

## SUBJECT TO APPROVAL

Board of Selectmen

Tuesday, January 10, 2023 at 8:00 a.m.

Remote via Zoom - Only

### Meeting Minutes

First Selectwoman Lyons began the meeting by holding a moment of silence for friend and colleague Noreen Kokoruda, who passed away on December 21, 2022. Noreen was a sitting member of the Board of Selectmen and she had over 40 years of service to the town of Madison.

Selectman Wilson expressed that Noreen was a friend and mentor who always had time to help in whatever way was needed. She had the rare gift of speaking plainly and honestly, she made time for all to offer sound advice, volunteer her time or even simply to listen. Noreen will be remembered most for her political career, but she also quietly committed countless hours to many local charitable organizations. Noreen was known to all and everyone knew the same Noreen, she did not change to fit the situation and she put Madison residents first. She will be missed as a colleague and mentor, but especially as a friend.

Selectman Goldberg stated Noreen gave him all the advice he ever needed when he took office – love Madison. Noreen made him feel welcome and he tried to do the same when she returned to the Board in 2021.

Selectman Murphy spoke about Noreen’s connection to her family and her love for Madison. She brought unselfish service to the table and helped make the board better. She was always true to herself and her beliefs and she will be missed.

First Selectwoman Lyons echoed her colleagues’ words and noted Noreen dedicated over 40 years of her personal time serving the town and leaves behind an incredible legacy. Noreen was also an extremely personal individual and went as far as buying First Selectwoman Lyons a small gift when she adopted her daughter. Noreen recognized everyone has a life outside of the politics. Hopefully others can carry on with some of her legacy in their service to the town.

### 8:00 a.m. Regular Session

First Selectwoman Lyons called the Regular Session of Tuesday, January 10, 2023 to order at 8:10 a.m. Also, in attendance: Selectman Goldberg, Selectman Murphy and Selectman Wilson.

#### 1. Pledge of Allegiance.

First Selectwoman Lyons led the Pledge of Allegiance.

#### 2. First Selectwoman’s Updates.

First Selectwoman Lyons stated the town was awarded two new federal grants in the recent Omnibus Spending Package. \$2.5 million for Emergency Operations Center/Firehouse Expansion Project and \$1 million towards Emergency Shelter Project, she thanked Congressman Courtney and Senator Blumenthal for their support.

#### 3. Liaison Reports/Selectmen Comments.

Al Goldberg: Academy Community Center Building Committee will be interviewing (5) architect firms and reminded the public they have until January 13<sup>th</sup> to fill out the survey for the Advisory Committee.

Bruce Wilson: spoke about work being done by the Strategic Plan Working Group and also working on Short Term Rental documents.

4. Citizen comments.

None.

5. Consent Agenda:

**MOTION** by Selectman Wilson and seconded by Selectman Murphy to approve the Items of the Consent agenda as follows:

- a. Minutes of December 6, 2022 and December 19, 2022
- b. Hiring of Jason Walton to Assessment Technician II, Assessor's Office, 35.5 hrs./wk., \$26.82/hr., Salary Grade 6, Step 3, budgeted.
- c. Discuss and take action on setting standard mileage rate at 65.5 cents per mile for all business miles driven per 1/1/2023 IRS guidelines
- d. Discuss and take action to adopt a resolution required to obtain Clean Water Fund Financing for Water Pollution Abatement Facilities and to authorize the First Selectwoman to sign all contracts and documents associated with this award.
- e. Resignations:
  - i. Giselle McDowell, Planning and Zoning
  - ii. Ron Bodinson, Planning and Zoning
  - iii. Warren Hartmann, Salt Meadow Advisory Committee
  - iv. Ed Raff Jr, Shellfish Commission
- f. Appointments:
  - i. Ed O'Malley, Beach and Recreation, Term Expiring 1/1/27
  - ii. Ron Bodinson, Board of Assessment Appeals, Term Expiring 11/1/2025
  - iii. Tom Hummel, Economic Development, Term Expiring 1/1/28
  - iv. Bob Reinhardt, Planning and Zoning, Term Expiring 1/1/24
  - v. John Morgan, Planning and Zoning, Term Expiring 1/1/26
  - vi. Kendra Paolitto, Salt Meadow Park Advisory Committee, Alternate to Regular, Term Expiring 1/1/2024
  - vii. Steven Bischoff, Zoning Board of Appeals, Alternate to Regular, Zoning Board of Appeals, Term Expiring 11/1/2023

