

## **RTM Meeting Minutes November 12, 2024, Westport Town Hall**

### **The Call**

1. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Superintendent of Schools, in accordance with C.G.S. Section 10-222a, to approve an appropriation in the amount of \$151,920.59 to the 2023-2024 Budget, BOE Rentals & Reimbursements Expenditure Account.
2. To take such action as the meeting may determine, upon the request of the Long Lots School Building Committee, to authorize the Westport Board of Education to apply to the Commissioner of Administrative Services and to accept or reject a grant for the proposed project at Long Lots Elementary School.
3. To take such action as the meeting may determine, to approve the Collective Bargaining Agreement between the Westport Board of Education and the Westport Education Association for the period of July 1, 2025 through June 30, 2028.
4. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Human Services Director, to approve an appropriation in the amount of \$530,000 to the SC2015803HWH Fund 90005000-588000-9211 for the CT Department of Housing/Small Cities Community Development Block Grant SC2015803.
5. 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 \$5,580,000 from the American Rescue Plan Act (ARPA) Fund in the amount of the balance of uncommitted ARPA funds as of December 31, 2024, along with bond and note authorization to the Municipal Improvement Fund Account in the amount of the balance of the \$5,580,000 not covered by such ARPA funds, for the rehabilitation of the Old Mill Walkway and Tide Gate Structure.
6. 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 \$1,754,000 along with bond and note authorization to the Sewer Reserve Fund Account for the design and construction for the upgrades to Pump Station #9 and its force main.
- ~~7. 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 \$110,000 along with bond and note authorization to the Municipal Improvement Fund Account for the analysis, design and preparation of construction documents for Traffic Signal and Pedestrian Improvements in Saugatuck Center.~~ **ITEM WITHDRAWN**

8. 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 \$68,000 from the Capital and Non-Recurring Account Fund Account for the emergency replacement boiler at the Parsell Public Works Center.

9. To take such action as the meeting may determine, upon the request of 2 RTM members, to amend Article IV, Anti-Blight Provisions, of Chapter 14 of the Code of Ordinances of the Town of Westport. (First Reading. Full text available in the Town Clerk's office.)

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

Attendance: There are 33 RTM members present. Absent: Ms. Sarelli; Ms. Batteau and Ms. Schneeman.

Voting on the following resolutions:

(1)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Superintendent of Schools, in accordance with C.G.S. Section 10-222a, the sum of \$151,920.59 to the 2023-2024 Budget, BOE Rentals & Reimbursements Expenditure Account is hereby appropriated.

**By show of hands, the motion passes unanimously 32-0.  
Mr. Hammond was not present for the vote.**

(2)

**RESOLVED:** That the Westport Representative Town Meeting hereby authorizes the Westport Board of Education, through the Superintendent, to apply to the Commissioner of Administrative Services and to accept or reject a grant for the construction of the new Long Lots Elementary School project at Long Lots Elementary School.

**FURTHER RESOLVED:** That the Westport Representative Town Meeting hereby authorizes at least the preparation of schematic drawings and outline specifications for the construction of the new Long Lots Elementary School project at Long Lots Elementary School.

**By show of hands, the motion passes unanimously 32-0.  
Mr. Hammond was not present for the vote.**

(3)

**RESOLVED:** That upon the request of the Board of Education Assistant Superintendent for Humans Resources, the Collective Bargaining Agreement between the Westport Board of Education and the Westport Education Association for the period of July 1, 2025 through June 30, 2028 is hereby approved.

**By show of hands, the motion passes unanimously 33-0.**

(4)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Human Services Director, the sum of \$530,000 to the SC2015803HWH Fund 90005000-588000-9211 for the CT Department of Housing/Small Cities Community Development Block Grant SC2015803 is hereby appropriated.

**By show of hands, the motion passes unanimously 33-0.**

(5)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$5,580,000 from the American Rescue Plan Act (ARPA) Fund in the amount of the balance of uncommitted ARPA funds as of December 31, 2024, along with bond and note authorization to the Municipal Improvement Fund Account in the amount of the balance of the \$5,580,000 not covered by such ARPA funds, for the rehabilitation of the Old Mill Walkway and Tide Gate Structure is hereby appropriated.

