening to all the comments this evening she has conflicted feelings on the subject. However, she stated she would support the proposed Ordinance this evening if the Town Council considers Councilor Saums's suggestion to extend the implementation timeline. She concluded by recognizing all the volunteers who have given so many years to the town and she asked the Town Council to send those who do not continue to serve a letter to thank them for their years of service, experience and expertise. She stated perhaps they can find another place for those volunteers to continue to serve the town.

Councilor France stated he would like to clarify his comments and he explained that he was not stating that the town has been led astray by the process. He stated what he was stating was that there is no evidence to show that having separate commissions was the way to go.

The Town Council extensively discussed the implementation timeline contained in the draft Ordinance. It was noted that per the Town Charter Chapter III; Section 5 states: *“Within ten (10) days after final passage, a summary of the ordinance(s) shall be prepared by the Town Clerk in consultation with the Town Attorney and published in a newspaper having circulation within the Town. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first (21) day after such publication following its final passage”*. Chairman Sullivan stated the administration relative to the publication and effective date of the adopted Ordinance will provide an additional three weeks to timeline contained in the document. The Town Council agreed to make the following changes as noted in ***bold italic font*** to Section 1 “Authority”; and to the fourth paragraph of Section 5 “Implementation”:

Section 1. Authority

Pursuant to Chapter IV, Section 4, of the Town Charter, commencing on the ***ninetieth*** ~~sixtieth~~ day after the effective date of this ordinance, the duties of the Zoning Commission of the Town of Ledyard as set forth in Chapter 124 of the General Statutes; shall be discharged by the Planning Commission of the Town of Ledyard which shall hereafter be known as the Planning and Zoning Commission of the Town of Ledyard.

Section 5. Implementation

(fourth paragraph)

Within ***ninety*** ~~sixty~~ five days of the effective date of this ordinance the chairman of the Planning and Zoning Commission of the Town of Ledyard shall direct the town’s Land Use attorney to take any necessary step to substitute the Planning and Zoning Commission as the responsible party in any pending litigation involving either the Planning Commission of the Town of Ledyard or the Zoning Commission of the Town of Ledyard.

The Town Council agreed to the changes as noted above as *“friendly amendments”*.

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Steve Eichelberg Town Councilor
SECONDER:	Sean Sullivan, Chairman
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

XII. NEW BUSINESS

MOTION to replace General Item #9 *“MOTION to authorize the Permanent Municipal Building Committee to provide oversight of the proposed Police Facility initiative”* with the following:

MOTION to appoint Lieutenant Michael Finkelstein as a Temporary Member of the Permanent Municipal Building Committee as a municipal representative for the proposed Police Facility initiative.

Moved by Chairman Sullivan, seconded by Councilor McGrattan

Discussion: None.

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Sean Sullivan, Chairman
SECONDER:	Mary McGrattan, Town Councilor
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

CONSENT CALENDAR

- *1. MOTION to impose a \$300 maximum limit on petty charge purchases for Fiscal Year 2012/2013, per section 11 (Petty Charge, and Emergency Limitations) of Town of Ledyard Ordinance 50, "*An Ordinance Amending and Ordinance for Purchasing.*"
- *2. MOTION to grant a bid waiver for Fiscal Year 2012/2013 for items less than \$7,500. For items between \$5,000 and \$7,499 the department must obtain three (3) written quotes and present them with the purchase order request.
- *3. Discussion and possible action on the MOTION to approve Bid Waivers:
 - 1. As included in the Standing Bid Waiver List for the 2012-2013 fiscal year as presented,
 - 2. For participation in Capital Region Purchasing Council Bids;
 - 3. For participation in State of Connecticut bids;
 - 4. For participation in any other states' bids; and
 - 5. For participation in federal government agency bids.