**VOTE: this motion was passed unanimously.**

6. Discuss regulatory options relating to short term rentals.

First Selectwoman Lyons explained that herself, Selectman Wilson and Town Planner, Erin Mannix, have been researching Short Term Rentals (STR). Board of Selectmen must determine key objectives for creating an ordinance. The board reviewed potential objectives, progression of ordinance options, and potential ordinance terms (attached). Possible next steps; Finalize STR Ordinance objectives and develop applicable terms, work with Town staff and Town Counsel to develop draft ordinance based on objectives/ terms, get feedback from impacted Town Boards & Commissions (i.e. P&Z, EDC, Police Commission, etc.), send draft STR Ordinance to Public Hearing, modify draft STR Ordinance based on public feedback, send to second Public Hearing, and adopt STR Ordinance.

Selectman Murphy felt the board should be careful not to overreact and needs to understand the data first. A survey could provide some answers or help resolve issues, he was not comfortable moving right into regulation until/unless the board gets to the core of the problem.

Selectman Goldberg spoke in favor of a measured and targeted response to begin before moving onto the next steps.

Selectman Wilson explained the work the group has done so far and researching other towns, he noted he would like to see the town do more than collect data.

Staff will provide a draft registration at an upcoming meeting. First Selectwoman Lyons stated she will need

to recuse herself moving forward.

7. Discuss and take action to refer to the Planning & Zoning Commission, under CGS Section 8-24, the transfer of land including 2.35 acres from Mungertown Road, Map 56, Lot 1 and 6.5 acres from Green Hill Road, Map 64 Lot 48 from the Town of Madison to the Madison Land Conservation Trust for open space purposes.

**MOTION** by Selectman Wilson and seconded by Selectman Murphy to refer to the Planning & Zoning Commission, under CGS Section 8-24, the transfer of land including 2.35 acres from Mungertown Road, Map 56, Lot 1 and 6.5 acres from Green Hill Road, Map 64 Lot 48 from the Town of Madison to the Madison Land Conservation Trust for open space purposes.

Discussion: Selectman Goldberg noted he will be recusing himself from future discussions as he is also a member of the Madison Land Conservation Trust.

**VOTE: this motion was passed with three aye votes and one abstention from Selectman Goldberg.**

8. Discuss and take action to approve the restructuring of the Land Use Department to include a Land Use Technician into the Town's Classified Plan; Salary Grade 6, 35.5 hours per week. The position is funded in the current fiscal year budget. Recruitment for the position will commence upon approval by the Board of Selectmen.

**MOTION** by Selectman Murphy and seconded by Selectman Wilson to approve the restructuring of the Land Use Department to include a Land Use Technician into the Town's Classified Plan; Salary Grade 6, 35.5 hours per week. The position is funded in the current fiscal year budget. Recruitment for the position will commence upon approval by the Board of Selectmen.

