



TOWN OF MIDDLEBURY

Board of Selectmen

MINUTES
Board of Selectmen
November 6, 2023 – 4:00 p.m.
Town Hall Conference Room

RECEIVED FOR FILING

NW.8 2023 at 3:50 PM

TOWN CLERK'S OFFICE
MIDDLEBURY, CT

Bryson M. Beckett
TOWN CLERK

Start – 4:00 p.m.

End – 4:50 p.m.

Present:

Edward B. St. John, First Selectman
Elaine Strobel, Selectman
J. Paul Vance, Selectman
Robert Smith, Town Attorney
Patricia Kurze, Safety Committee, Chairman
Rita Smith – Library Board of Trustees –
Chairman, PD – Commissioner, BOF-member
Vincent Cipriano, BOF, Chairman
Terry McAuliffe, Economic Development,
Chairman

Marj Needham, Middlebury Bee Intelligence
Sarah Shelton, Voices
Steve Bingham, Republican American
Liana St. Germain, Recording Clerk

Also Present

Janet Serra
Gerald Nardone
Peter Andonellis
Dawn Andonellis

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman at 4:00 p.m. with the Pledge of Allegiance.

Approval of October 16th, 2023, Meeting Minutes

First Selectman St. John MOTIONED to approve the minutes from October 16th, 2023, SECONDED by Selectman Vance. Unanimous approval.

Tax Rebates

None

Re-Appointments

Selectman Vance MOTIONED to re-appoint Bryan A. Ferrucci (D) to the Zoning Board of Appeals as an alternate, SECONDED by Selectman Strobel. Unanimous approval.
Term – 11/06/2023 – 11/06/2028

First Selectman St. John MOTIONED to re-appoint John A. Jenusaitis (R) to the Retirement Plan Committee SECONDED by Selectman Strobel. Unanimous approval.
Term – 11/06/2023 – 11/06/2026

First Selectman St. John MOTIONED to re-appoint Joseph Martino (R) to the Conservation Commission, SECONDED by Selectman Strobel. Unanimous Approval.
Term – 11/06/2023 – 11/06/2027

Sponsorship – Deputy Fire Marshal

First Selectman St. John stated a letter was received from MVFD Lieutenant Nick Santos to be sponsored to take the State of Connecticut Fire Marshal Pre-Certification training. First Selectman St. John noted that to maintain our cavalry of fire marshals where they need to be, he believes Nick Santos is a competent lieutenant, is also an electrician, and will be a great fit. First Selectman St. John MOTIONED to accept the sponsorship SECONDED by Selectman Vance. Unanimous approval.

Discussion and Consideration

Employment Agreement – Town of Middlebury & Daniel Norton (Director of Public Works)

First Selectman St. John noted that Dan Norton has been our director for about 12 years but has been involved in public works for over 40 years. First Selectman St. John stated that this is the same contract in effect. The only thing that would change is that all our employees are non-union employees in non-union positions and are subject to a compensation package. First Selectman St. John MOTIONED to accept the 5-year contract SECONDED Selectman Strobel. Unanimous approval. (See attachment)

Proposed employee AED training initiative

Patricia Kurze, Safety Committee Chairman, noted that all town buildings are equipped with Automated External Defibrillators, AEDs provided by our Fire Department and maintained by our Deputy Chief. Mrs. Kurze stated that it was brought to her attention that though it is wonderful that we have AEDs in each building, we need to have the staff trained in how to use them. The AED talks you through what to do if you ever need to use it, but it can be very flustering in a high-stress situation, especially if you have no training. Mrs. Kurze is proposing to the Board of Selectmen, which Mrs. Kurze will spearhead, a training initiative on a volunteer basis for any employees who are willing to step forward and become trained in the use of the AED. CPR training would also be done. Given the population size of each building, it would be ideal to have two to three trained employees per building. This would all be handled by our Deputy Chief. First Selectman St. John MOTIONED to approve this training initiative SECONDED by Selectman Vance. Unanimous approval.

