

RTM Meeting Minutes July 11, 2023 Westport Town Hall

The Call

1. To take such action as the meeting may determine, upon the recommendation of the RTM Transit Committee, to appoint Karina Saryani Betfarhad to serve as Director to the Westport Transit District for a term beginning July 1, 2023 and ending June 30, 2027.
2. To take such action as the meeting may determine, upon the request of the Westport Library Executive Director, to approve a supplemental appropriation in the amount of \$320,000 for the fiscal year 2022-23 to cover medical claims for the Westport Library.
3. ~~To take such action as the meeting may determine, upon the request of the Superintendent of Schools, to approve an appropriation in the amount of \$630,000, to the Capital and Non-Recurring Account Fund Account for school-based security communication system.~~ **WITHDRAWN**
4. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works, to approve an Appropriation in the amount of \$1,000,000.00 along with bond and note authorization, to the Sewer Reserve Fund Account for upgrades to Pump Station #8 (Nyala Farms Road).
5. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation in the amount of \$440,000 along with bond and note authorization, to the Capital Non-Recurring Fund Account for re-construction of the Parsell Public Works Center Pavement.
6. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$300,000 to the Capital and Non-Recurring Account for the replacement of the 2008 Elgin Pelican Sweeper.
7. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$225,000 to the Capital and Non-Recurring Account for the purchase of a Trackless MT7 Multipurpose machine.
8. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$172,000 to the Capital and Non-Recurring Account for the purchase of a John Deere 5105M 4WD Tractor.
9. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$562,500 to the Capital and Non-Recurring Account for the creation of a Town-wide Safe Street for All (SS4A), Action Plan.
10. To take such action as the meeting may determine, upon the request of the Director of Public Works, to approve an appropriation of \$260,000 to the Capital and Non-

Recurring Account for the Preliminary Engineering Services for Center Street and Greens Farms Road Bridges.

11. To take such action as the meeting may determine, upon the request of the First Selectwoman, to adopt a Fair Rent Commission Ordinance. (Second reading. Full text available in the Town Clerk's office.)

The meeting called to order at 7:30 p.m.

Attendance: 31 RTM members present. Absent: Milwe, Burkhardt, Hogan, Briggs, Shackelford.

Voting on the following resolutions:

(1)

RESOLVED: That upon the recommendation of the RTM Transit Committee, Karina Saryani Betfarhad is hereby appointed to serve as Director to the Westport Transit District for a term beginning July 1, 2023 and ending June 30, 2027.

By roll call vote, the motion passes 28-0-3. Mr. Falk; Mr. Izzo & Mr. Liccione abstained.

(2)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Westport Library Executive Director, a supplemental appropriation in the amount of \$320,000 for the fiscal year 2022-23 to cover medical claims for the Westport Library is hereby appropriated.

By roll call vote, amendment to reduce amount to \$160,000 fails 8-21-2. Mrs. Kramer and Mrs. Lautenberg abstained.

By roll call vote, the main motion passes 27-4.

(3)

~~**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Superintendent of Schools, the sum of \$630,000, to the Capital and Non-Recurring Account Fund Account for school-based security communication system is hereby appropriated.~~ **WITHDRAWN**

(4)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$1,000,000.00 along with bond and note authorization, to the Sewer Reserve Fund Account for upgrades to Pump Station #8 (Nyala Farms Road) is hereby appropriated.

TOWN OF WESTPORT, CONNECTICUT

A RESOLUTION APPROPRIATING \$1,000,000 FOR COSTS ASSOCIATED WITH UPGRADES TO PUMP STATION NO. 8 AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION.

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of One Million and 00/100 Dollars (\$1,000,000.00) for costs associated with upgrades to Pump Station No. 8 located on Nyala Farms Road including, but not limited to, site work, electrical work, equipment and materials, landscaping, paving, sealing/coating, engineering, inspection costs and related administrative, financing and other soft costs (the "Project").

Section 1. As recommended by the Board of Finance and for the purpose of financing One Million and 00/100 Dollars (\$1,000,000.00) of the foregoing appropriation, the Town is hereby authorized to borrow a sum not to exceed One Million and 00/100 Dollars (\$1,000,000.00) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project. As part of the final costs, the Town may levy a benefit assessment for the Project costs upon the properties bounding the Project which are especially benefited thereby. The Town may also use available moneys from the Sewer Reserve Fund to pay any debt service costs for indebtedness related to the Project.