**VOTE: this motion was passed unanimously.**

9. Discuss and take action to adopt a resolution abolishing the Job Evaluation Committee, the Landscape Committee and the Building Code of Appeals

**MOTION** by Selectman Wilson and seconded by Selectman Murphy to adopt the following resolution abolishing the Job Evaluation Committee, the Landscape Committee and the Building Code of Appeals:

***RESOLUTION ABOLISHING CERTAIN COMMITTEES AND BOARDS***

*WHEREAS, the Board of Selectmen of the Town of Madison, pursuant to the former Town Charter provisions relating to appointed boards and commission, created certain advisory boards or committees, including the Job Evaluation Committee, the Landscape Committee and the Building Code of Appeals (the "Committees"); and*

*WHEREAS, over time, the role of these boards and committees have been supplanted by the creation of other boards and committees, Town departments or agencies and/or by state laws pursuant to which the purposes of the Committees are being otherwise served; and*

*WHEREAS, it is found that these Committees are currently inactive and serve no further useful purpose; and*

*WHEREAS, the residents of the Town of Madison voted to adopt a new Charter that no longer includes the Committees as necessary appointive committees; and*

*WHEREAS, in an effort to eliminate ambiguity and redundancy, and to give effect to the terms of the newly amended Charter (Effective Date: December 8, 2022) the Board of Selectman believes it is in the best interests of the Town to abolish these Committees.*

***NOW WHEREFORE BE IT RESOLVED THAT:***

*Effective January 10, 2023, the former Job Evaluation Committee, the Landscape Committee and the Building Code of Appeals shall be abolished.*

***BE IT FURTHER RESOLVED, that the Board of Selectmen wishes to thank all who previously were appointed to and worked on these Committees for their service to the Town of Madison.***

*Dated at Madison, Connecticut this 10th day of January 2023.*

Discussion: First Selectwoman Lyons explained she reached out to any current members on these Committees to make them aware and thanked them for their service to the town of Madison.

**VOTE: this motion was passed unanimously.**

10. Discuss the re-organization of the Administrative, Risk, and Grants Manager position to a Procurement Administrator.

First Selectwoman Lyons explained the current Administrative, Risk and Grants Manager position was created for Lauren Rhines. Since her departure last month, many of those roles and responsibilities have been redirected to other departments but there is still a need for a staff member to focus solely on procurement. A Procurement Administrator will focus especially on large scale projects, saving the town money, and streamlining projects. First Selectwoman Lyons noted this will be a cost savings to the town, she will provide the board with further information and a job description at the next meeting.

11. Discuss and take action to approve calling the Annual Town Meeting in Town Campus, Hammonasset Room and on Zoom on Wednesday, February 1, 2023 at 6:00 p.m. for the following purposes:

- a. Review State of the Town Report
- b. Review Five-Year Capital Plan
- c. To receive the Annual Report of the permanent Boards, Commissions, Agencies, Committees and the Town's Auditor Report in accordance with Article II, Section 2.1.4.1 of the Town Charter.

**MOTION** by Selectman Wilson and seconded by Selectman Murphy action to approve calling the Annual Town Meeting in Town Campus, Hammonasset Room and on Zoom on Wednesday, February 1, 2023 at 6:00 p.m. for the following purposes:

- a) Review State of the Town Report
- b) Review Five-Year Capital Plan
- c) To receive the Annual Report of the permanent Boards, Commissions, Agencies, Committees and the Town's Auditor Report in accordance with Article II, Section 2.1.4.1 of the Town Charter.

**VOTE: this motion was passed unanimously.**

12. Citizen comments.

Linda Marino: felt disheartened that some members still felt there is not a problem with Short Term Rentals in town even after the letters and correspondence from residents. She felt there is nowhere for residents to voice their concerns about this issue. She asked for an update to a letter sent to the Town Attorney and Board of Selectmen on January 4, 2023. First Selectwoman Lyons responded she is working with the Town Attorney and will try to have a response prior to any proposed ordinance/regulation.

Kim Brunstad, 15 Tuxis Road: spoke about Granicus report previously given by the Town Planner and felt the town was opening themselves up to a potential lawsuit if they prematurely regulate Short Term Rentals. She asked the board to gather data before moving forward.

Laura: asked the board to consider the letters they have received and who does/does not have financial interests when it comes to regulating Short Term Rentals. She asked the board to consider looking at similar coastal towns i.e., Stonington, as opposed to towns like Simsbury.

