



CITY OF NORWICH
CONNECTICUT

AGENDA MEETING OF THE COUNCIL OF THE CITY OF NORWICH
100 Broadway in Council Chambers
May 15, 2023
7:30 PM

The meeting will be televised on the Public Access Channel and posted on the city website, www.norwichct.org, in real time.

PRAYER

PLEDGE OF ALLEGIANCE

CITIZEN COMMENT GENERAL (30 Minutes)

PROCLAMATION:

1. Jewish American Heritage Month
2. Juneteenth Commemoration 2023

PUBLIC HEARING

1. A Public Hearing regarding recapturing Community Development Block Grant-Coronavirus Response (CDBG-CV) Cares Act funds.
2. AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 20, SECTIONS 20-19 AND 20-24, OF THE CODE OF ORDINANCES FOR CORRECTIONS AND CHANGES RECOMMENDED BY THE PUBLIC PARKING COMMISSION

SECOND READING AND ACTION ON THE ABOVE ORDINANCE

CITY MANAGER'S REPORT

CITIZENS COMMENT ON RESOLUTIONS

NEW BUSINESS-RESOLUTIONS

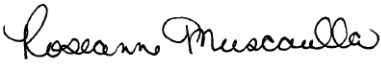
1. Relative to approve the recapturing Community Development Block Grant-Coronavirus Response (CDBG-CV) Cares Act funds recommendations.
2. Relative to the approval of the NAGE/Public Works Employees collective bargaining unit agreement and the related budget changes to fiscal years 2022-23 and 2023-24.
3. Relative to the approval of the AFSCME Local 2422/City Hall Employees collective bargaining unit agreement and the related budget changes to fiscal years 2022-23 and 2023-24.

NEW BUSINESS-ORDINANCES

1. AN ORDINANCE ESTABLISHING A FAIR RENT COMMISSION
2. AN ORDINANCE APPROPRIATING \$6,000,000 FOR THE CITY OF NORWICH INFRASTRUCTURE IMPROVEMENT PROGRAM (2023) AND AUTHORIZING THE ISSUE OF \$6,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

EXECUTIVE SESSION

1. Acquisition or disposition of properties.


Assistant City Clerk



City Of Norwich

Mayors Office

Peter Albert Nystrom, Mayor

PROCLAMATION

WHEREAS, every May, we commemorate Jewish American Heritage Month to celebrate and honor the contributions of Jewish Americans in our history; and

WHEREAS, imbued with a legacy and collective memory of violent persecution across the globe, Jews have long found hope in America's promise of freedom, justice, opportunity, and religious liberty; and

WHEREAS, the heritage, culture, and contributions of the Jewish community adds to the diverse tapestry of American society; and

WHEREAS, the first American Jews arrived in 1654 when a group of 23 men, women, and children fled Brazil due to persecution, for 369 years, Jewish Americans have been loyal and patriotic citizens; and

WHEREAS, contributing to our nation in countless ways, American Jews have served in government and the military, won Nobel prizes, headed universities and corporations, advanced medical and healthcare, created and performed enduring works of art, written great American novels, became members of the Supreme Court, and more; and

WHEREAS, as we honor the legacies and achievements of generations of Jews in America, we also must dedicate ourselves to learning about ongoing struggles with antisemitism in our society, and commit to mitigating this pernicious hate.

NOW THEREFORE, I, MAYOR PETER ALBERT NYSTROM AND NORWICH CITY COUNCIL PRESIDENT PRO TEM, JOSEPH A. DELUCIA, AND ALDERWOMAN STACY GOULD, ON BEHALF OF THE NORWICH CITY COUNCIL AND THE CITIZENS OF THE CITY OF NORWICH, do hereby recognize May as Jewish American Heritage Month in the Rose City,

Dated this Fifteenth day of May, 2023

**Peter Albert Nystrom
Mayor**

**Joseph A. DeLucia
President Pro Tem**

**Stacy Gould
Alderwoman**



City Of Norwich

Mayors Office

Peter Albert Nystrom, Mayor

PROCLAMATION

WHEREAS, Juneteenth is the oldest nationally celebrated commemoration of the ending of slavery in the United States; and

