



Beacon Falls Board of Selectmen
Regular Meeting Minutes
November 14, 2022
C/O Town Clerk
10 Maple Avenue Beacon Falls, CT 06403
(Subject to Revision)

Members Present:

G. Smith (GS), P. Betkoski (PB), M. Krenesky (MK) Via TEAMS

Members Absent:

None

Others Present:

About 23 members of the public and 1 member of the media.

1. **Call to Order / Pledge of Allegiance:**

GS called the meeting to order at 7:02 PM and led the assembled in the Pledge of Allegiance.

2. **Read and Approved Minutes from Previous Meeting:**

Motion to accept the 10/6/22 Special meeting minutes as presented made by **MK**, seconded by **PB**. All ayes.

3. **Budget Transfer Requests:** GS reviewed the budget transfers. **MK** made a motion to approve the budget transfers as presented and forward them to the Board of Finance for review. **PB** seconded the motion. All ayes.

TRANSFER FROM:			TRANSFER TO:			
#	Amount	Line	Description	Line	Description	Amount Explanation
1	\$ (3,500.00)	10.90.83.1170	Contingency	10.90.77.1470	Mini Bus Gas /Maintenance	\$ 3,500.00 Catalytic converter repair/theft & increased gas costs and usage
2	\$ (961.00)	10.90.33.1290	Engineering/Consultants	10.90.33.1415	NVCOG	\$ 961.00 To cover invoice for Hazard Mitigation Plan costs
3	\$ (4,000.00)	10.90.44.1486	EMS Training	10.90.44.1060	Software & IT	\$ 4,000.00 ESO EMS Software, Billing and Scheduling Fees
4	\$ (30,345.00)	45.90.90.2182	Fire Station 2 Workout Room Project	45.90.44.1020	UTVS, trailer & Skid Pumps	\$ 30,345.00 Transfer from one capital project to fund new project. Move to Town meeting
5	\$ (18,236.20)	45.90.45.1013	Fire Marshal Vehicle	45.90.44.1020	UTVS, trailer & Skid Pumps	\$ 18,236.20 Transfer from one capital project to fund new project. Move to Town Meeting
6	\$ (60,000.00)		Appropriation from Undesignated General Fund Balance of UP TO \$60,000	45.90.44.1019	Emergency Boiler Replacement @ Firehouse	\$ 60,000.00 Boiler cracked and is in need of immediate replacement. ITB issued and reviewed. Move to Town Meeting
	\$ (117,042.20)					\$ 117,042.20

4. **Comments From the Public:**

- K. Johnson – Dorman Rd. Oxford – Inquired about information on the Fair Rent Commission. **GS** gave update. Fair rent commission Ordinance has been drafted. *See exhibit A*. This will be moving to a town vote.
- D. Bostrom – Bonna St. – Inquired about more information on alternatives to her current living situation. She questioned if the town has senior citizen complexes for residents in low-income situations. **GS** responded that the town does not currently have that.
- B. Whittley – Bonna St. – Inquired about more information on alternatives to her current living situation. She questioned if the town has other housing available to non-senior low-income housing. **GS** responded that the town does not currently have that. Information was given out 3 meetings ago from the assessor's office with recourses available.

Roughly 20 members of the public left the meeting. 3 members of the public and 1 member of the media remained.

Motion to add Service Award Committee Updates and Proposal – Discussion & Action to agenda item 19. I made by **PB** seconded by **MK**. All ayes.