Jane Gamber, 67 Middle Beach Rd: Thanked the board for their consideration on Short Term Rental issue. She felt a major issue was large groups renting properties and asked the board to consider a maximum number of renters per property, for example 12.

13. Adjournment.

There being no objection the Board adjourned at 9:38 a.m.

Respectfully submitted,

Jaelyn Lehet



# TOWN OF MADISON

CONNECTICUT

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**Regular Meeting – January 10, 2023**

**Board of Selectmen**

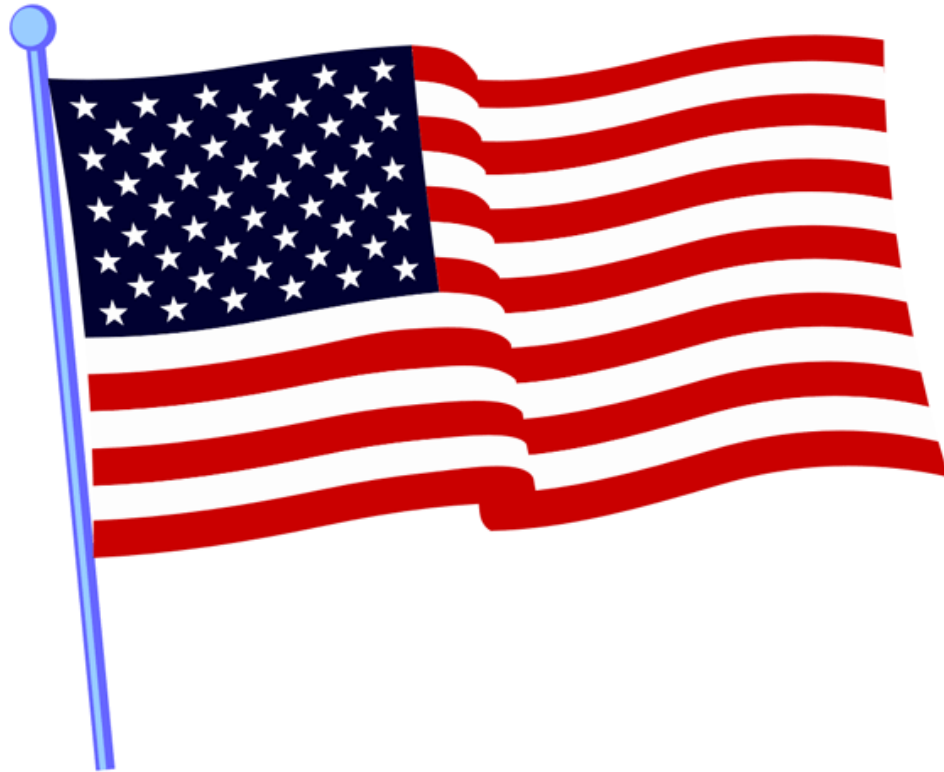
In Memoriam

# Selectwoman Noreen Kokoruda

AUGUST 4, 1947 – DECEMBER 21, 2022



# Pledge of Allegiance





# First Selectwoman's Update

- Town awarded two new Federal Grants in recent Omnibus Spending Package
  - **Emergency Operations Center/Firehouse Expansion Project:** \$2.5 million to help fund expansion of Madison Hose building and create dedicated EOC.
  - **Emergency Shelter Project:** \$1 million to help fund installation of back-up generator at Polson to establish new Emergency Shelter.

## Summary of Major Grant Awards in 2022\*

Grant	Project	Amount
CT Urban Act	Academy	\$4M
CT DECD Brownfields Assessment	Academy	\$200K
CT STEAP	Madison Center Project	\$500K
CT Transit Oriented Development	Madison Center Project	\$760K
CT Transit Oriented Development	Woodlands Rd Sidewalk Project	\$206K
Federal Community Directed Spending	Firehouse Expansion/Emergency Operations Center	\$2.5M
Federal Community Directed Spending	Emergency Shelter/Polson Generator	\$1.0M
<b>Total in 2022*</b>		<b>\$9.2M</b>

\* Not all inclusive. Excludes some Public Works projects and routine programming grants, etc.