**RESOLVED:** That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Five Million Five Hundred Eighty Thousand and 00/100 Dollars (\$5,580,000) for costs associated with the rehabilitation of the Old Mill Walkway and the West and East Tide Gate Structures in Town (collectively, the Gates"), such costs to include, but not be limited to, the disposal of: the existing timber pier, the spillway slab, timber ramp, various components related to the Gates including the walkway between the Gates; the installation of: timber piles, a timber pier, spillway slab, timber ramp, temporary coffer dam, materials and gates required for the repairs and various timber walkway components, a concrete walkway and timber guardrail; repairs to: surrounding concrete, the Gates, stone walls and the seawall; mobilization and demobilization costs; as well as, materials, labor, equipment associated therewith and all related administrative, contingency, financing, legal, consultant and other soft costs (the "Project").

**Section 1.** As recommended by the Board of Finance and for the purpose of financing Five Million Five Hundred Eighty Thousand and 00/100 Dollars (\$5,580,000) of the foregoing appropriation, the Town is hereby authorized to borrow a sum not to exceed Five Million Five Hundred Eighty Thousand and 00/100 Dollars (\$5,580,000) 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. Said bond authorization shall be reduced by any grants received under the American Rescue Plan Act for the Project and any other revenues that may be applied to the Project in aid thereof.

**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 (the "State"), 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 for and accept any available State or Federal grants, or other gifts and contributions, in aid of 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, including any grants received and applied towards the costs of 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 32-0.  
Ms. Banks was not present for the vote.**

(6)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$1,754,000 along with bond and note authorization to the Sewer Reserve Fund Account for the design and construction for the upgrades to Pump Station #9 and its force main is hereby appropriated.

**TOWN OF WESTPORT, CONNECTICUT**

**A RESOLUTION APPROPRIATING \$1,754,000 FOR COSTS ASSOCIATED WITH UPGRADES TO PUMP STATION NO. 9 AND THE REPLACEMENT OF THE ASSOCIATED FORCE MAIN 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 Seven Hundred Fifty-four Thousand and 00/100 Dollars (\$1,754,000) for costs associated with upgrades to Pump Station No. 9 located at 24 Center Street and the replacement of the associated force main including, but not limited to, design, site work, equipment and materials, construction and installation, electrical, engineering as well as, related inspection, administrative, financing, legal and other soft costs (the "Project").

**Section 1.** As recommended by the Board of Finance and for the purpose of financing One Million Seven Hundred Fifty-four Thousand and 00/100 Dollars (\$1,754,000) of the foregoing appropriation, the Town is hereby authorized to borrow a sum not to exceed One Million Seven Hundred Fifty-four Thousand and 00/100 Dollars (\$1,754,000) 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 a portion of 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 and other applicable laws and regulations of the United States and the state of Connecticut (the "State"), 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 for and accept any available State or Federal grants, or other gifts and contributions, in aid of 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, including any grants received and applied towards the costs of 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 32-0.  
Ms. Banks was not present for the vote.**

(7)

**RESOLVED:** ~~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 \$110,000 along with bond and note authorization to the Municipal Improvement Fund Account for the analysis, design and preparation of construction documents for Traffic Signal and Pedestrian Improvements in Saugatuck Center.~~ **ITEM WITHDRAWN**

(8)

**RESOLVED:** That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$68,000 from the Capital and Non-Recurring Account Fund Account for the emergency replacement boiler at the Parsell Public Works Center is hereby appropriated.

**By show of hands, the motion passes unanimously 32-0.  
Ms. Banks was not present for the vote.**

(9)

**RESOLVED:** That upon the request of 2 RTM members, Article IV, Anti-Blight Provisions, of Chapter 14 of the Code of Ordinances of the Town of Westport is hereby amended. (First Reading. Full text is as follows.)