TOWN OF LEDYARD Fiscal Year 2012/2013 Standing Bid Waiver List

Department	Description	Reason
Town Clerk	Land Record Indexing	The Town has a five year contract with <i>NewVision</i> and <i>Adkins Printing</i> for these mandated services.
Town Clerk	Photo Reduction	The Town has a five year contract with <i>New Vision</i> and <i>Adkins Printing</i> for this state-mandated service.
MIS	Computer Software Support	General Ledger, Assessor, Tax Collector, Payroll. Contract w/software vendor <i>R. Walsh Associates</i> as sole source.
MIS	Financial Software Support	Annual support and hosting fee to <i>Tyler Technologies</i> for <i>Munis</i> software as sole source.
MIS	Land Use Tracking Software	Support and hosting fees to <i>People GIS</i> .
MIS	Website Support	Annual support fee to <i>CivicPlus</i> as sole source vendor.
Public Works	Consulting Engineers	<i>CLA Engineers</i> for MS4 program requirements per RFQ selection in FY05 and subsequent TC bid waiver.
Public Works	Treated Salt	<i>International Salt Company, LLC</i> for proprietary Ice-B-Gone blend.
Public Works	Town Aid Road Improved	<i>Abby's Contracting LLC</i> for infrared repair of roads.
Nursing	On Call Contract	24 Hour on call nursing with various service providers. Mandated.
Nursing	Contracted Services	<i>Professional Home Care Service of Eastern CT LLC</i> ; <i>L&M Hospital</i> ; <i>Wm. Backus Hospital</i> ; Individual professionals. Mandated. 100% Reimbursable.
Nursing	Accountant	<i>Simione Central</i> . Medicare Cost Report. Mandated.
Nursing	Software Contract	<i>CareFacts Information Systems</i> . Special to home care. Medical Records system for mandated statistics & billing as required by State & Federal regulations.
Nursing	Medical Director	Professional Contract with Peter Gates, M.D. Mandated.
Nursing	Vaccines	Contract with <i>Public Purchasing Assoc. of CT</i>
Libraries	Computer Oper Expense	<i>LION</i> . Automated network at Library. Unique Vendor.
Debt Reduction	Bond Counsel	<i>Day Pitney</i> as bond counsel.

Department	Description	Reason
Debt Reduction	Financial Services Advisor	<i>First Southwest Company</i> as financial advisor for all borrowing.
Police	Police Cruisers	<i>MHQ Municipal Vehicles</i> . Sole provider of police cruisers.
Police	CAD System	<i>IMC (Information Management Corporation)</i> as sole provider for existing CAD system.
Police	Police Base Station	<i>Communications Plus</i> as sole provider of base station radios.
Dispatch	24-Hour Recorder	<i>BEI</i> for maintenance of recorder.
Gales Ferry Fire Company	Repairs to Fire Apparatus	<i>Five-Star Fire</i> for completion of engine overhaul work on R25 (Ladder Truck). This vendor started the work in 2011, replacing a bad part that connects the pump to the engine. Remainder of work was delayed until additional funding could be budgeted. Chief budgeted in 2013 capital budget.

Moved by Councilor Wadecki, seconded by Councilor France

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Sharon Wadecki, Town Councilor
SECONDER:	Mike France, Town Councilor
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

Administration Committee

- MOTION to adopt the proposed "*Stormwater Ordinance*" as contained in the draft dated May 2, 2012.

DRAFT: 5/2/12

STORMWATER ORDINANCE

- Section 1 – Purpose.
- Section 2 – Definitions.
- Section 3 – Applicability.
- Section 4 – Responsibility for administration.
- Section 5 – Severability.
- Section 6 – Ultimate responsibility.
- Section 7 – Discharge prohibitions.
- Section 8 – Suspension of storm drainage system access.
- Section 9 – Industrial or construction activity discharges.
- Section 10 – Right of entry, evaluation, and monitoring of discharges.
- Section 11 – Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.
- Section 12 – Watercourse protection.
- Section 13 – Notification of spills.
- Section 14 – Enforcement.
- Section 15 – Appeals.
- Section 16 – Injunctive relief.
- Section 17 – Compensatory action.
- Section 18 – Violations deemed a public nuisance.
- Section 19 – Criminal prosecution.
- Section 20 – Remedies not exclusive.
- Section 21 – Adoption of ordinance.

SECTION 1. PURPOSE.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Ledyard 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 storm drainage system 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 storm drainage system through stormwater discharges by any user.
- 2) To prohibit illicit connections and discharges to the storm drainage 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:

Best management practices (BMPs) shall mean schedules of activities, prohibition of practices, general good housekeeping 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 shall mean the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity shall mean activities subject to NPDES construction permits. Currently these include construction projects resulting in land disturbance of five (5) acres or more. Beginning in March 2003, NPDES storm water phase II permits have been required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Facility shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

Hazardous materials shall mean 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.

Hearing officer shall mean the person designated from time to time by the Town Council to hear appeals in accordance with section 15 herein.

Illegal discharge shall mean any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 7 of this ordinance.