Short-Term Rental Ordinance Proposal

First Selectman St. John noted that Selectman Strobel brought to light this issue at our last meeting, which we were unaware of about this Airbnb rental, also known as a “Party Hotel.” First Selectman St. John stated that this situation cannot be tolerated. We cannot allow our residential neighborhoods to be turned into a haven for these short-term rentals, which can happen in any of our neighborhoods. “This needs to end”. First Selectman St. John thanked Janet Serra for putting together and gathering information regarding this ordinance. First Selectman St. John noted that currently, there is a Cease-and-Desist order on this property. This is not an easy process to pursue, but we will do our best in the interim while developing an ordinance. First Selectman St. John noted that these are “absentee landlords” who purchase beautiful pieces of property and set up these homes as rentals all over social media markets.

Janet Serra stated that many residents of Mirey Dam can live anywhere they'd like, yet they choose Middlebury due to its quality of life, safe community, and location. Overall, we love Middlebury. Ms. Serra stated that one thing that the ordinance must address is advertisement. This home on Mirey Dam is available for short-term rental on multiple sites. Ms. Serra stated this is an opportunity for Middlebury to shine and write an ordinance that other towns can look at because this isn't an issue just in Middlebury. Ms. Serra asked what the process is for obtaining this ordinance. First Selectman St. John stated that our Town Attorneys should return with information by the next Board of Selectmen meeting. It will give them time to put information together. Ms. Serra noted this residence has been rented through at least Thanksgiving, and with this cease-and-desist order, what can we as neighbors do? Attorney Robert Smith stated this could be brought to court, but this is on an individual basis. Ms. Serra questioned how long the process is, the actual process for the ordinance, and whether it needs to go to a town meeting. Both Selectman Strobel and Town Attorney Smith stated no, there would be no need for a town meeting. First Selectman St. John noted the Board of Selectmen can decide on an ordinance. Attorney Smith said that the Board of Selectmen can decide on an ordinance, but the Town Attorneys need to research before making any decisions today.

Selectman Strobel asked resident Dawn Andonellis what living next door to this is like.

Mrs. Andonellis stated you don't have a neighbor. You have neighbors. No, you never have neighbors. You have strangers all the time. Constant noise. Your doors and windows are always closed. Your children are scared. My yard is terrible because I cannot stand being outside. And this has been going on since Memorial Day. Constant parties. It's like a frat house. People are always screaming. The two times the police were called out, the noise did calm down, but then the next day, someone new showed up. Selectman Vance noted that he strongly suggests calling the police every time. Be it for a noise issue or even a parking issue. First Selectman St. John stated that this would end. We will do what we must do. This will not be instantaneous, but I assure those residents that we will do our best.

Mrs. Andonellis stated that if you look at the cease-and-desist, you notice an LLC, not a person, owns the property. Our neighbor is an LLC, so this is a bonified, unsupervised, unregulated, party hotel.

Gerald Nardone stated that this cease-and-desist order allows us to impose a penalty once they receive this letter and do not respond satisfactorily. Can we, the town, start running a bill since they continue violating the order? Are there penalties or anything we can impose? Because if you look at a calendar, they are booked for the next 2 to 3 months. Attorney Smith stated that there are penalties if we obtain a court order showing they violate the cease-and-desist. The penalties can be severe under the zoning regulations. But a cease-and-desist is piecemeal because you must go after each individual one. This is a way to start it, and we can enforce the zoning regulations against this property, hopefully deterring further issues with other short-term rentals in town. Selectman Strobel stated that they are looking for what they can do since the cease-and-desist continues to be violated. Attorney Smith said we need the court to enforce the cease-and-desist order, and continuing to violate it will result in severe penalties.

Mrs. Andonellis asked Attorney Smith, if individuals do show up, say Thanksgiving, what action should be taken? With the cease-and-desist order in place. Should we call the police or contact the Zoning Enforcement Officer? What should we do? Attorney Smith stated to do all the things she said. Attorney Smith noted to create a record. Selectman Vance pointed out that if there is a noise, parking, or littering issue, call the Police Department. The Police Department will then start a record, which will help the Town Attorneys put together the ordinance. First Selectman St. John MOTIONED to charge the Town Attorney and/or his designee to create an ordinance prohibiting short-term rentals in cooperation with Planning and Zoning, SECONDED by Selectman Strobel. Unanimous approval. (See attachment)

Peter Andonellis stated they operate this property like a business. Since the owner is an LLC, they must comply with the same laws as a business. Do they pay the proper taxes? But even if they have a business, can they do so in this residential neighborhood? So, this LLC is running a hotel, not paying the proper taxes, and possibly doing things illegally. First Selectman St. John stated a very interesting point was made, and Selectman Strobel will investigate this and have a discussion with our Assessor.