Section 2. The First Selectman, Selectmen and Finance Director are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes including Chapter 748 (Registered Public Obligations Act) to issue the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the state of Connecticut, to provide for issuance of the bonds in tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required and to execute Continuing Disclosure Agreements for the benefit of holders of bonds and notes.

Section 3. The Bonds may be designated "Public Improvement Bonds" or "Sewer Bonds" series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than twenty (20) years therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided

by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

Section 4. The Committee is further authorized to make temporary borrowings as permitted by the General Statutes and to issue a temporary note or notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such times and with such maturities, requirements and limitations as provided by statute. Notes evidencing such borrowings shall be signed by the First Selectman and the Finance Director, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

Section 5. Upon the sale and issuance of the bonds authorized by this resolution, the proceeds thereof, including any premium received upon the sale thereof, accrued interest received at delivery and interest earned on the temporary investment of such proceeds, shall be applied forthwith to the payment of the principal and interest of all notes issued in anticipation thereof or shall be deposited in trust for such purposes with a bank or trust company, or shall be applied or rebated as may be required under the provision of law. The remainder of the proceeds, if any, after the payment of said notes and of the expense of issuing said notes and bonds shall be applied to further finance the appropriation enacted herein.

Section 6. In each fiscal year in which the principal or any installment of interest shall fall due upon any of the bonds or notes herein authorized there shall be included in the appropriation for such fiscal year a sum equivalent to the amount of such principal and interest so falling due, and to the extent that provision is not made for the payment thereof from other revenues, the amount thereof shall be included in the taxes assessed upon the Grand List for such fiscal year and shall not be subject to any limitations of expenditures or taxes that may be imposed by any other Town ordinance or resolution.

Section 7. Pursuant to Section 1.150-2 (as amended) of the federal income tax regulations the Town hereby expresses its official intent to reimburse expenditures paid from the General Fund, or any capital fund for the Project with the proceeds of the bonds or notes to be issued under the provisions hereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay Project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

Section 8. The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State or other parties, grants, gifts and contributions in aid of further financing the Project. Once the appropriation becomes effective, the First Selectman, or other appropriate official of the town, is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the Project and is specifically authorized to make, execute and

deliver any contracts or other documents necessary or convenient to complete the Project and the financing thereof.

Section 9. The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds (and notes) in accordance with the provisions of the Town Charter, the Connecticut General Statutes, and the laws of the United States.

By show of hands, the motion passes unanimously 31-0.

(5)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$440,000 along with bond and note authorization, to the Capital Non-Recurring Fund Account for re-construction of the Parsell Public Works Center Pavement is hereby appropriated.

TOWN OF WESTPORT, CONNECTICUT

A RESOLUTION APPROPRIATING \$440,000 FOR THE COSTS ASSOCIATED WITH PAVEMENT RECONSTRUCTION AT THE PARSELL PUBLIC WORKS CENTER AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION.

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Four Hundred Forty Thousand and 00/100 Dollars (\$440,000) for costs associated with pavement reconstruction at the Parsell Public Works Center, including, but not limited to, site preparation, pavement reclamation, drainage repairs, materials, and environmental monitoring, as well as, related design, engineering, consultant, administrative, contingency, financing and other soft costs (the "Project").

Section 1. As recommended by the Board of Finance and for the purpose of financing the foregoing appropriation, the Town is hereby authorized to borrow a sum not to exceed Four Hundred Forty Thousand and 00/100 Dollars (\$440,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

Section 2. The First Selectwoman, Selectmen and Finance Director are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes including Chapter 748 (Registered Public Obligations Act) to issue the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the state of Connecticut, to provide for issuance of the bonds in tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment

yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required and to execute Continuing Disclosure Agreements for the benefit of holders of bonds and notes.

Section 3. The Bonds may be designated "Public Improvement Bonds," series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than twenty (20) years therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectwoman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

Section 4. The Committee is further authorized to make temporary borrowings as permitted by the General Statutes and to issue a temporary note or notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such times and with such maturities, requirements and limitations as provided by statute. Notes evidencing such borrowings shall be signed by the First Selectwoman and the Finance Director, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

Section 5. Upon the sale and issuance of the bonds authorized by this resolution, the proceeds thereof, including any premium received upon the sale thereof, accrued interest received at delivery and interest earned on the temporary investment of such proceeds, shall be applied forthwith to the payment of the principal and interest of all notes issued in anticipation thereof or shall be deposited in trust for such purposes with a bank or trust company, or shall be applied or rebated as may be required under the provision of law. The remainder of the proceeds, if any, after the payment of said notes and of the expense of issuing said notes and bonds shall be applied to further finance the appropriation enacted herein.