## SECOND FIRST READING

DRAFT 11-12-2024

### ARTICLE IV. ANTI-BLIGHT PROVISIONS

#### **Sec. 14-61. Purpose.**

This article is enacted pursuant to the authority granted to the Town under C.G.S. §§ 7-148(c)(7), 7-148(c)(7)(H)(xv), 7-148aa and 7-152c.

This article is intended to protect, preserve and promote public health, safety and welfare; to maintain and preserve the beauty of neighborhoods; and to allow for control of blighted premises.

#### **Sec. 14-62. Definitions.**

For the purposes of this article, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

*Blighted premises* means any building, structure or parcel of land, including without limitation, single family or multi-family residential or commercial, whether occupied or vacant, except exempt property as defined below, in which at least one of the following conditions exists:

- (a) It is dilapidated or becoming dilapidated as documented by the Building Official
- (b) It is dilapidated and attracting illegal activity as documented by the Police Department
- (c) It is dilapidated and is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department
- (d) It is determined by the Blight Enforcement Officer, the Building Official or by the Director of the Health District that the condition of the building, structure or parcel of land poses a serious or immediate danger to the safety, health or general welfare of the community.
- (e) It is not being adequately maintained. Any one or more of following factors may determine whether it is not being adequately maintained:
  - (1) Multiple missing, broken or boarded windows or doors
  - (2) Collapsing or missing walls, roof or floors
  - (3) Seriously damaged or missing siding
  - (4) Excessively peeling paint, defined as flaking, peeling, chipped, or blistered paint on 33% of the surface area of all walls visible to the public
  - (5) A structurally faulty foundation
  - (6) Grass, weeds, or similar growths reaching a height greater than 12 inches at properties vacant for more than 3 months, except where such grass is a deliberate part of the landscaping or where the property is maintained in its natural or wooded state
  - (7) Excessive amounts of garbage, trash, or debris
  - (8) Unregistered motor vehicles (which term shall include cars, trucks, boats, trailers, and motorcycles) that are not allowed by the Westport Zoning Regulations, or inoperable machinery on the premises.
  - (9) Rodent harborage and/or infestation
  - (10) Unrepaired fire or water damage
  - (11) Parking lots left in a state of disrepair or abandonment

*Blight Enforcement Officer* means a Town employee designated by the First Selectman.

*Blight Prevention Board* shall be a board made up of five members who shall be appointed by the First Selectman.

*Dilapidated* means any building or structure or part thereof which is deemed an unsafe structure or which is designated as unfit for human habitation by the Building Official.

*Disabled individual* means, in the case of an owner occupied residence, an individual who has a disability as that term is defined under the Americans with Disabilities Act of 1990, as amended.

*Elderly individual* means in the case of an owner occupied residence, an individual 65 years of age or older.

*Exempt property* means any building or structure undergoing remodeling, restoration, repair or renovation, provided that the blighted condition will be corrected thereby and that the period thereof will not exceed one year from the date of receipt by the Blight Enforcement Officer of a written complaint.

*Legal occupancy* means occupancy that is legal by virtue of compliance with the State Building Code, State Fire Safety Code, local zoning, local housing and all other pertinent codes, and which habitation shall be substantiated by a deed, bona fide lease agreement, rent receipt or utility statement.

*Low income individual* means, in the case of an owner occupied residence, an individual who meets the income guidelines for eligibility for assistance from the Westport Warm Up Fund.

*New owner/occupant* means any owner/occupant who has taken title to or legal occupancy of a property within 30 days after the notice of violation provided in section 14-66.

*Owner/occupant* means all individuals, firms, partnerships, corporations, limited liability corporations or other entities or authorities which own, lease, rent, possess, or are responsible for property within the Town.

#### **Sec. 14-63. Prohibition.**

No owner/occupant shall allow, maintain or cause to be maintained any blighted premises.