Proposal for Town Website

Terry McAuliffe noted he has been promoting volunteerism. Mr. McAuliffe stated that he is offering his services for free to update the town website. (see attachments) Mr. McAuliffe said his background is in IT, and he is confident he could help make our front page look more welcoming.

Public Comments

Marj Needham questioned Nick Santos: how much does this certification cost? First Selectman St. John noted this will not cost the town anything. It is at the individual's expense.

Ms. Needham also asked Town Attorney Smith should the neighbors call the police every time to verify that people are staying at the "Party Hotel." Attorney Smith stated to take pictures and keep a record unless the individuals are making noise or causing a parking hazard.

Executive Session

None

Adjournment

First Selectman Edward B. St. John MOTIONED to ADJOURN the meeting at 4:50 p.m.; SECONDED by Selectman Strobel. Unanimous approval.

The next meeting is slated for Monday, November 20, 2023, at 4:00 p.m.

These minutes are submitted subject to approval.

Respectfully Submitted,

Liana St. Germain

Recording Clerk



TOWN OF MIDDLEBURY
OFFICE OF THE FIRE MARSHAL
1212 WHITTEMORE ROAD
MIDDLEBURY, CONNECTICUT



November 2, 2023

Mr. Nick Santos
91 Joy Road
Middlebury, CT 06762

Interest in Fire Marshal Pre-Certification training

Dear Nick

Based on a conversation you and I had during Fire Prevention School visits on October 13th, you expressed interest in attending the State of CT Fire Marshal Pre-Certification training. The State offers this training in the form of two (2) modules and classes are held during the week. Average duration per module is 3 months. Successful completion of both modules and passing the State Certification Exam(s) are required to be appointed as a Fire/Deputy Marshal. Once you've passed a module, an appointment can be made as Fire Investigator or Fire Code Inspector.

I can use the additional help as my current assistants are unable to dedicate enough time to help with the backlog and it seems like every week there is another new business coming to Middlebury. While an appointment letter is not required, the Board of Selectman may issue an appointment letter as they see fit. There is an expectation that if an appointment is made, you will dedicate the time to assist with our inspection backlog and carry a routine assignment of inspections to be completed on an annual basis.

Should you still be interested in moving forward knowing the commitment required to make this effort successful, go ahead and sign the attached letter and return it to the First Selectman's Office with a copy to me. Should the BoS approve, details regarding enrollment are in the attached letter.

Yours in the Fire Service,

A handwritten signature in black ink, appearing to read "B. Proulx".

Brian E. Proulx - Fire Marshal
Office: (203) 577-6740
Email: brianproulx@middlebury-ct.org

cc: Ed St. John - First Selectman, files



TOWN OF MIDDLEBURY
OFFICE OF THE FIRE MARSHAL
1212 WHITTEMORE ROAD
MIDDLEBURY, CONNECTICUT



November 2, 2023

Mr. Edward B. St. John
First Selectman – Town of Middlebury
1212 Whittemore Road
Middlebury, CT 06762

Dear First Selectman St. John

I am contacting you to request the Board of Selectman sponsor me in taking the State of CT Fire Marshal Pre-Certification training as offered. I will dedicate the time and effort needed to successfully pass the required modules. Upon passing each module I understand I may be appointed as a Fire Investigator or Fire Code Inspector in the interim. I am aware of the time commitments and work load that such classes may place on me above and beyond my current commitments and will make the time to complete the work expected of a certified fire professional for the Town of Middlebury.

Should I be appointed, I will maintain annual recertification during my appointment. I have the following to be included as prerequisites for certification:

- A letter from the Middlebury Fire Department on department letter head confirming at least three (3) years experience in fire suppression or fire prevention activities
- Over the age of 18
- Hold a high school diploma or equivalent

I await BoS notification of approval. If approved, I must follow the State of CT OEDM certification class application requirements as follows:

- Create a new account on the OEDM LMS portal (if not already registered at <https://oedmtraining.ct.gov/PublicStudentSignUp.aspx>)
 - Click on the **“Submit Application”** link
 - Click **“Request Credential Application”** button and complete the questions
 - Upload the Fire Department Letter to the application
 - Upload the Board of Selectmen appointment letter to the application
 - Await application approval

I understand that this places me into the candidate pool and will await further instructions from the Office of State Fire Marshal via email regarding class acceptance and next steps. I will keep Fire Marshal Brian Proulx apprised of my status during the certification period.