WHEREAS, in 1865, it was on June 19th that the Union soldiers, led by Major General Gordon Granger, landed at Galveston, Texas with news that the war had ended and that the enslaved were now free; and

WHEREAS, this was two and a half years after President Lincoln signed the Emancipation Proclamation which had become official on January 1, 1863; and

WHEREAS, Senate Bill No. 305 was passed by the house and senate of Connecticut and signed into law by the governor, declaring the nineteenth day of June to be Juneteenth Independence Day, a legal holiday in the state; and

WHEREAS, Lt. Daniel Jenkins II, the first black police officer in Norwich, held the first Juneteenth celebration in Connecticut in 1989 here in the Rose City, educating all to the significance of Juneteenth with a celebration; and

WHEREAS, Lt. Dan Jenkins II with help from the NAACP and the City of Norwich, the following year and they have hosted the celebration until they received help from Global City Norwich a few years ago: and

WHEREAS, the Rose City is proud of their history of celebrating Juneteenth and being the first city or town in Connecticut to do so and welcomes the continued celebration of Juneteenth and all it stands for.

NOW THEREFORE, I, MAYOR PETER ALBERT NYSTROM AND NORWICH CITY COUNCIL PRESIDENT PRO TEM, JOSEPH A. DELUCIA, ON BEHALF OF THE NORWICH CITY COUNCIL AND THE CITIZENS OF THE CITY OF NORWICH, do hereby declare the month of June as JUNETEENTH in the City of Norwich and urge all citizens to become more aware of the significance of this celebration in African-American History and in the heritage of our nation and City.

Dated this First day of June 2023

**Peter Albert Nystrom
Mayor**

**Joseph A. DeLucia
President Pro Tem**

WHEREAS, the City of Norwich Office of Community Development, as guided by the U.S. Department of Housing and Urban Development, is proposing a Third Substantial Amendment to the City of Norwich’s Annual Action Plan and budget for FY 2019-2020 to recapture and reallocate \$200,586.16 of Community Development Block Grant Coronavirus Response Grant (CDBG-CV) CARES Act funds; and

WHEREAS, the Community Development Advisory Committee (CDAC) has held a public meeting and voted on their recommendations for CDBG-CV allocations in the month of April; and

WHEREAS, the substantial amendment process is subject to a 30-day comment period prior to being placed into effect and the Council of the City of Norwich must hold a public hearing regarding the recommendations prior to the final vote on the allocation of the substantial amendment.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that the City Council shall meet on the subject of a substantial amendment and reallocation of CDBG-CV.

CITY OF NORWICH - CDBG-CV Requests (2023 RECAPTURE)
 PY45 Substantial Amendment #3 CDBG-CV

Available Funding
\$ 200,586.16

	Request	CDAC Recommendation	Council Recommendation
Public Services			
TVCCA Homelessness Prevention	\$ 20,000.00	\$ 20,000.00	
NHS Senior Accessible Medical Care & Education	\$ 170,000.00	\$ 101,897.48	
Thames River Community Service Young Parent Housing Stability	\$ 22,275.00	\$ 22,275.00	
St. Vincent de Paul Place Cold Food Storage	\$ 46,413.68	\$ 46,413.68	
Big Brothers Big Sisters Community-Based Mentoring	\$ 10,000.00	\$ 10,000.00	
Total Public Services	\$ 268,688.68	\$ 200,586.16	\$ -
Non-Public Services			
DPW Taftville Walking Path Improvements	\$ 119,697.00	\$ -	
Total Non-Public Services	\$ 119,697.00	\$ -	\$ -
Public Service	\$ 268,688.68	\$ 200,586.16	\$ -
Non-Public Service	\$ 119,697.00	\$ -	\$ -

Mayor Peter Albert Nystrom
 President Pro Tem Joseph A. DeLucia
 Alderwoman Stacy Gould

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 20, SECTIONS 20-19 AND 20-24, OF THE CODE OF ORDINANCES FOR CORRECTIONS AND CHANGES RECOMMENDED BY THE PUBLIC PARKING COMMISSION

WHEREAS, Article II of Chapter 20 of the Code of Ordinances, as most recently amended by Ordinance 1831, sets forth the powers and responsibilities of the public parking commission; and

WHEREAS, the public parking commission recommends making corrections and changes to Article II of Chapter 20 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH, that the following sections be amended in Article II of Chapter 20 of the Code of Ordinances:

Sec. 20-19. Same—Fines and penalties.