#### **Sec. 14-64. Determination of violation**

- (a) Upon receiving a written complaint of a possible violation signed by a complainant, the Blight Enforcement Officer shall make an investigation.
- (b) If after investigation a probable violation is found to exist, the Blight Enforcement Officer shall serve written notice to the owner/occupant of the premises where the possible violation exists. The notice shall be sent in the manner prescribed by section 14-66 to the last known address of each owner/occupant. A copy of such notice shall also be sent to the Building Official, the Director of the Department of Human Services, the Director of the Health District, the Director of the Planning and Zoning Department, the Historic District Commission Staff, the Chief of Police, and the Chief of the Fire Department.
- (c) Such notice shall state the probable violation and the conditions evidencing such violation and require the persons to whom it is delivered to attend a hearing before the Blight Prevention Board to determine whether there has been a violation and, if so, to establish a plan for abatement of such violation, including the date by which such violation shall be fully abated. The notice shall also include the date, time and location of the hearing.
- (d) The Blight Prevention Board shall hold a hearing within 30 days of the date of the notice provided in subsection (b). At the hearing, all interested persons shall be given the opportunity to present evidence on the question of whether a violation of this article has occurred.

- (e) If the owner/occupant who received the notice fails to appear, the Blight Prevention Board may nevertheless determine whether a violation has occurred provided the Board has made a finding that notice was properly served in accordance with this section.
- (f) After the hearing the Blight Prevention Board shall make a written determination whether a violation has, in fact, occurred. If the Board determines that a violation exists, it shall include in its written determination the actions to be taken to abate such violation and the date within a reasonable time by which such violation shall be fully abated.
- (g) If the Blight Prevention Board determines that no violation has occurred, no further action as to that complaint shall be taken.

#### **Sec. 14-65. Special consideration.**

Special consideration may be given to those who require it in order to correct a violation of this article. Specifically, the Blight Prevention Board may grant an owner/occupant additional time to correct a violation where the owner/occupant, or a person acting on their behalf, establishes good cause. As used in this section “good cause” includes, but is not limited to, an elderly individual who is unable to personally correct a violation due to their age, a disabled individual who is unable to personally correct a violation due to their disability, or a low income individual who is unable to correct a violation due to cost. In determining whether good cause exists, the Blight Prevention Board shall consider whether other occupants of the premises are able to assist in correcting the violation in a timely fashion and whether the severity of the violation is such that additional time is not warranted.

#### **Sec. 14-66. Notice of violation.**

Upon the determination by the Blight Prevention Board that a violation of this article exists, the Blight Enforcement Officer shall serve a written notice of violation to the owner/occupant. The notice of violation shall state (i) the violation; (ii) the date upon which the violation shall be remedied; (iii) that the failure of the owner/occupant to remedy the violation within the prescribed time shall result in the issuance of a citation in accordance with section 14-70 of this article; (iv) the amount of the daily civil penalties and any other fines or penalties imposed under section 14-69; (v) that if the owner/occupant fails to remove or remedy the violation, the Town may cause the remediation of the violation at the expense of the owner/occupant; and (vi) that the owner/occupant may be subject to such other fines as may be authorized or imposed by the state for a willful violation of this article with respect to blight of not more than \$250.00 for each such day that the violation continues to exist under section 14-69.

Delivery of the notice of violation to the owner/occupant shall be by one or both of the following methods:

- (a) By personal delivery to the owner/occupant; or
- (b) By certified mail, return receipt requested and simultaneously by regular U.S. Postal Service mail, addressed to the owner/occupant at their last known address.

#### **Sec. 14-67. Extension.**

Notwithstanding the provisions of section 14-66, the Blight Enforcement Officer:

- (a) Shall, upon request, grant a new owner/occupant a 30-day extension of the notice of violation and opportunity to remediate set forth therein.
- (b) May, in his or her discretion, grant to any owner/occupant one 30-day extension of the time to remediate the violation.

Any further extensions will require the written approval from the Blight Prevention Board.