Section 6. In each fiscal year in which the principal or any installment of interest shall fall due upon any of the bonds or notes herein authorized there shall be included in the appropriation for such fiscal year a sum equivalent to the amount of such principal and interest so falling due, and to the extent that provision is not made for the payment thereof from other revenues, the amount thereof shall be included

in the taxes assessed upon the Grand List for such fiscal year and shall not be subject to any limitations of expenditures or taxes that may be imposed by any other Town ordinance or resolution.

Section 7. Pursuant to Section 1.150-2 (as amended) of the federal income tax regulations the Town hereby expresses its official intent to reimburse expenditures paid from the General Fund, or any capital fund for the Project with the proceeds of the bonds or notes to be issued under the provisions hereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay Project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

Section 8. The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State or other parties, grants, gifts and contributions in aid of further financing the Project. Once the appropriation becomes effective, the First Selectwoman, or other appropriate official of the town, is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the Project and is specifically authorized to make, execute and deliver any contracts or other documents necessary or convenient to complete the Project and the financing thereof.

Section 9. The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds (and notes) in accordance with the provisions of the Town Charter, the Connecticut General Statutes, and the laws of the United States.

By show of hands, the motion passes unanimously 31-0.

(6)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$300,000 to the Capital and Non-Recurring Account for the replacement of the 2008 Elgin Pelican Sweeper is hereby appropriated.

By show of hands, the motion passes unanimously 31-0.

(7)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$225,000 to the Capital and Non-Recurring Account for the purchase of a Trackless MT7 Multipurpose machine is hereby appropriated.

By show of hands, the motion passes unanimously 31-0.

(8)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$172,000 to the Capital and Non-Recurring Account for the purchase of a John Deere 5105M 4WD Tractor is hereby appropriated.

By show of hands, the motion passes unanimously 31-0.

(9)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$562,500 to the Capital and Non-Recurring Account for the creation of a Town-wide Safe Street for All (SS4A), Action Plan is hereby appropriated.

By show of hands, the motion passes unanimously 31-0.

(10)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$260,000 to the Capital and Non-Recurring Account for the Preliminary Engineering Services for Center Street and Greens Farms Road Bridges is hereby appropriated.

By show of hands, the motion passes unanimously 31-0.

(11)

RESOLVED: That upon the request of the First Selectwoman, a Fair Rent Commission Ordinance is hereby adopted. (Second reading. Full text is as follows.)

CODE OF ORDINANCES, TOWN OF WESTPORT, CONNECTICUT

Chapter 2 - ADMINISTRATION

ARTICLE IV. BOARDS AND COMMISSIONS

Sec 2-90. - Fair Rent Commission

(a) *Established.*

(1) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission (“Commission”) for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the Town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.

(2) The Commission shall consist of five (5) members, all of whom shall be electors of the Town, and at least one (1) of whom shall be a residential tenant and at least one (1) of whom shall be a residential landlord. The members shall be appointed by the First Selectman in accordance with Section C4-4 of the Town Charter, and according to the provisions of Chapter 3 of the Town Charter. Members of the Commission shall serve without compensation.

(3) Members of the Commission shall be appointed for staggered terms of four (4) years. Vacancies on the Commission shall be filled in the manner of original appointment for the unexpired portion of the term. Any member of the Commission may be reappointed in the manner of original appointment.

(b) *Powers*

(1) The Commission's powers shall include the power to:

- a. Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b through 7-148f, C.G.S. § 47a-20, C.G.S. §21-80a, and C.G.S. § 47a-23c in housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which jurisdiction shall include mobile manufactured homes and mobile manufactured home park lots. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;
- b. Make such studies and investigations as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- c. Conduct hearings and receive complaints relative to rental charges on housing accommodations, subject to the terms, limitations and conditions as set forth herein;
- d. Compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions;
- e. Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- f. Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- g. Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of subsection (f) below and make such orders as are authorized herein;
- h. Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;

- i. Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
- j. Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to subsection (e) below; and
- k. Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21- 80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