Each registered owner or motor vehicle operator receiving a notice provided in section 20-18 shall pay as a penalty for and in full satisfaction of such violation the following sums:

- (a) Obstructing driveway ~~\$25.00~~ \$30.00
- (b) Parking too far from curb ~~\$15.00~~ \$20.00
- (c) Parking too close to corner ~~\$15.00~~ \$20.00
- (d) Double parking ~~\$25.00~~ \$30.00
- (e) Parking on wrong side of street ~~\$15.00~~ \$20.00
- (f) Parking in crosswalk ~~\$15.00~~ \$20.00
- (g) Parking too close to fire hydrant ~~\$25.00~~ \$30.00
- (h) Violation of snow regulations ~~\$25.00~~ \$30.00
- (i) Parking in handicapped zone ~~\$100.00~~ \$150.00 for first offense and \$250.00 for subsequent offenses
- (j) Parking in fire zone ~~\$25.00~~ \$30.00
- (k) Parking in posted no parking zone ~~\$15.00~~ \$20.00
- (l) Overtime parking ~~\$5.00~~ \$20.00
- (m) Parking at bus stop, taxi stand or loading zone ~~\$15.00~~ \$20.00
- (n) Parking on sidewalk ~~\$15.00~~ \$20.00
- (o) Parking in intersection ~~\$15.00~~ \$20.00
- (p) Obstructing traffic ~~\$25.00~~ \$30.00
- (q) Left wheel to curb ~~\$15.00~~ \$20.00
- (r) Other ~~\$15.00~~ \$20.00

The failure of such registered owner or motor vehicle operator to make such payment to said commission within 14 days shall render them liable to payment of double the above fines.

The failure of such registered owner or motor vehicle operator to make such payment to said commission within 30 days shall render them liable to the penalty provided by the Connecticut General Statutes for violations.

Any convenience fees or other collection costs may be passed such registered owner or motor vehicle operator by the commission.

Sec. 20-24. Hearing procedure for parking violations

Pursuant to §§ 7-148, 7-152b, and 14-305 to 14-308, inclusive, of the Connecticut General Statutes, the city enacts the hearing procedure for parking violations described herein.

a) Hearing officers. The ~~parking commission~~ city manager shall appoint one or more parking violation hearing officers to conduct hearings for parking violations. Such hearing officers cannot be personnel who are authorized to issue such violations or who otherwise work for the police department or parking commission.

b) Notice of violation. Within two years from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged parking violation, the city shall send notice to the motor vehicle operator, if known, or the registered owner of the motor vehicle by first class mail at their address according to the registration records of the Department of Motor Vehicles or by electronic mail, if the operator or owner's electronic mail address is known. Such notice shall inform the operator or owner:

- i) of the allegations against them and the amount of the fines, penalties, costs or fees due;
- ii) that they may contest their liability before a parking violations hearing officer by delivering in person, by electronic mail or by mail written notice within 10 days of the date thereof;
- iii) that if they do not demand such a hearing, an assessment and judgment shall enter against them; and
- iv) that such judgment may issue without further notice.

c) Proof of liability. Whenever a violation of such an ordinance occurs, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings provided for in this section that the owner of such vehicle was the operator thereof; provided, the liability of a lessee under section 14-107 shall apply.

d) Admission of liability. If the person who is sent notice pursuant to subsection (b) of this section wishes to admit liability for any alleged violation, such person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the city. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not demand a hearing within 10 days of the date of the first notice provided for in subsection (b) of this section shall be deemed to have admitted liability, and the designated official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in subsection (f) of this section.

e) Hearing procedure.