**Sec. 14-68. Penalties.**

- (a) If a violation of the provisions of this article exists and continues beyond the date required for remediation as set forth in the notice of violation issued under section 14-66 hereof, such violation shall be punishable by a civil penalty of:
  - (1) For housing blight upon real property containing six or fewer dwelling units:
    - i. not more than one hundred fifty dollars (\$150) for each day that a violation continues if such violation occurs at an occupied property,
    - ii. not more than two hundred fifty dollars (\$250) for each day that a violation continues if such violation occurs at a vacant property, and
    - iii. not more than one thousand dollars (\$1,000) for each day that a violation continues at a property if such violation is the third or more such violation at such property during the prior twelve-month period.
  - (2) For housing blight upon real property containing more than six but fewer than forty dwelling units, not more than ten cents (\$0.10) per square foot of each residential building upon such real property for each day that a violation continues.
  - (3) For housing blight upon real property containing forty or more dwelling units, not more than twelve cents (\$0.12) per square foot of each residential building upon such real property for each day that a violation continues.
  - (4) For blight upon any commercial real property, not more than ten cents (\$0.10) per square foot of any commercial building upon such real property for each day that a violation continues.
- (b) For the sole purpose of determining if a violation is the third or more such violation at such property during the prior twelve-month period, "violation" means any blight violation for which the Blight Enforcement Officer has issued a notice of violation and either, in the determination of the Blight Prevention Board, the conditions creating such violation were previously cured, or one hundred twenty (120) days have passed from the notice of violation and the conditions creating such violation have not been cured. A third violation may also be established where three or more conditions constituting such violation exist at a property simultaneously.
- (c) In the event of a change in the civil penalties provided in C.G.S. § 7-148(c)(7)(H)(xv) or other applicable law, the maximum amount allowed by such section or such other applicable law shall be the maximum amount allowed under this Section.
- (d) Violators will also be responsible for all costs and expenses associated with enforcement and the collection of any civil penalties, which shall include, but shall not be limited to, attorney fees, court costs, mailing costs and filing fees.

**Sec. 14-69. Willful violations; penalties.**

(a) Any person who, after receiving a notice of violation pursuant to section 14-66 and after a reasonable opportunity to remediate the blighted premises, willfully violates the provisions of this article with respect to blight, shall be fined by the State of Connecticut not more than \$250.00, or the maximum allowed by C.G.S. §7-148o or other applicable statutes, as the same may be amended from time to time, for each day for which it can be shown, based on actual inspection of the property on each such day, that the blighted premises continue to exist after written notice to the owner/occupant as provided herein and the expiration of the time to remediate.

(b) No person or entity shall be found guilty of a violation pursuant to subsection (a) above and assessed a civil penalty pursuant to section 14-68 above for the same occurrence.

**Sec. 14-70. Issuance of citations.**

The Blight Enforcement Officer shall issue a citation when a violation of this article continues beyond the date by which the Blight Prevention Board required that the violation be remedied.

The citation shall state:

- (a) A description of the violation.
- (b) The amount of the daily civil penalties levied and that such civil penalties shall be levied from the date of the citation, plus such other fines, penalties, costs and/or fees due.
- (c) That the uncontested payment of such civil penalties, fines, costs and/or fees shall be made within ten days of the date of the citation.
- (d) That the owner/occupant may contest his liability before a citation hearing officer by delivering in person or by mail within ten days of the date of the citation a written demand for a hearing.
- (e) That if the owner/occupant does not demand a hearing, an assessment and judgment shall be entered against him/her and that such judgment may issue without further notice.
- (f) That the Town shall file a lien against the real estate in accordance with C.G.S. §7-148aa for the amount of any unpaid civil penalties or other fines imposed by the Town in accordance with this article.

Delivery of the citation shall be by the manner provided in section 14-66 hereof.

**Sec. 14-71. Uncontested payment; time period.**

Any owner/occupant receiving a citation shall be allowed a period of ten days from the date of the citation to make an uncontested payment of the civil penalties, fines, costs and/or fees specified in the citation. All amounts shall be made payable to the Town.

**Sec. 14-72. Payment of civil penalties.**

If the owner/occupant who has been issued a citation pursuant to this article wishes to admit liability for any alleged violation, the owner/occupant may, without requesting a hearing, pay the full amount of the civil penalties, fines, costs and/or fees to the Blight Enforcement Officer. Such payment shall be

inadmissible in any proceeding, civil or criminal, to establish the conduct of such owner/occupant or other person making the payment.