(c) *Determination of Excessive Rent*

(1) In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Commission shall consider such of the following circumstances as are applicable to the type of accommodation:

- a. The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
- b. The sanitary conditions existing in the housing accommodations in question;
- c. The number of bathtubs or showers, flush waste closets, kitchen sinks and lavatory basins available to the occupants thereof;
- d. Services, furniture, furnishings and equipment supplied therein;
- e. The size and number of bedrooms contained therein;
- f. Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- g. The amount of taxes and overhead expenses, including debt service, thereof;
- h. Whether the accommodations are in compliance with the ordinances of the Town and the General Statutes of the State of Connecticut relating to health and safety;
- i. The income of the petitioner and the availability of accommodations;
- j. The availability of utilities;
- k. Damages done to the premises by the tenant, caused by other than ordinary wear and tear;

- l. The amount and frequency of increases in rental charges; and
 - m. Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.
- (2) The rent of a tenant protected by C.G.S. § 47a-23c (certain seniors and persons with disabilities in buildings and complexes with five or more units) who files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth above.

(d) *Procedures and Hearing on Complaints*

- (1) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint.
- (2) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.
- (3) If two or more complaints are filed against the same landlord by tenants occupying different rental units in the same building, complex, or mobile home park that appear to raise the same or similar issues, the Commission may consolidate such claims for hearing.
- (4) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff (but not Commission members) may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.
- (5) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail.
- (6) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.
- (7) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.
- (8) No sale, assignment, transfer of the housing accommodation in question or attempt

to evict the tenant shall be cause for discontinuing any pending proceeding nor shall it affect the rights, duties and obligations of the Commission or the parties.

(e) *Rent Reduction Order and Repairs*

(1) The Commission shall render its decision at the same meeting at which the hearing on the complaint is completed or within thirty (30) days following such date, unless impracticable. In accordance with the state Freedom of Information Act, both the hearing itself and the deliberation by the Commission shall be open to observation by the public.

(2) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in subsection (c) above, as to be harsh and unconscionable, it may order that the rent be limited to such an amount as it determines to be fair and equitable. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time.

(3) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow subject to such ordinances or provisions as may be adopted by the town, city or borough.

(f) *Retaliation*

(1) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice to landlords and tenants that retaliatory actions against tenants are prohibited under CGS § 47a-20 and which actions are not deemed retaliatory under CGS § 47a-20a.

(2) Any tenant who claims that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission may file a notice of such claim with the Commission. If the Commission determines, after a hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct.

(g) *Appeals*

(1) Any person aggrieved by any order or decision of the Commission may appeal to

the Superior Court for the judicial district in which the Town is located within thirty (30) days of the issuance of the written notice of the decision to the parties. Such notice shall include notice of the right to appeal, the court to which an appeal may be taken, and the time in which an appeal must be filed. Unless otherwise directed by the Commission or the court, the filing of an appeal shall not stay any order issued by the Commission. Any such appeal shall be considered a privileged matter with respect to the order of trial.

(h) *Failure to Comply with Commission Orders*

(1) Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 7-148e is pending, or who violates any other provision of C.G.S. §§ 7-148b through 7-148e or C.G.S. § 47a-20, or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

(2) The Commission, in its own name or through the municipality, may bring a civil action to any court of competent jurisdiction or take any other action in such a court to enforce any order of the Commission made pursuant to this subchapter, or to enjoin a violation or threatened violation of any order of the Commission.

(i) *Amendments to State Law.*

(1) Any amendments to the state law referring to fair rent commissions shall be automatically incorporated into this article and made a part hereof. Any provisions and amendments to the Town Charter that apply to appointed commissions shall apply to the Commission.

By roll call vote, amendment to delay fails 3-26-1. Mr. Gold recused. Mr. Bairaktaris not present for vote.

By roll call vote, Composition Amendment- Passes 19-9-1. Mr. Gold recused. Mr. Bairaktaris and Mrs. Cohn not present for vote.

By roll call vote, RTM to consent to appointees of administration amendment fails 3-24-2. Mr. Lowenstein abstained; Mr. Gold recused. Mr. Bairaktaris and Mrs. Cohn not present for vote.

By roll call vote, main motion passes 27-1-1. Mr. Gold recused. Mr. Bairaktaris and Mrs. Cohn not present for vote.

The meeting adjourned at 11:56 p.m.

Respectfully submitted,
Jeffrey M. Dunkerton
Town Clerk