- i) Any person who requests a hearing 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 the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by a police officer or other issuing officer shall be filed and retained by the city, be deemed to be a business record within the scope of section 52-180 and be evidence of the facts contained therein. The presence of the police officer or issuing officer shall be required at the hearing if such person so requests. A person wishing to contest their liability shall appear at the hearing in person or by means of electronic

equipment, and may present evidence in their behalf. A designated official, other than the hearing officer, may present evidence on behalf of the city.

ii) If such person fails to appear, the hearing officer may enter an assessment by default against them upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, Department of Motor Vehicles documents and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. 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 their decision at the end of the hearing. If the hearing officer determines that the person is not liable, they shall dismiss the matter and enter their determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, they shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the city.

f) Notice of assessment and judgment. If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days or more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of \$8.00. The certified copy of the notice of assessment shall constitute a record of assessment. Within such 12-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8.00, against such person in favor of the city. Notwithstanding any provision of the general statutes, 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 on such judgment may issue without further notice to such person.

g) Appeal. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259, at the Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Purpose:

To increase parking fines and identify the city manager as the person who appoints hearing officers.

Alderwoman Stacy Gould
Alderman Swarnjit Singh

RESOLUTION #1

WHEREAS, the City of Norwich Office of Community Development, as guided by the U.S. Department of Housing and Urban Development, is proposing a Third Substantial Amendment to the City of Norwich’s Annual Action Plan and budget for FY 2019-2020 to recapture and reallocate \$200,586.16 of Community Development Block Grant Coronavirus Response Grant (CDBG-CV) CARES Act funds; and

WHEREAS, the Community Development Advisory Committee (CDAC) has held a public meeting and voted on their recommendations for CDBG-CV allocations in the month of April; and

WHEREAS, the substantial amendment process is subject to a 30-day comment period prior to being placed into effect and the Council of the City of Norwich must hold a public hearing regarding the recommendations prior to the final vote on the allocation of the substantial amendment.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that the City Council shall meet on the subject of a substantial amendment and reallocation of CDBG-CV.

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Public Service	\$ 268,688.68	\$ 200,586.16	\$ -
Non-Public Service	\$ 119,697.00	\$ -	\$ -

Mayor Peter Albert Nystrom
 President Pro Tem Joseph A. DeLucia
 Alderwoman Stacy Gould

RESOLUTION #2

Relative to the approval of the NAGE/Public Works Employees collective bargaining unit agreement and the related budget changes to fiscal years 2022-23 and 2023-24.

RESOLVED, that the Collective Bargaining Agreement between the City of Norwich and National Association of Government Employees (NAGE)/ Public Works Employees, covering the period between July 1, 2022 through June 30, 2025, be, and the same hereby is, approved in accordance with the provisions of Connecticut General Statutes, Section 4-474; and further, that the City Manager, John L. Salomone, be, and hereby is, authorized and directed to execute the same in the name of the City.

RESOLVED, that the following 2022-23 budget transfers be made related to the settlement of the NAGE collective bargaining unit agreement as listed herein.

Org	Obj	Org Name	Obj Description	Amount
10430300	51610	PW Street Maintenance	Regular Employees	53,259.00
10430300	51630	PW Street Maintenance	Overtime	1,463.00
10430300	52000	PW Street Maintenance	Fringe Benefits	4,186.00
10431300	51610	PW Fleet Maintenance	Regular Employees	13,740.00
10431300	51630	PW Fleet Maintenance	Overtime	780.00
10431300	52000	PW Fleet Maintenance	Fringe Benefits	1,111.00
10434700	51610	PW Building Maintenance	Regular Employees	13,664.00
10434700	51630	PW Building Maintenance	Overtime	488.00
10434700	52000	PW Building Maintenance	Fringe Benefits	1,083.00
10434800	51610	PW Parking Maintenance	Regular Employees	1,607.00
10434800	52000	PW Parking Maintenance	Fringe Benefits	123.00
10500000	58600	Non-Departmental	Contingency	(91,504.00)

RESOLVED, that the budget for Fiscal Year 2023-24, as tentatively adopted on May 1, 2023, be amended by the adjustments related to the settlement of the NAGE collective bargaining unit agreement as listed herein.