# Discussion of Short-term Rentals

# BOS STR Ordinance - Potential Objectives

- BOS must determine key objectives for creating a short-term rental (“STR”) ordinance
- Possible objectives based on public feedback so far: **DRAFT**
  - Identify, monitor and track STR activity in Madison
  - Encourage STR property owners to follow best practices
  - Mitigate neighborhood nuisance issues
  - Protect neighborhood quality of life by reducing rental turnover
  - Discourage corporate owners seeking investment properties only
  - Maintain property owners’ flexibility to generate supplemental income to offset property ownership costs
  - Preserve Madison’s 100 year+ legacy as a summer vacation community
  - Acknowledge economic development role of STRs in providing accommodation options to local visitors and resident families

# Progression of STR Ordinance Options

## Register

- Enables collection of information on STR activity, which could be used for future regulation
- Identifies point of contact, responsible party for property
- Documents and tracks problems/nuisances
- Creates transparency for neighboring properties on rental activity
- Provides mechanism for Town to educate property owners on best practices
- Requires limited Town staff hours

## Regulate

- Places limitations on use such as rental days, occupancy, parking, ownership, etc..
- Potential to mitigate some neighborhood nuisance issues by reducing rental activity
- Provides mechanism to determine property health/safety compliance
- Potential to discourage or prohibit “corporate” owners
- Requires Town staff hours for compliance, inspections, enforcement, complaints, etc.
- Zoning regulations could be considered as an alternative to Town ordinance

## Restrict

- Option to ban all STR activity
- May eliminate some neighborhood nuisances by reducing frequency of turnover
- Opportunity to discourage or prohibit “corporate” owners
- Very restrictive to existing property owners, eliminating flexibility and source of income
- Significantly reduces visitor access to overnight accommodation options in Madison
- Zoning regulations could be considered as an alternative to Town ordinance

# Potential Ordinance Terms

- Considerations for Madison in defining, implementing, and enforcing a STR Ordinance

Topic	Sample CT Ordinance - Simsbury	Madison Considerations
Purpose	<ul style="list-style-type: none"> <li>• Regulate short-term rentals through permitting process</li> <li>• Ensure compliance with state/local rules</li> <li>• Monitor and track activity</li> </ul>	<ul style="list-style-type: none"> <li>• Need to determine desire to regulate v. register, monitor, track activity</li> <li>• Need to align with BOS objectives</li> </ul>
Definition of Short-term Rental	<ul style="list-style-type: none"> <li>• Rented for 1-29 consecutive days</li> <li>• Separate sleeping areas, access to one full bathroom, cooking area</li> </ul>	<ul style="list-style-type: none"> <li>• Threshold could be less than 30 days</li> <li>• Could establish lower thresholds such as 21 days, 14 days, etc.</li> <li>• Excludes B&amp;Bs, hotels, motels</li> </ul>
Application Requirements	<ul style="list-style-type: none"> <li>• Permits issued for 2 years</li> <li>• Detailed information on property</li> <li>• Signed affidavit property is in compliance with Town health, zoning, building, fire codes</li> <li>• Initial safety inspection required</li> <li>• Initial Fee of \$200. Renewal @ \$130</li> </ul>	<ul style="list-style-type: none"> <li>• Regulation would require additional Town staff hours to complete safety inspections, develop database, administer permits</li> <li>• Permitting Fees generally would not offset administrative costs</li> <li>• May include “Good Neighbor” packet</li> <li>• Consider “right” to inspect</li> </ul>
Limits on rentals	<ul style="list-style-type: none"> <li>• Rental max of 100 days per year</li> <li>• One rental permit per property and only one portion of a residence/ADU</li> </ul>	<ul style="list-style-type: none"> <li>• May consider no limit on rental days</li> <li>• Difficult for Town to monitor/track</li> <li>• May limit 1 permit per owner. Cannot apply for multiple properties</li> </ul>