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5. **Report of the Resident Trooper/Police:** **MK** made a motion to approve the report, as presented. **PB** seconded the motion. All ayes
6. **Report of the Wastewater Treatment Plant:** **PB** made a motion to approve the report as presented. **MK** seconded the motion. All ayes. **GS** – Gave update on sludge removal issue. The most recent removal was calculated incorrectly. The hauling company will be recalculating and refund accordingly.
7. **Report of Public Works:** **PB** made motion to approve the August and September reports as presented. **MK** seconded the motion. All Ayes.
8. **Report of the Fire Marshal:** **MK** made motion to approve the September and October reports as presented. **PB** seconded the motion. All ayes.
9. **Report of the Finance Manager:** **PB** made a motion to approve the report, as presented and forward it to the Board of Finance for review at their regular monthly meeting. **MK** seconded the motion. All ayes.
10. **Report of the Tax Collector:** **MK** made motion to approve the report as presented and forward to the Board of Finance for review at their regular monthly meeting. **PB** seconded the motion. All ayes.
11. **Report of the Town Treasurer:** **PB** made a motion to approve the report, as presented and forward it to the Board of Finance for review at their regular monthly meeting. **MK** seconded the motion. All ayes.
12. **Report of the Town Clerk:** **PB** made a motion to approve the report as presented and forward it to the Board of Finance for review at their regular monthly Meeting. **MK** seconded the motion. All ayes.
13. **Report from Economic Development:** None due to lack of quorum.
14. **Report of the Library:** **PB** made a motion to approve the report as presented. **MK** seconded the motion. All ayes. B took this time to recognize board member Jill Goodman for her time serving and sending condolences to her family on the news of her passing.
15. **Report of the Fire Department:** **PB** made motion to approve the September and October reports as presented. **MK** seconded the motion. All ayes.
16. **Other Departmental Reports:**
 - a. **Report of the Custodian:** None
 - b. **Report of the Animal Control Officer:** **PB** made motion to approve the June-October reports as presented. **MK** seconded the motion. All ayes.
 - c. **Report of the BOE:** **PB** made motion to approve the report as presented. **MK** seconded. All ayes.
 - d. **Quarterly Report of the Town Nurse:** N/A
17. **Reading of Correspondence & Payment of Bills:**
 - a. **GS** read from a letter received from R. Minnick stating his intention to step down from his position on the Inlands & Wetlands Commission.
 - b. **GS** read from an email received from R. Deroachers stating his interest in joining the Economic Development Commission.
 - c. **GS** read from and email received from D. Damico stating his interest in joining the Zoning Board of Appeals as an alternate.
 - d. **GS** read from an email received from M. Yanerella stating his interest in joining the Library Board of Trustees.
18. **Old Business:**
 - a. **Burton Road — LOTCIP Project L006-0002 Burton Road Reconstruction and Retaining Wall Replacement:** Motion to award the project for the Burton Road Reconstruction and retaining wall replacement to Dayton Construction of Watertown, CT made by **PB**. Seconded by **MK**. All ayes. **MK** made point of order. Once the project is officially under construction, all details of the schedule should be published. **GS** agreed that something should be published.
 - b. **O&G Data Center:** No Updates
 - c. **Haynes Development:** The CIF grant was applied for through the DECD but was not awarded. There are no updates.



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- d. Fair Rent Commission: Proposed language was sent out regarding what is involved. Ordinance draft has been received. As stated, see exhibit A. Motion to add the Fair Rent Commission to a town meeting agenda to be held on November 29, 2022, at the Beacon Falls Fire House made by **PB**, seconded by **MK**. All ayes.

MK amended the motion to include the time, 7:00 PM. All ayes.

MK asked for clarity on if the commission would be for trailer parks only. **GS** stated that it is for all residents in a rental.

19. **New Business:**

a. Appointments and Reappointments:

- I. Motion to appoint Dave Damico to the Zoning Board of Appeals as an alternate made by **MK**, seconded by **PB**. All ayes.
- II. Motion to appoint Robert Desroachers to the EDC made by **PB**, seconded by **MK**. All ayes.
- III. Motion to re-appoint Dennis Phipps to the EDC made by **MK**, seconded by **PB**. All ayes.
- IV. Motion to re-appoint Brian Swan to the Inlands & Wetlands Commission made by **PB**. Seconded by **MK**. All ayes.
- V. Motion to re-appoint Stephen Knapik to the Inlands & Wetlands Commission made by **PB**. Seconded by **MK**. All ayes.
- VI. Motion to re-appoint Marc Bronn to the Planning and Zoning Commission made by **MK**. Seconded by **PB**. All ayes.
- VII. Motion to appoint James Weid to the Inlands & Wetlands Commission made by **PB**, seconded by **MK**. All ayes.
- VIII. Motion to appoint Matthew Yanerella to the Library Board of Trustees made by **PB**, Seconded by **MK**. All ayes.

- b. 2023 Meeting Schedule – Discussion & Action: Motion to approve the 2023 meeting schedule as presented made by **PB**, seconded by **MK**. All ayes.

- c. C-Pace Program: Motion to step out of the C-Pace program and terminate and release the town of its obligations made by **MK**, seconded by **PB**. All ayes.