Org	Obj	Org Name	Obj Description	Amount
10430300	51610	PW Street Maintenance	Regular Employees	111,826.00
10430300	51630	PW Street Maintenance	Overtime	6,738.00
10430300	52000	PW Street Maintenance	Fringe Benefits	9,070.00
10431300	51610	PW Fleet Maintenance	Regular Employees	28,896.00
10431300	51630	PW Fleet Maintenance	Overtime	2,642.00
10431300	52000	PW Fleet Maintenance	Fringe Benefits	2,413.00
10434700	51610	PW Building Maintenance	Regular Employees	28,224.00
10434700	51630	PW Building Maintenance	Overtime	2,114.00
10434700	52000	PW Building Maintenance	Fringe Benefits	2,321.00
10434800	51610	PW Parking Maintenance	Regular Employees	3,265.00
10434800	52000	PW Parking Maintenance	Fringe Benefits	250.00
10500000	58600	Non-Departmental	Contingency	(197,759.00)

City Manager John L. Salomone

RESOLUTION #3

Relative to the approval of the AFSCME Local 2422/ City Hall Employees collective bargaining unit agreement and the related budget changes to fiscal years 2022-23 and 2023-24

RESOLVED, that the Collective Bargaining Agreement between the City of Norwich and American Federation of State, County & Municipal Employees, Local 2422/ City Hall Employees (“AFSCME Local 2422”), covering the period between July 1, 2022 through June 30, 2025, be, and the same hereby is, approved in accordance with the provisions of Connecticut General Statutes, Section 4-474; and further, that the City Manager, John L. Salomone, be, and hereby is, authorized and directed to execute the same in the name of the City.

RESOLVED, that the following 2022-23 budget transfers be made related to the settlement of the AFSCME Local 2422 collective bargaining unit agreement as listed herein.

Org	Object	Org Name	Obj Description	Amount
10411700	51610	Finance	Regular Employees	14,072.00
10411700	51630	Finance	Overtime	553.00
10411700	52000	Finance	Fringe Benefits	1,119.00
10413100	51610	Assessor	Regular Employees	5,005.00
10413100	51630	Assessor	Overtime	34.00
10413100	52000	Assessor	Fringe Benefits	385.00
10413700	51610	Treasurer	Regular Employees	4,026.00
10413700	52000	Treasurer	Fringe Benefits	308.00
10414700	51610	City Clerk	Regular Employees	10,534.00
10414700	51630	City Clerk	Overtime	34.00
10414700	52000	City Clerk	Fringe Benefits	808.00
10415100	51610	Planning & Neighborhood Services	Regular Employees	10,532.00
10415100	51630	Planning & Neighborhood Services	Overtime	235.00
10415100	52000	Planning & Neighborhood Services	Fringe Benefits	824.00
10420100	51610	Police	Regular Employees	4,718.00
10420100	52000	Police	Fringe Benefits	361.00
10420200	51610	Norwich Fire	Regular Employees	3,465.00
10420200	52000	Norwich Fire	Fringe Benefits	265.00
10430300	51610	PW Streets	Regular Employees	5,820.00
10430300	51630	PW Streets	Overtime	67.00
10430300	52000	PW Streets	Fringe Benefits	450.00
10430500	51610	PW Engineering	Regular Employees	13,056.00
10430500	51630	PW Engineering	Overtime	34.00
10430500	52000	PW Engineering	Fringe Benefits	1,001.00
10441700	51610	Senior Center	Regular Employees	9,471.00
10441700	52000	Senior Center	Fringe Benefits	725.00
10441900	51610	Youth & Family Services	Regular Employees	2,297.00
10441900	52000	Youth & Family Services	Fringe Benefits	176.00
10442700	51610	Adult & Family Services	Regular Employees	4,373.00
10442700	52000	Adult & Family Services	Fringe Benefits	335.00
10450300	51610	Recreation	Regular Employees	2,967.00
10450300	51630	Recreation	Overtime	13.00
10450300	52000	Recreation	Fringe Benefits	228.00
10500000	58600	Non-Departmental	Contingency	(98,291.00)

RESOLVED, that the budget for Fiscal Year 2023-24, as tentatively adopted on May 1, 2023, be amended by the adjustments related to the settlement of the AFSCME Local 2422 collective bargaining unit agreement as listed herein.

