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Rocky Hill Nursing Home Subject To Local Rules, Supreme Court Says



The nursing home at 60 West St. in Rocky Hill, the subject of much controversy, provides care to chronic and terminally ill qualifying residents and mental patients. (Mark Mirko)

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State Supreme Court gives Rocky Hill a victory in its fight against a state-run nursing facility.

DECEMBER 26, 2014, 7:59 PM

ROCKY HILL — The owners of a private nursing home that provides skilled care to selected prison parolees and state mental patients is not entitled to sovereign immunity or exempt from zoning restrictions, the state Supreme Court has ruled.

The unanimous decision, made public Friday, was a major victory for Rocky Hill, which in December 2012 tried unsuccessfully to block the opening of the 95-bed facility at 60 West St.

The question now is whether the town's original lawsuit will proceed or the parties will try reach some of sort of agreement, Town Attorney Morris R. Borea said on Friday.

An attorney for the owners and operators expressed confidence that the nursing home would continue operating.

After Superior Court Judge Antonio C. Robaina rejected the town's request for an injunction and dismissed its lawsuit, the home began admitting patients in May 2013. The Supreme Court accepted a direct appeal of the dismissal, bypassing the Appellate Court. Oral arguments were held in September.

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sovereign immunity. It's a private company, and they should have to pay taxes just like every other business.

- State Rep. Tony Guerrero, a Rocky Hill Democrat.

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In a 24-page opinion, written by Justice Christine S. Vertefeuille, all six sitting justices rejected the claim by the nursing home owners and operators that, because they had been selected to carry out a function mandated by the Connecticut legislature, they acted as an "arm of the state," immunizing them from local interference, including lawsuits, zoning restrictions and the payment of property taxes.

"We emphasize that the extension of a state's immunity to a private, for profit entity should be a rare occurrence, and we conclude that the facts of this case do not present an appropriate occasion for affording such immunity," Vertefeuille wrote. "Our conclusion finds support in the decisions of other jurisdictions, which generally refuse to extend governmental immunity to private contractors, even when they are fulfilling important governmental functions."



From left, Rocky Hill residents Marlene O'Leary, Beverly Quinn and Linda Cerati participate in a rally in February 2013 at the Capitol in

opposition to the state's plan to reopen a private nursing home in a residential neighborhood to care for prison inmates and state mental patients. (Mark Mirko)

After a bidding process, officials with the state departments of Correction, Mental Health and Addiction Services and Social Services selected iCare Management LLC of Manchester in 2012 to provide skilled nursing care services to qualified prisoners and state mental patients. An iCare subsidiary, SecureCare Realty LLC, purchased the nursing home for \$1.9 million in November 2012, and a second subsidiary, SecureCare Options LLC, operates and manages it under a state contract.

Until Friday, the town had been frustrated repeatedly in its attempts to block the opening, or otherwise regulate the facility. Friday's news cheered local officials, even though what happens next remains to be seen.

"This is very exciting news. Since becoming mayor I have told people I would make sure it would come to a conclusion," said Mayor Henry Vassel, who was elected in 2013.

"Hopefully we can reach an agreement now and get paid our back taxes."

Because Robaina had upheld the sovereign immunity claim, the owners refused to pay local property taxes, which have built up to more than \$150,000, including interest and penalties, according to the town tax office.

"I thought it was a stretch for them to try to be a sovereign immunity. It's a private company and they should have to pay taxes just like every other business," said state Rep. Antonio "Tony" Guerrera, a Rocky Hill Democrat.

For two years, Guerrera has remained outspoken in his opposition to the facility, which he said should have opened at a more suitable location. He was among the leaders of a rally in February 2013 in which a busload of local residents, supported by corrections officers, picketed outside the state Capitol steps.

"How many times did we say we'd help them look for a place?" Guerrera said. "This is bittersweet. I'm happy, yes, but sad it had to come to this."

The town's appeal was brought by Borea, the town attorney, and argued before the Supreme Court by his partner at Rome McGuigan P.C., Proloy K. Das. Attorneys for the Connecticut Conference of Municipalities filed a brief on the town's behalf.

"We haven't had the opportunity to review the decision with our client. Right now everyone is pretty happy with the outcome of the case. I think the Supreme Court got it

right," Borea said.

Jonathan M. Starble, an attorney for the owners and operators, has argued that email communications from the zoning officer before the purchase authorized its operation.

The 1960s-era nursing home, located in the midst of heavily populated residential neighborhood, had closed after the bankruptcy of its previous owners. The town contends that housing prisoners and mental patients is not allowed there under existing zoning regulations, and that treating such patients there effectively changes the use of the facility.

"We do not believe that today's decision will change the ultimate outcome of the case," Starble said in an email. "The Supreme Court has now concluded that the nursing home is subject to local zoning regulations. The nursing home complies with the Rocky Hill zoning regulations, as acknowledged by the town in the specific ruling that it issued to SecureCare prior to SecureCare's purchase of the property."

Officials in the administration of Gov. Dannel Malloy had pushed for the privatization of skilled nursing-care services for patients with dementia, facing the end of life or with dire medical needs as a cost-cutting measure. Reimbursements from the federal Centers for Medicare and Medicaid Services initially were estimated at about \$5.25 million annually, but the level of reimbursement remains under discussion, DDS spokesman David Dearborn said.

As of November, 50 patients were receiving care at the facility: 18 prison parolees whose numbers include convicted sex offenders and 32 DMHAS referrals. The town has continued to provide police, fire and ambulance service. Calls during this year have averaged slightly more than one a month, with just two involving minor police matters, Rocky Hill Police Lt. Brian Klett said.