- d. Emergency Boiler Replacement: Motion to award the bid of the emergency fire house boiler replacement to Action Air Systems made by **PB**, seconded by **MK**. All ayes.

- e. Town Wide Trash and Recycling Bid and Extension: Motion to approve the extension of service with Oakridge Waste till June 2023 and move to formal bid with approval from the BOF made by **PB**, seconded by **MK**. All ayes.

- f. Sewer Sludge: Discussed earlier in the meeting.

- g. Set Date of the Town Meeting – Discussion & Action: Motion was made earlier in the meeting.

MK made motion to add RR. Hillibrand Change Order to the agenda as Item number 19. J, Seconded by **PB**. All ayes.

- h. Tax Refunds: Motion to approve tax refunds totaling \$2,314 as presented made by **PB**, seconded by **MK**. All ayes.

- i. Service Award Updates and Proposal – Discussion & Action: D. Bousquet gave update on the proposal. Board agreed that the proposal is to go back to the Service Award Committee for an updated vote.

- j. RR. Hillibrand Change Order: SLR did not catch that the cost of drilling down further would increase the cost. The contractor needed to drill down much further than expected and a larger cost has been incurred. The total of the change order is \$166,663.07



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20. **Executive Session:** None needed
21. **Adjournment:** **PB** made a motion to adjourn the Board of Selectman meeting at 8:08 PM. **MK** seconded the motion. All ayes.

Respectfully submitted,

Lauren A. Fennell
Clerk, Board of Selectmen



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FAIR RENT COMMISSION ORDINANCE

DRAFT as of October 28, 2022

Section 1. Creation of Fair Rent Commission

- (a) Pursuant to and in conformity with C.G.S. §§ 7-148b through 7-148f, 47a-20 and 47a-23c, there is hereby created a Fair Rent Commission ("Commission") for the purpose of controlling and eliminating excessive rental charges for housing accommodations within the town, and to carry out the purposes, duties, responsibilities and all provisions of the above described sections and any other sections of the statutes, as they may be amended from time to time, pertaining to fair rent commissions.
- (b) The Commission shall consist of seven (7) members and three (3) alternates, all of whom shall be residents of the Town of Beacon Falls. Of the seven (7) regular members, at least two (2) shall be residential landlords and two (2) shall be residential tenants at the time of appointment. Among the alternate members, at least one (1) shall be a residential landlord and one (1) shall be a residential tenant at the time of appointment. A quorum shall consist of four (4) members or seated alternates.
- (c) The members and alternates shall be appointed by the First Selectman and approved by the Town Meeting. The First Selectman shall appoint a chairman and vice-chairman. Each member shall serve for the term for which he is appointed and qualified.
- (d) Beginning in 2023, four (4) members and one (1) alternate member shall be appointed for terms of four (4) years and three (3) members and two (2) alternate members shall be appointed for terms of two (2) years. Thereafter, members and alternate members of the Commission shall be appointed for staggered terms of four (4) years and until a successor shall have taken office.
- (e) 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. Members of the Commission shall serve without compensation.

Section 2. Powers of the Commission

- (a) The Commission's powers shall include the authority to:
 - (1) Receive complaints, inquiries, and other communications concerning alleged excessive rental charges and alleged violations, including retaliation, of C.G.S. §§ 7-148b to 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 park lots. "Seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year. "Rental charge" includes any fee or charge in addition to rent that is imposed or sought to be imposed upon a tenant by a landlord, and includes any charge that is already in effect;



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- (2) Make such studies and investigations regarding rental housing within the town as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein;
- (3) 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;
- (4) 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;
- (5) Determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable;
- (6) Determine, after a hearing as set forth herein, whether the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety;
- (7) Determine, after a hearing as set forth herein, whether a landlord has engaged in retaliation in violation of Section 6 below and make such orders as are authorized herein;
- (8) Order a reduction of any excessive rent to an amount which is fair and equitable, and make such other orders as are authorized herein;
- (9) Order the suspension or reduction of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring such housing accommodation into compliance with any municipal ordinance or state statute or regulation relating to health and safety;
- (10) Establish an escrow account with a local bank or financial institution into which it shall deposit all rent charges or other funds paid to it pursuant to Section 5 herein; and
- (11) Carry out all other provisions of C.G.S. §§ 7-148b to 7-148f, inclusive, C.G.S. § 47a-20, 21-80a and C.G.S. § 47a-23c as now existing and as hereinafter amended, as they apply to fair rent commissions.