Org	Object	Org Name	Obj Description	Amount
10411700	51610	Finance	Regular Employees	30,778.00
10411700	51630	Finance	Overtime	508.00
10411700	52000	Finance	Fringe Benefits	2,393.00
10413100	51610	Assessor	Regular Employees	10,767.00
10413100	51630	Assessor	Overtime	65.00
10413100	52000	Assessor	Fringe Benefits	829.00
10413700	51610	Treasurer	Regular Employees	9,857.00
10413700	52000	Treasurer	Fringe Benefits	754.00
10414700	51610	City Clerk	Regular Employees	11,166.00
10414700	51630	City Clerk	Overtime	65.00
10414700	52000	City Clerk	Fringe Benefits	859.00
10415100	51610	Planning & Neighborhood Services	Regular Employees	25,178.00
10415100	51630	Planning & Neighborhood Services	Overtime	452.00
10415100	52000	Planning & Neighborhood Services	Fringe Benefits	1,961.00
10420100	51610	Police	Regular Employees	19,227.00
10420100	52000	Police	Fringe Benefits	1,471.00
10420200	51610	Norwich Fire	Regular Employees	6,672.00
10420200	52000	Norwich Fire	Fringe Benefits	510.00
10430300	51610	PW Streets	Regular Employees	11,400.00
10430300	51630	PW Streets	Overtime	129.00
10430300	52000	PW Streets	Fringe Benefits	882.00
10430500	51610	PW Engineering	Regular Employees	21,523.00
10430500	51630	PW Engineering	Overtime	65.00
10430500	52000	PW Engineering	Fringe Benefits	1,651.00
10441700	51610	Senior Center	Regular Employees	19,285.00
10441700	52000	Senior Center	Fringe Benefits	1,475.00
10441900	51610	Youth, Family, and Recreation Services	Regular Employees	8,847.00
10441900	52000	Youth, Family, and Recreation Services	Fringe Benefits	677.00
10442700	51610	Adult & Family Services	Regular Employees	9,987.00
10442700	52000	Adult & Family Services	Fringe Benefits	764.00
10500000	58600	Non-Departmental	Contingency	(200,197.00)

City Manager John L. Salomone

AN ORDINANCE ESTABLISHING A FAIR RENT COMMISSION

WHEREAS, Public Act No. 22-30 requires that any municipality with a population of 25,000 or more, as determined by the most recent decennial census, must establish a Fair Rent Commission by July 1, 2023 if it does not already have one, and notify and provide a copy of the ordinance to the Commissioner of Housing within thirty days of the adoption of the ordinance; and

WHEREAS, the Council of the City of Norwich, by this ordinance shall establish a Fair Rent Commission to comply with the requirements of Public Act No. 22-30

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that the following ordinance creating a Fair Rent Commission for the City of Norwich and assigning powers and responsibilities to it in accordance with Connecticut General Statutes sections 7-148a through 7-148f, C.G.S. §47a-20, C.G.S. §21-80a, and C.G.S. §47a-23a, and as they may be amended, be and hereby is adopted to be codified in the Code of Ordinances of the City of Norwich as **Chapter 4 Article III. Fair Rent Commission**, Sections 4-39 to 4-46.

Article III. Fair Rent Commission

Section 4-39. Creation of Fair Rent Commission

- (a) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, C.G.S. §47a-20, C.G.S. § 21-80a and C.G.S. §47a-23c, there is hereby created a Fair Rent Commission for the City of Norwich which shall have its principal office at 100 Broadway, Norwich, Connecticut or such other place as may be designated for the purpose of controlling and eliminating excessive rental charges for housing accommodations within Norwich, and to carry out the purposes, duties, responsibilities and all provisions of the above-described sections and any other statutory sections, as they may be amended from time to time, pertaining to fair rent commissions.
- (b) The commission shall consist of three (3) members and two (2) alternates, all of whom shall be electors of the City of Norwich. Of the three (3) regular members, at least one (1) shall be a landlord and one (1) shall be a tenant. Among the alternate members, at least one (1) shall be a landlord and one (1) shall be a tenant.
- (c) The members and alternates shall be appointed by the City Council. A quorum shall consist of two (2) members or seated alternates. Members of the commission shall serve without compensation.
- (d) Members of the commission shall be appointed for terms of two (2) years or until their successors shall be duly appointed. Vacancies on the commission shall be filled, within a reasonable time, 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.
- (e) The commission may appoint a recording secretary.