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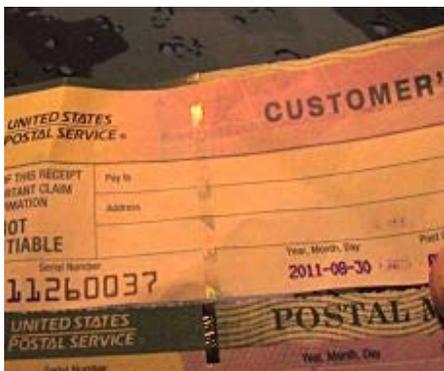
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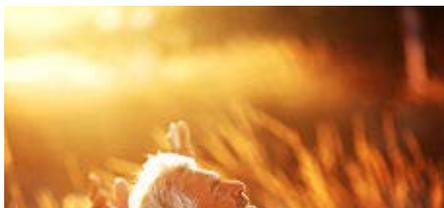
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Why UConn Mac And Cheese Attack Isn't Funny

HOLLY WONNEBERGER

OCTOBER 7, 2015, 12:34 PM

Did you see the YouTube video titled "Drunk Kid Wants Mac and Cheese"? It went viral on Tuesday. It's been watched all over the world. Did you laugh at the UConn student demanding his favorite jalapeno-flavored drunk food?

Did you think the belligerent, slurring and entitled kid was funny? If you did, let me tell you why you're wrong.

The video stars an enraged underage student who was refused service by UConn's student Union for allegedly carrying an open container of alcohol around the food court.

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Yankee Institute Study Finds That State Workers' Compensation Outpaces Private Sector



Daniela Altimari

OCTOBER 9, 2015, 5:12 AM

HARTFORD — A new study funded by a conservative think tank found that state employees enjoy compensation packages far richer than those available to most private sector workers.

The review, commissioned by the Yankee Institute and released Thursday, comes in the context of growing debate on the wages and benefits of government workers.

It was met with strong criticism by the spokesman for the state's largest public employee union, who said the institute's small government ideology distorts the findings.

The study, "Unequal Pay: Public Vs.

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Excuses For Geno, Not Mac And Cheese Kid



Colin McEnroe

To Wit

OCTOBER 9, 2015

I was sitting in the barber's chair at an old-timey shop in South Glastonbury, the kind of place where the conversation rises and falls all day like a radio talk show perfumed with pomade.

I heard the door open and close and a new voice saying, "Did the kid apologize yet?"

There was no doubt about who the kid was. Luke Gatti, the UConn mac and cheese guy, was trending everywhere. More readers of this column would recognize his name than that of Jim Gilmore (former governor of Virginia, candidate for president).

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Northern Arizona University shooting leaves 1 dead, 3 wounded: 'Our hearts are heavy'

Tribune wire reports

OCTOBER 9, 2015, 10:31 AM | FLAGSTAFF, ARIZ.

An overnight confrontation between two groups of students escalated into gunfire Friday when a freshman at Northern Arizona University killed one person and three others, authorities said Friday.

University police chief Gregory T. Fowler identified the shooter as 18-year-old Steven Jones and said he used a handgun in the shootings at about 1:20 a.m. Friday.

"This is not going to be a normal day at NAU," said school President Rita Cheng. "Our

hearts are heavy."

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Hartford Has Paid \$1.8M To Subsidiary Of Would-Be Dillon Stadium Developer

Jenna Carlesso and Matthew Kauffman

OCTOBER 8, 2015, 6:41 PM

HARTFORD — The city has paid more than \$1.8 million to a company run by a developer whose newly disclosed embezzlement conviction and financial dealings have jeopardized the proposal to bring a soccer stadium to Hartford, records show.

The payments, details of which were not available, were made to Premier Sports Management Group, a subsidiary of prospective Dillon Stadium developer Black Diamond Consulting Group.

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Boscov's Department Store Enters New England With An Opening In Meriden



Kenneth R. Gosselin

OCTOBER 8, 2015, 8:44 PM

MERIDEN — Linda Hall and Catherine Elliott — self-described "shopping girls" — stood together in a line outside the new Boscov's department store at Westfield Meriden shopping center, minutes ticking down until the doors opened for the first time.

And what would the longtime friends be shopping for on their day off?

"O.M.G.," Hall, of Southington, said. "Everything."

"Anything," Elliott, of Bristol, said.

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Alleged Burglar Caught By Armed Hartford Property Owner



David Owens

OCTOBER 8, 2015, 7:49 PM

HARTFORD — A Hartford man checking his father's house on Harbison Avenue Wednesday evening found an alleged burglar inside, then used his licensed handgun to hold him for police.

Jose Morales-Cruz, 43, of 194 Washington St., was in a second floor bedroom shoving Christmas decorations into a garbage bag when he was interrupted by the armed property owner about 6 p.m. Wednesday, according to a police incident report.

When police arrived a short time later, the property owner was holding Cruz up against a car.

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Video Of Disorderly UConn Student Demanding Mac And Cheese Goes Viral; Student Arrested

Chris Brodeur and Kathleen Megan

OCTOBER 6, 2015, 4:49 PM

A UConn student with an apparent craving for macaroni and cheese is now the unfortunate star of a viral video after his obscenity-laced tantrum in the Storrs campus' Student Union was posted late Monday.

The explicit clip, which lasts more than nine minutes and has appeared on [USA Today's sports blog](#), [Deadspin](#), [Thought Catalog](#) and various other outlets, shows a student attempting to purchase macaroni and cheese arguing with the Union Street Market's manager, who can be heard refusing the student service for openly carrying an alcoholic beverage.

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