Yours in the Fire Service,

Nick Santos – MVFD Lieutenant

EMPLOYMENT AGREEMENT
BETWEEN THE TOWN OF MIDDLEBURY AND
DANIEL NORTON

This Agreement is made by and between the Town of Middlebury and Daniel Norton, effective November 1, 2023. The parties expressly acknowledge that nothing contained in this Agreement shall in any manner restrict, alter, limit or impair the statutory authority of the Town of Middlebury over the general management and supervision of the Town of Middlebury Public Works Department.

1. **Employment.** The Town offers, and Daniel Norton accepts, employment as the Town of Middlebury's Director of Public Works upon the effective date of this Agreement.

2. **Term.** Daniel Norton shall be employed for a period of five (5) years commencing on November 1, 2023 and terminating on October 31, 2028, unless terminated earlier as set forth herein. The Town of Middlebury will provide Daniel Norton with one hundred eighty (180) days written notice if this Agreement will not be renewed; provided that failure to provide such notice shall not constitute a renewal of this Agreement; provided further that in the event the Town of Middlebury provides less than one hundred eighty (180) days written notice, this Agreement shall remain effective for a period of one hundred eighty (180) days following the date such written notice was provided to Daniel Norton.

3. **Time and Efforts.** Daniel Norton shall diligently and conscientiously devote his full and exclusive time and attention and best efforts in discharging his duties as the Town of Middlebury's Director of Public Works, as such duties shall be assigned and/or revised from time to time by the Middlebury Board of Selectmen. Daniel Norton shall comply fully with the job description applicable to the Director of Public Works, as may be revised. Daniel Norton shall report to the Town of Middlebury First Selectman. Daniel Norton shall continue to reside within 25 miles of the Town of Middlebury during his employment as Director of Public Works. Daniel Norton shall not work a secondary job, unless specifically provided in this agreement.

4. **Compensation and Benefits.**

(a) **Salary.** Daniel Norton shall receive a salary based on an annual compensation amount of \$111,168.00 as of July 1, 2023. Such Salary shall be increased during the contract term, at a minimum of the increase provided annually for Appointed and Elected members of the Town Administration.

(b) **Insurance and Medical Benefits.** The Town agrees to continue to pay and provide, at no cost to Norton, term life insurance coverage in an amount equal to two (2) times his annual salary for the duration of this agreement.

It is understood that Daniel Norton shall receive group health insurance benefits, as provided to Middlebury Appointed and Elected employees/officials, and shall receive said

benefits until October 31, 2028, regardless of when he terminates employment. Thereafter, he shall receive the Medicare Supplement currently provided to said employees/officials.

In addition, the town agrees to provide an insurance policy providing nonoccupational sickness and accident insurance paying weekly payments in amounts of two thirds of Norton's weekly pay with a weekly maximum of six hundred dollars [\$600] for a maximum period of fifty-two [52] weeks, benefits commencing on the fifteenth [15] calendar day of absence, and a long-term disability policy paying monthly payments of \$5,000.

(c) Vacation. Daniel Norton shall receive twenty-five (25) days of paid vacation each fiscal year, which shall be prorated based on the length of agreed contract periods. All vacation must be taken as earned, and can be used by Daniel Norton in total at the discretion of the First Selectman.

(d) Sick Leave. Daniel Norton shall receive the same number of sick days, annually, as other elected and appointed officials. Upon Leaving employment with the Town of Middlebury for any reason, Daniel Norton shall receive Fifty percent (50%) of accrued, but unused, sick days, up to a maximum payment of one hundred fifty (150) days.

(e) Holidays. Daniel Norton shall be eligible for holidays observed by Middlebury Appointed and Elected employees/officials, except when such designated Holiday is not a holiday for Unionized Public Works employees. In such a case, he shall work on that day and receive a floating holiday in lieu thereof.