Any owner/occupant who does not deliver or mail written demand for a hearing within ten days of the date of the citation, shall be deemed to have admitted liability, and the Blight Enforcement Officer shall certify to the hearing officer that such owner/ occupant has failed to respond. The hearing officer shall thereupon enter and assess the civil penalties, fines, costs and/or fees provided for by this article and shall follow the procedures set forth in section 14-73.

**Sec. 14-73. Hearing procedure for citations.**

- (a) The First Selectman shall appoint one or more citation hearing officers. The First Selectman shall not appoint the Blight Enforcement Officer, a member of Blight Prevention Board or any employee of the Police Department as the hearing officer.
- (b) An owner/occupant who chooses to appeal a citation and requests a hearing to this effect shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of mailing of the notice, provided the hearing officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. An original or certified copy of the citation issued by the Blight Enforcement Officer shall be filed with and retained by the Town and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. Upon request of the person appealing the citation, the presence of the Blight Enforcement Officer who issued the citation shall be required at the hearing. A designated Town official other than the hearing officer may present evidence on behalf of the Town. An owner/occupant wishing to contest liability shall appear at the hearing and may present evidence on his behalf. If the owner/occupant who received the citation fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes and this article. The hearing officer may accept from such owner/occupant copies of any relevant investigatory and citation reports, and/or any other official documents by mail and may determine thereby that the appearance of such person is unnecessary.
- (c) The hearing officer shall conduct the hearing in the order and form, and with such methods of proof, as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If the hearing officer determines that the owner/occupant is not liable, the hearing officer shall dismiss the matter and enter that determination in writing accordingly. If the hearing officer determines that the owner/occupant is liable for the violation, the hearing officer shall forthwith enter and assess the civil penalties, fines, costs and/or fees against the person as provided by this article.
- (d) If the hearing officer's assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of assessment to the owner/occupant found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court facility designated by the Chief Court Administrator together with the applicable entry or filing fee. The certified copy of the notice of

assessment shall constitute a record of assessment. Within such 12-month period, assessment against the same owner/occupant may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of the hearing officer's record of assessment as well as court costs, against such person(s) in favor of the Town. The hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution of such judgment may issue without further notice to the owner/occupant.

- (e) A person against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal in accordance with C.G.S. §7-152c(g).

#### **Sec. 14-74. Recording of lien.**

Any unpaid civil penalty or other fine imposed pursuant to the provisions of this article, and any and all costs and expenses incurred by the Town for the enforcement of this article, shall constitute a lien upon the real estate against which the civil penalty or other fine was imposed from the date of such civil penalty or fine. Each such lien may be continued, recorded, and released in the manner provided for in C.G.S. § 7-148aa. Each such lien shall take precedence over all other liens filed after July 1, 1997 and encumbrances, except taxes, and may be enforced in the same manner as property taxes.

#### **Sec. 14-75. Removal or remediation by town.**

If the hearing officer determines the owner/occupant is liable for the violation, the Town may cause or take such action as is necessary to correct the violation. All costs and expenses of such corrective action shall be a lien upon the real estate. The Blight Enforcement Officer shall cause a certificate of lien to be recorded in the Town Clerk's office within 60 days after completion of such corrective action if all costs and expenses thereof are not reimbursed in full.

#### **Sec. 14-76. Notices to Lien Holders**

A copy of any notice or order sent to an owner/occupant under this article shall simultaneously be sent to each lien holder of the premises by first class mail to the lienholder's current or last-known address in accordance with C.G.S. § 7-148gg.

#### **Sec. 14-77. Other remedies.**

The provisions of this article are in addition to, and not in lieu of, any other remedies available to the Town under the Connecticut General Statutes, Connecticut State Building Code, Fire Code, Public Health Code, Zoning Regulations, or other sections of the Town Code.

The meeting adjourned at 9:42 p.m.

Respectfully submitted,  
Jeffrey M. Dunkerton  
Town Clerk