# Potential Ordinance Terms (cont.)

Topic	Sample CT Ordinance - Simsbury	Madison Considerations
Owner qualifications	<ul style="list-style-type: none"> <li>• Defines owner as holding legal right to property or is beneficiary, and must use property as legal residence</li> <li>• Must spend at least 183 days a year at their property</li> </ul>	<ul style="list-style-type: none"> <li>• Very restrictive definition. Would disqualify seasonal residents, family trust owned properties, LLCs</li> <li>• Consider a more permissible definition of owner</li> </ul>
Owner oversight	<ul style="list-style-type: none"> <li>• If not onsite during rental, must provide contact information</li> <li>• Considered local if within 20 miles</li> <li>• If not local, must identify local emergency contact</li> </ul>	<ul style="list-style-type: none"> <li>• Allow owner to designate a primary point of contact that meets criteria</li> </ul>
Occupancy	<ul style="list-style-type: none"> <li>• Lesser of 6 persons or 2 persons per each bedroom unit</li> </ul>	<ul style="list-style-type: none"> <li>• Very restrictive, especially for larger or older/unconventional homes</li> <li>• Could limit to renter family group or up to a certain number of unrelated individuals. Could exclude small children</li> <li>• Could be difficult to track</li> </ul>
Safety Requirements	<ul style="list-style-type: none"> <li>• Smoke detectors, egress, building code requirements, compliance with Town regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Need to determine which “safety” standards would need to be met</li> <li>• Will require additional staff time</li> <li>• Could rely on self certification process</li> </ul>

# Potential Ordinance Terms (cont.)

Topic	Sample CT Ordinance - Simsbury	Madison Considerations
Neighbor notification	<ul style="list-style-type: none"> <li>• Abutters (or within 100 ft) notified by applicant when initial application submitted</li> </ul>	<ul style="list-style-type: none"> <li>• Establish a “Good Neighbor” Policy</li> </ul>
Use of Accessory Dwellings	<ul style="list-style-type: none"> <li>• May be used for ST Rentals but must meet local standards</li> </ul>	<ul style="list-style-type: none"> <li>• Require to comply with zoning regulations</li> </ul>
Enforcement	<ul style="list-style-type: none"> <li>• Employees or designees of the Town by the Town Manager</li> <li>• Land Use Office handles permitting</li> <li>• Power to suspend or revoke license, issue fines of up to \$250/day of violation</li> <li>• Appeals process</li> </ul>	<ul style="list-style-type: none"> <li>• Need to determine enforcement agency for Town and develop appeals process</li> <li>• Will require additional staff time outside of business hours</li> <li>• Need to determine inspection criteria and rights</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• Town determines number of parking spaces and size requirements</li> <li>• Prohibition on overnight street parking</li> </ul>	<ul style="list-style-type: none"> <li>• Overnight prohibition may be problematic for some properties</li> <li>• Consider an overnight</li> <li>• Need to consult with MPD on other applicable parking rules</li> </ul>
Conduct/Use restrictions	<ul style="list-style-type: none"> <li>• Prohibition on indoor/outdoor events</li> <li>• No sleeping outside</li> <li>• No signage advertising property</li> <li>• Unreasonable noise or other disturbances</li> </ul>	<ul style="list-style-type: none"> <li>• Need clarity on prohibited events, definition for standards for noise and unreasonable disturbances</li> <li>• Can Town create noise ordinance that applies to STRs only</li> </ul>

# Possible Next Steps for BOS

- Finalize STR Ordinance objectives and develop applicable terms
- Work with Town staff and Town Counsel to develop draft STR Ordinance based on objectives/terms
- Get feedback from impacted Town Boards & Commissions (i.e. P&Z, EDC, Police Commission, etc.)
- Send draft STR Ordinance to Public Hearing
- Modify draft STR Ordinance based on public feedback, send to second Public Hearing
- Adopt STR Ordinance