Section 4-40. Powers of the Commission

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, inclusive, 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 parks and subdivisions and lots therein.

- i. “Seasonal basis” means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year.
 - ii. “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 regarding rental housing within the City of Norwich as are appropriate to carrying out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
 - (c) Conduct hearings on complaints or requests for investigation submitted to it by any person, 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 accommodations is so excessive as to be harsh and unconscionable;
 - (f) Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of Section 4-44 herein and make such orders as are authorized herein;
 - (g) Order of 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;
 - (h) Establish an escrow account in a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to Section 4-43 herein;
 - (i) Carry out all of the provisions of C.G.S. §§ 7-148b through 7-148f, inclusive, C.G.S. § 47a-20, C.G.S. § 21-80a and C.G.S. § 47a-23c as now existing and as may hereinafter be amended, as they apply to fair rent commissions;

Section 4-41. Determination of Excessive Rent

- (a) 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:
 - (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
 - (2) the sanitary conditions existing in the housing accommodations in question;
 - (3) the number of bathtubs or showers, flush waste closets, kitchen sinks, and lavatory basins available to the occupants thereof;
 - (4) services, furniture, furnishings, and equipment supplied therein;
 - (5) the size and number of bedrooms contained therein;
 - (6) repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
 - (7) the amount of taxes and overhead expenses, including debt service, thereof;
 - (8) whether the accommodations are in compliance with the ordinances of the municipality and the general statutes relating to health and safety;
 - (9) the income of the petitioner and the availability of accommodations;
 - (10) the availability of utilities;
 - (11) damages done to the premises by the tenant, caused by other ordinary wear and tear;
 - (12) the amount and frequency of increases in rental charges;
 - (13) 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.
- (b) Nothing in this section shall preclude the Commission from considering other relevant circumstances.

- (c) The rent of a tenant protected by C.G.S. §47a-23c who timely and properly files a complaint with the commission pursuant to C.G.S. §47a-23(c)(1) may be increased only to the extent that such increase is fair and equitable based on the criteria set forth in §7-148c of the Connecticut General Statute.

Section 4-42. Procedures and Hearing on Complaints

- (a) The commission shall receive complaints from any person alleging a violation of this Article which violation is within the power of the commission to act upon, which complaint must be in writing utilizing forms provided by the commission. The commission shall not be obligated to schedule a hearing for any complaint filed until the complaint complies with the commission's filing requirements. Upon the receipt of a complaint made utilizing the forms provided by the commission, the commission shall promptly notify all parties in writing of the receipt of the complaint.
- i. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint.
 - ii. It shall also inform the parties that, until a decision on the complaint is made by the commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent, and that an eviction based upon non-payment of rent cannot be initiated against a tenant who continues to pay the last agreed-upon rent during the pendency of the fair rent commission proceeding.
- (b) 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.
- (c) If a complaint alleges housing conditions that violate a housing, health, building, or other code or statute, the commission shall notify the appropriate municipal official 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.
- (d) 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.
- (e) A hearing on a 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. Hearings may be continued to later dates for reasons satisfactory to the commission and stated on the record.
- (f) The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.
- (g) In the event that there is insufficient time to complete a hearing or for other cause, the commission shall have the power to continue or adjourn the hearing to another time and date.
- (h) 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.

Section 4-43. Rent Reduction Order and Repairs

- (a) 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.
- (b) Until a decision on the complaint is made by the commission, the tenant's liability shall be for the amount of the last rent prior to the increase complained of or, if there is no such increase, the last agreed-upon rent.
- (c) 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, 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, effective the month in which the tenant filed the complaint.

(d) The 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. Commission orders shall be effective for at least one (1) year from the date of issuance unless the commission otherwise orders.

Section 4-44. Retaliation

- (a) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:
- i. Refusing to renew the lease or other rental agreement of any tenant; bringing or maintaining an action or proceeding against the tenant to recover possession of the dwelling unit; demanding an increase in rent from the tenant; decreasing the services to which the tenant has previously been entitled; or verbally, physically, or sexually harassing a tenant because a tenant has filed a complaint with the fair rent commission;
 - ii. Engaging in any other action determined by the commission, after a hearing, to constitute landlord retaliation.