Illicit connections shall mean 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 non-stormwater discharge including sewage, process wastewater, and wash water 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 connection had been previously allowed, permitted, or approved by the Mayor; 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 the Mayor or other public official or body having jurisdiction thereof.

Industrial activity shall mean activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

Mayor shall mean the Ledyard Mayor or his/her authorized designee.

National Pollutant Discharge Elimination System (NPDES) storm water discharge permit shall mean 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 on an individual, group, or general area-wide basis.

Non-stormwater discharge shall mean any discharge to the storm drain system that is not composed entirely of stormwater.

Person shall mean 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 shall mean anything which 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, ordinances, and 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 shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm drainage system shall mean the 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 shall mean 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 shall mean a document that 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 shall mean any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse shall mean a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. This includes but is not limited to lakes, ponds, rivers, streams and any other surface water defined as a watercourse by the town's inland wetland regulations.

SECTION 3. APPLICABILITY

This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the Mayor.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION

The Mayor shall, in consultation with the town engineer, administer, implement, and enforce the provisions of this ordinance. The Mayor may delegate his/her powers and duties under this ordinance to an authorized designee.

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

- a. Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the storm drainage system any materials, including but not limited to, pollutants or waters 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 drainage system is prohibited except as described as follows:

- 1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated – typically less than one [1] PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
 - 2) Discharges specified in writing by the Mayor as being necessary to protect public health and safety.
 - 3) Dye testing is an allowable discharge, but requires a written notification to the Mayor prior to the time of the test. Said written notification may be in the form of electronic mail, facsimile transmission or hard copy letter format.
 - 4) 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, 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 has been granted for any discharge to the storm drain system.
- b. Prohibition of illicit connections.*
- 1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
 - 2) 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.
 - 3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the storm drainage system, or allows such a connection to continue.

SECTION 8. SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

Suspension due to illicit discharges in emergency situations. The Mayor may, without prior notice, suspend storm drainage system 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 storm drainage system or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Mayor may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system 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 storm drainage system in violation of this ordinance may have their storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The Mayor will notify a violator of the proposed termination of its storm drainage system access. The violator may petition the Mayor for reconsideration and hearing.

A person commits an offense if the person reinstates storm drainage system access to premises terminated pursuant to this section, without the prior approval of the Mayor.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial 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 Mayor prior to the allowing of discharges to the storm drainage system.

SECTION 10. RIGHT OF ENTRY, EVALUATION, AND MONITORING OF DISCHARGES.

- a. *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial or construction activity, and any other commercial or residential facilities that discharge stormwater to the storm drainage system.
- b. *Access to facilities.*
 - 1) The Mayor 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 which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives or designees of the Mayor.
 - 2) Facility operators shall allow the Mayor ready access to all parts of the facility for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a town, state or federal NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - 3) The Mayor shall have the right to set up on any NPDES permitted facilities such devices as are necessary in the opinion of the Mayor to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - 4) The Mayor has the right to require the installation of sampling and monitoring equipment on any NPDES permitted facility by the discharger at its own expense. 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.
 - 5) 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 Mayor and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - 6) Unreasonable delays in allowing the Mayor 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 activity commits an offense if the person denies the Mayor reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

- 7) If the Mayor has been refused access to any part of the facility 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 Mayor may seek issuance of a search warrant from any court of competent jurisdiction.
- 8) While performing the necessary work on private properties referred to in subsections b. 1) through 5) of this section, the Mayor shall observe all safety rules applicable to the premises established by the facility.

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

The Mayor will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the U.S. 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 storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or facility, 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 storm drainage system as directed by the Mayor. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial 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 (SWPP) 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, excessive vegetation, 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 drainage system, or waters of the U.S. 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 shall notify the Mayor in person or by phone, electronic

mail 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 Mayor within three (3) 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 (3) years.