Section 3. 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 thereof;
 - (8) Whether the accommodations are in compliance with the ordinances of the Town and the General Statutes of the State of Connecticut relating to health and safety;
 - (9) The income of the petitioner and the availability of accommodations;



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- (10) The availability of utilities;
 - (11) Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
 - (12) The amount and frequency of increases in rental charges; and
 - (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 files a complaint with the Commission pursuant to C.G.S. § 47a-23c(c)(2) may be increased only to the extent that such increase is fair and equitable, based on the criteria set forth in C.G.S. § 7-148c.

Section 4. Procedures and Hearing on Complaints

- (a) Upon the filing of a complaint, the Commission shall promptly notify all parties in writing of the receipt of the complaint. Such notice shall also inform the parties that the landlord is prohibited from retaliating against the tenant due to the filing of the complaint. 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) If a complaint alleges housing conditions that violate a housing, health, building or other code or statute, the Commission shall notify the appropriate municipal office or agency, which may then concurrently exercise its own powers. In addition, the Commission may request that the appropriate municipal official or agency promptly investigate and provide a report to the Commission.
- (c) 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.
- (d) The Commission or municipal staff may, to the extent practicable, encourage the parties to the complaint to reach a mutually satisfactory resolution through informal conciliation. Municipal staff may serve as informal conciliators. Any agreement to resolve the complaint shall be in writing and signed by the parties.
- (e) A hearing on the complaint shall be scheduled no later than thirty (30) days after the filing of the complaint, unless impracticable. Written notice of the date, time, and place of the hearing shall be given to the parties to the complaint at least ten (10) days prior to the hearing by first class and certified mail and, if practicable, by electronic mail. Notice shall also be posted in accordance with the state Freedom of Information Act.
- (f) All parties to a hearing shall have the right to be represented, to cross-examine witnesses, to examine documents introduced into evidence, and to call witnesses and introduce evidence. The testimony taken at a hearing shall be made under oath. Hearings shall be recorded.
- (g) In the event that there is insufficient time to complete a hearing or for other cause, the Commission shall have the power to adjourn the hearing to another time and date.



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- (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 5. 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. 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. 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.
- (b) If the Commission determines after a hearing that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in Section 3, 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. A Commission's orders may include, but are not limited to, a reduction in a rental charge or proposed rent increase; a delay in an increased rental charge until specified conditions, such as compliance with municipal code enforcement orders, have been satisfied; or a phase-in of an increase in a rental charge, not to exceed a fair and equitable rent, in stages over a period of time. Commission orders shall be effective for at least one (1) year from the date of issuance, unless the Commission otherwise orders.
- (c) If the Commission determines after a hearing that a housing accommodation fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, the Commission may order the suspension 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 the housing accommodation into compliance with such laws, statutes, or regulations. If the Commission's order constitutes a complete suspension of all rent, the rent during such period shall be paid to the Commission to be held in escrow. Upon the landlord's full compliance with such ordinance, statute or regulation for which payments were made into such escrow, the Commission shall determine after hearing such distribution of the escrowed funds as it deems appropriate.

Section 6. Retaliation

- (a) No landlord shall engage in retaliatory actions. Retaliatory actions by a landlord include but are not limited to the following:
- (1) Engaging in any action prohibited by C.G.S. § 47a-20 or § 21-80a within six months after any event listed in such statutes, including but not limited to within six months after the tenant has filed a complaint with the Commission;
 - (2) 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 Commission;



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- (3) Engaging in any other action determined by the Commission, after a hearing, to constitute landlord retaliation as set forth in C.G.S. 7-148d(b).
- (b) In the initial notice scheduling a hearing or conciliation on a complaint, and in its notice of decision, the Commission shall include notice, in plain language, to landlords and tenants that retaliatory actions against tenants are prohibited.
- (c) Any tenant who claims that the action of his or her landlord constitutes retaliatory action may file a notice of such claim with the Commission. If the Commission determines, after a hearing, which hearing shall be expedited, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct and order the landlord to withdraw or remediate such conduct as has already occurred.

Section 7. Appeals

Any person aggrieved by any order or decision of the Commission may appeal to the Superior Court within fifteen (15) 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 8. Penalty

- (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 \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.
- (b) 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.