Section 4-45. Appeals

Any person aggrieved by any order or decision of the commission may appeal to the Superior Court 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.

Section 4-46. Failure to Comply with Commission Orders

- (a) 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 this chapter or C.G.S. § 47a-20 or 21-80a 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.
- i. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

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.

Mayor Peter Albert Nystrom
President Pro Tem Joseph A. DeLucia
Alderswoman Stacy Gould
Alderman Swarnjit Singh

AN ORDINANCE APPROPRIATING \$6,000,000 FOR THE CITY OF NORWICH INFRASTRUCTURE IMPROVEMENT PROGRAM (2023) AND AUTHORIZING THE ISSUE OF \$6,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH:

Section 1. The sum of \$6,000,000 is appropriated for the planning, acquisition and construction of the City of Norwich Infrastructure Improvement Program (2023) (the “Project”). The Project shall consist of the improvement or new construction of roads, bridges and bridge structures, parking structures, sidewalks, piers and wharves, and appurtenant areas throughout the City of Norwich (the “City”). The specific improvements shall be determined from time to time by the Public Works Director and City Manager. Project improvements may consist of, but are not limited to, blasting, horizontal and vertical realignment, drainage installation, paving, curbing, milling, capping, landscaping and reclamation and for improvements to structures or utilities, incidental, appurtenant or encountered in the course of such improvements and for engineering, design, traffic control, administrative, consulting, advertising, printing, legal and financing costs related thereto. Said appropriation shall be in addition to grant funding and all prior and future appropriations for said purpose.

Section 2. The total estimated cost of the Project is \$6,000,000. No portion of the Project cost is expected to be paid from other sources other than the proposed bond issue. The estimated useful life of the Project is twenty (20) years. The Project is a general benefit to the City and its general governmental purposes.

Section 3. To meet said appropriation \$6,000,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth (20th) year after their date, or such later date as may be allowed by law. Said bonds may be issued in one or more series as shall be determined by the City Manager and the Comptroller, and the amount of bonds of each series to be issued shall be fixed by the City Manager and the Comptroller, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the City Manager and the Comptroller, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the City Manager and the Comptroller, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the City Manager and the Comptroller, and be approved as to their legality by Pullman & Comley, LLC, Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the City Manager and the Comptroller. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the City Manager and the Comptroller in accordance with the requirements of the

General Statutes of Connecticut, as amended (the "Statutes"). In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b of the Statutes, including the authority to enter into agreements managing interest rate risk. The City Manager and Comptroller, on behalf of the City, shall execute and deliver such reimbursement agreements, letter of credit agreement, credit facilities, remarketing, standby marketing agreements, standby bond purchase agreements, and any other commercially necessary or appropriate agreements which are necessary, appropriate or desirable in connection with or incidental to the sale and issuance of such bonds or notes.

Section 4. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law.

Section 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction or similar process, at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City.

Section 6. The City Manager and the Comptroller are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the City Manager and the Comptroller, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the City Manager and the Comptroller, be certified by a bank or trust company designated by the City Manager and the Comptroller pursuant to Section 7-373 of the Statutes, and be approved as to their legality by Pullman & Comley, LLC, Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the extent not paid from other funds available for the payment thereof. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 7. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date that the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 8. The City Manager and Comptroller are hereby authorized to exercise all powers conferred by Section 3-20e of the General Statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange

Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 9. In order to meet the capital cash flow expenditure needs of the City, the City Manager and Comptroller are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose.

Section 10. It is hereby found and determined that the issue of all, or a portion of, the bonds, notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The City Manager and the Comptroller are hereby authorized to issue and utilize without further approval any financing alternative currently or hereafter available to municipal governments pursuant to law.

Section 11. The City Manager and Comptroller are hereby authorized to prepare and distribute preliminary and final Official Statements of the City, to execute and deliver on behalf of the City all such other documents, and to take all action, necessary and proper for the sale, issuance and delivery of any bonds or notes relating to the Project in accordance with the provisions of the Statutes and the laws of the United States.

Section 12. This ordinance shall not take effect unless and until adopted by the City Council and approved at referendum.

Mayor Peter Albert Nystrom