SECTION 14 ENFORCEMENT

a. *Notice of violation.* Whenever the Mayor finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, he/she shall order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- 1) The performance of monitoring, analyses, and reporting;
- 2) The elimination of illicit discharges or connections;
- 3) That violating discharges, practices, or operations shall cease and desist;
- 4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- 5) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property are 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 Mayor may order the work be done by a designated governmental agency or a contractor and the violator fined an amount equal to the expense thereof, in addition to any fines imposed in subsections b. or c. of this section.

b. *Procedure for issuance of citations.*

- 1) The Mayor shall issue a written notice to any person who violates any provision of this ordinance. No written notice may be issued against the state or any state official or state employee acting within the scope of his employment. Such written notice shall explain the nature of the violation and the steps required for compliance, and shall allow a seventy-two-hour period within which to correct the violation or within which a written plan for correction shall be submitted to the Mayor, setting forth a reasonable time period for correction of the violation as agreed upon by the Mayor. A written notice issued pursuant to this subsection shall be served: 1) by hand delivery, at which time the seventy-two-hour period shall begin; or 2) by certified mail return receipt requested and by regular first class mail. Three (3) business days shall be allowed for mail delivery of the notice prior to the commencement of the seventy-two-hour period.
- 2) Within two (2) business days after the period for correction established in subsection 14. b. 1) expires, the Mayor shall reinspect the subject property to determine compliance.
- 3) If the violations set forth in the written notice have not been corrected at the time of reinspection, the Mayor, in his/her capacity as chief executive officer, may issue a citation and fine of up to one hundred dollars (\$100.00) for each violation by hand, by certified return receipt requested, by leaving a true and attested copy of the citation at the usual place of abode or residence of the person in violation, or in the case of a corporate or business entity, delivery to the business address or the address of the statutory agent of said entity. No such fine shall be levied against the state or any state official or state employee acting within the scope of his employment. All citations issued pursuant to this section shall state the violation for which the citation is being issued, the fine imposed for the violation, the time period within which the fine must be paid, and an address for remittance of the fine.

c. *Compliance periods after citation.*

- 1) Any violation for which a citation is issued and which is not corrected within the time period specified in subsection (b) of this section shall be a new violation of

this ordinance, and every twenty-four-hour period thereafter in which the violation is not corrected shall constitute a new violation. The citation shall include a notice to the alleged violator that each twenty-four-hour period of noncompliance after the time period specified in subsection 14. b. shall constitute a new violation and a new fine of up to one hundred dollars (\$100.00).

- 2) The Mayor shall not be responsible for a daily reinspection. Rather, the person to whom the citation has been issued shall be responsible for reporting subsequent compliance by way of written report to the Mayor. The Mayor shall reinspect to confirm compliance within one (1) business day of receipt of such report.

d. Payment of fines.

All fines imposed under this ordinance which are uncontested shall be made payable to the Town of Ledyard and shall be received by the Mayor within ten (10) calendar days from date of notice of the citation. All fines collected by the Mayor shall be deposited into the Town of Ledyard General Fund.

SECTION 15. APPEALS

- a. If the Mayor issues a notice of violation, the Mayor shall send written notice of action and a statement of the right to an appeal to the facility operator or facility owner.
- b. The facility operator or facility owner may appeal a notice of violation to the Mayor by setting forth in writing the reasons for the appeal within fifteen (15) calendar days after date of the notice of violation.
- c. The Town Council shall appoint a citation hearing officer, who shall be other than an employee or person who issues citations, to conduct the hearings authorized by this section.
- d. The facility operator or facility owner may appeal the decision of the Mayor to the hearing officer as follows:
 - 1) The facility operator or facility owner may file a written request for a review by paying an appeal fee of twenty-five dollars (\$25.00) and setting forth the reasons for the appeal within twenty (20) calendar days after the date of notification of the decision from the Mayor. Appeal fees shall be returned to the appealing facility operator or facility owner if the appeal is upheld.
 - 2) The hearing officer shall conduct a hearing within thirty (30) calendar days of the receipt of the request. The hearing shall be informal in nature. The person requesting the hearing may testify concerning the facts, circumstances and nature of his/her appeal and may present supporting documentation.
 - 3) The hearing officer shall render a written decision within fifteen (15) calendar days of the hearing. The decision will affirm or reverse the decision of the Mayor.
- e. Filing of a request for appeal shall stay the action by the Mayor requiring payment of a surcharge until the hearing officer has completed his review. If a request for appeal is not made within the twenty-calendar day period, the action of the Mayor is final.

SECTION 16. 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 Mayor 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 17. COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Mayor may impose upon a violator alternative compensatory

actions, such as storm drain stenciling, attendance at compliance workshops, watershed cleanup, or other related activities.

SECTION 18. VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 19. CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law. The Mayor may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

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 Mayor to seek cumulative remedies.

SECTION 21. ADOPTION OF ORDINANCE

This ordinance shall be in full force and effect fifteen (15) days after publication. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Moved by Councilor Eichelberg, seconded by Councilor Dombrowski

Discussion: Chairman Sullivan noted the proposed Ordinance is required as part of the EPA Clean Water Act, as administered by the Connecticut DEEP, of which the Town of Ledyard has been under the compliance mandate since 2004. He stated a Public Hearing was held earlier this evening at which there were no public speakers. He stated he believed the Ordinance as proposed is non-controversial.

Councilor France requested clarification regarding the following: Section 3 "Applicability" states: *"This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the Mayor"* and he noted it does not specify where the drainage system is located. He also noted there is no process in how the Mayor would exempt something. Chairman Sullivan stated the Town of Ledyard does not have authority outside of Ledyard, therefore, it is understood that the jurisdiction is within the town. He went on to provide clarification regarding the language *"unless explicitly exempted by the Mayor"* pointing out Section 7 "Discharge Prohibitions" provides some specifications guidelines for exemptions.

Councilor France continued by addressing Section 7 Paragraph 3 "Dye Testing" and he noted this section states that written notification will be provided prior to the time of test. However, he pointed out there is no requirement to confirm that the Mayor received the notification. Chairman Sullivan stated there is a lot of case law on the issue Councilor France is raising. Councilor France stated Section 8 "Suspension of Stormwater Drainage Systems" does not define what an emergency situation is; or whether there is a limit on what the Mayor can determine as an emergency. Councilor Dombrowski stated "emergency situation" is defined elsewhere in the document.

Councilor France noted Section 11 "Requirement To Prevent, Control, And Reduce Stormwater Pollutants By The Use Of Best Management Practices" and he questioned whether there was a plan. Councilor Saums stated the stormwater pollution plan is defined in the Ordinance.

Councilor France addressed Section 14 "Enforcement" and he questioned whether the guidelines have been established relative to the deadline. Chairman Sullivan stated if there is a disagreement on the deadline they would follow state law on the administrative procedures on violations in which a specific process is provided.

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Steve Eichelberg, Town Councilor
SECONDER:	Kevin Dombrowski, Town Councilor
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

5. MOTION to appoint Mr. David Leach (R) 3 Osprey Drive, Gales Ferry, as an alternate member to the Inland Wetland and WaterCourses Commission for a two (2) year term ending October 31, 2012 filling a vacancy left by Mr. Lamb. Moved by Councilor Eichelberg, seconded by Councilor Dombrowski
Discussion: None.

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Steve Eichelberg, Town Councilor
SECONDER:	Kevin Dombrowski, Town Councilor
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

6. MOTION to recommend the Town Council appoint Mr. Peter Gardner (R) 72 Inchcliffe Drive, Gales Ferry, to the Permanent Municipal Building Committee for a three (3) year term ending March 26, 2015 filling a vacancy left by Ms. Kaminski. Moved by Councilor Eichelberg, seconded by Councilor Davis
Discussion: None.

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Steve Eichelberg, Town Councilor
SECONDER:	Linda Davis, Town Councilor
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

7. MOTION to adopt the proposed "*Resolution Authorizing the Ledyard Town Center Committee to Continue their Efforts to Encourage Economic Development in Ledyard Center*" as contained in the draft dated June 1, 2012.

RESOLUTION
AUTHORIZING THE
LEDYARD TOWN CENTER COMMITTEE
TO CONTINUE THEIR EFFORTS
TO ENCOURAGE ECONOMIC DEVELOPMENT IN LEDYARD CENTER

WHEREAS: the Ledyard Town Council recognizes the Ledyard Town Center Committee's efforts to develop initiatives to encourage economic development and improve the spatial definition and character of Ledyard Center;

NOW, THEREFORE, BE IT RESOLVED: that the Ledyard Town Council accepts the Ledyard Town Center Committee's Progress Report dated May 9, 2012;

BE IT FURTHER RESOLVED: that the Ledyard Town Center Committee is hereby extended for two years and the current structure and members are requested to continue their service. Any vacancies on said committee shall be filled by the appointment of the Ledyard Town Council with priority given to maintaining as much as possible the current structure; and

BE IT FURTHER RESOLVED: that during this two year extension said Ledyard Town Center Committee is authorized:

1. To continue to work with the town's land use commissions, Board of Education, Parks and Recreation Commission and town departments to continue to implement the Town Green concept and vision for Ledyard Center.
2. To work with the Planning Commission to ensure the Town's Plan of Conservation and Development supports the Town Green concept.
3. Continue to implement landscape designs to improve the Fairgrounds and secure funding to construct the changes as contained in the Committee's Report dated February 11, 2009.
4. To pursue additional State and Federal grant funds to support continued development of the Town Green and other infrastructure.
5. To publicize the town's plan to develop the Fairgrounds into a Town Green that would be complementary to business, residents, Parks and Recreation activities as well as the Ledyard Fair.
6. To maintain the Ledyard Center Plan of Development and to prepare a capital improvement plan to support and move the plan forward.
7. To develop master landscape concept plan to support improvements along Rt. 117 within Ledyard Center District following the guidelines of the Plan of Concept & Development and the Zoning Regulations.
8. To determine the market value of town-owned property in Ledyard Center.
9. To continue to work with the Board of Education to ensure that Ledyard's educational facility needs are met while supporting the Ledyard Center Plan of Development.
10. Work with the Planning Commission and the WPCA to ensure that the Town develops a Waste Water Facility Control Plan for sewers in support of Ledyard's Source Water Protection Plan for continued development to occur in Ledyard Center.
11. Report to the Town Council annually on the above tasks within one year of the passage of this resolution.

Moved by Councilor Eichelberg, seconded by Councilor Saums
Discussion: Councilor Davis stated initially the Ledyard Town Center Committee was established in 2006 with a one year assignment. However, she stated the

group has been enthusiastic and each year they have asked to continue their efforts. Chairman Sullivan stated the Committee has done good work and they appreciate the volunteers' willingness to continue to serve the town. Councilor Eichelberg questioned the status of the former Ledyard Center Fire Department building. Mayor Rodolico stated the Economic Development Commission (EDC) is in the process of preparing a sign to market the property.

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Steve Eichelberg, Town Councilor
SECONDER:	Kevin Dombrowski, Town Councilor
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

Finance Committee

8. MOTION to 1 appropriate \$2,963 from FEMA Reimbursement Check #13782286 to Account 006-0425-200-0095-0000 (Gales Ferry Fire District Equipment Reserve).

Moved by Councilor France, seconded by Councilor Wadecki

Discussion: Councilor France explained this FEMA reimbursement was received for Tropical Storm Irene. He stated \$2,963 will be appropriated to Account 006-0425-200-0095-0000 (Gales Ferry Fire District Equipment Reserve) to be used for a complete overhaul of the emergency generator at the Gales Ferry Fire station.

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Mike France, Town Councilor
SECONDER:	Sharon Wadecki, Town Councilor
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

General Items

9. ~~MOTION to authorize the Permanent Municipal Building Committee to provide oversight of the proposed Police Facility initiative~~

MOTION to appoint Lieutenant Michael Finkelstein as a Temporary Member of the Permanent Municipal Building Committee as a municipal representative for the proposed Police Facility initiative.

Moved by Chairman Sullivan, seconded by Councilor Wadecki

Discussion: Chairman Sullivan explained Ordinance #119 "An Ordinance Establishing a Permanent Municipal Building Committee for the Town of Ledyard" provides for the appointment of temporary members for specific projects.

VOTE: 8 – 0 Approved and so declared

RESULT:	ADOPTED 8 – 0
MOVER:	Sean Sullivan, Chairman
SECONDER:	Sharon Wadecki, Town Councilor
AYES:	Davis, Dombrowski, Eichelberg, France, McGrattan, Saums, Sullivan, Wadecki
ABSENT:	Marshall

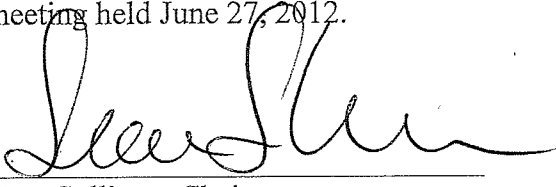
10. The Town Council discussed their summer meeting schedule and agreed to only meet on the fourth Wednesday during the months of July and August. They decided to meet on July 25th and August 22nd; and to cancel their regularly scheduled meetings for July 11th and August 8th.

XIV. ADJOURNMENT

OTE: Councilor Wadecki moved to adjourn, seconded by Councilor Dombrowski
8 - 0 Approved and so declared. The meeting adjourned at 9:06 p.m.


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

I, Sean Sullivan, 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 June 27, 2012.


Sean Sullivan, Chairman