(f) Personal Days. Daniel Norton shall be eligible for such paid personal days per year, as are provided to Middlebury Appointed and Elected employees/officials. Daniel Norton shall schedule such personal days to minimize the impact on the Public Works Department and subject to the needs of the Town of Middlebury.

(h) Pension. Daniel Norton shall continue to participate in the Town of Middlebury Defined Benefit Pension Plan, under all terms and conditions of said plan, for Public Works Employees, as they may exist, on the date of this agreement.

(i) Membership Dues and Vehicle. The Town agrees to maintain Daniel Norton's annual membership dues in Connecticut Association of Street and Highway Officials and to provide Norton with a vehicle for the entire duration of this agreement.

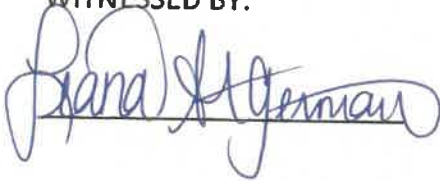
(j) Other Fringe Benefits. Daniel Norton shall receive longevity pay and other fringe benefits as provided to Middlebury Appointed and Elected employees/officials, except as superseded by this agreement.

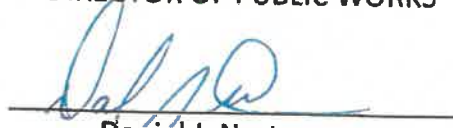
5. Termination of Employment. The Town of Middlebury may terminate Daniel Norton at any time for just cause; provided that the Town of Middlebury shall give Daniel Norton written notice of the specific grounds for dismissal and an opportunity to respond to such grounds for termination. In the event Daniel Norton is terminated for just cause, he shall not be entitled to salary payments beyond his last day worked.

6. Resignation. In the event Daniel Norton intends to resign voluntarily or retire before the natural expiration of this contract, and any extensions thereof, then Daniel Norton shall give the Town of Middlebury 30 days written notice in advance, unless the parties otherwise agree in writing. He shall not be permitted to utilize accrued vacation time during this notice period unless specific permission is granted by the Town of Middlebury.

This Agreement is hereby executed pursuant to a favorable vote of the Board of Selectmen, conducted in accordance with the provisions of the Middlebury Charter, at a meeting held on November 6, 2023.

IN WITNESS WHEREOF, the undersigned have entered into this Agreement, effective November 1, 2023, and executed same on the date(s) set forth below.

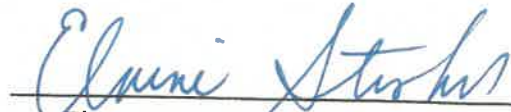
WITNESSED BY:


DIRECTOR OF PUBLIC WORKS

Daniel J. Norton

10/23/2023
Date

TOWN OF MIDDLEBURY BOARD OF SELECTMEN


Edward B. StJohn, First Selectman


Elaine Strobel, Selectman


J. Paul Vance, Selectman

11-6-23
Date

Short-Term Rental Ordinance

Make a motion to charge the Town Attorney and or his designee to create an ordinance prohibiting short-term rentals in cooperation with Planning and Zoning.

Definition

A short-term rental is defined as “the rental of any residential dwelling, dwelling unit, or room in a dwelling (in whole or in part), accessory structure (in whole or in part), accessory dwelling unit (in whole or in part), and/or a recreational vehicle located upon a parcel or a portion thereof, by owner(s) or lessee(s) to another person or group of people for occupancy, dwelling, lodging, or sleeping purposes in any residential area, for a period of less than 30 days.

Purpose of the Ordinance

To prohibit short-term rentals (STR) throughout Middlebury in residential properties because occupancy of a household residential dwelling is stable, and an STR constitutes transient occupancy of a dwelling and is prohibited.

The commercial non-residential nature of STRs constitutes an incompatible use in residentially zoned areas with the potential to create a host of undesirable spillover effects that ultimately impact the quality and character of neighborhoods.

STR Negative Impacts

STRs are associated with well-documented negative secondary impacts that have a detrimental effect on the public health, safety, and general welfare of residential areas and neighborhoods, including but not limited to additional traffic, excessive noise, disorderly conduct, overcrowding, vandalism, parking problems, accumulation of refuse, crime, and the overall degradation of a neighborhood's residential character and quality of life.

The ordinance should contain the following:

1. Address the current language of the Middlebury Zoning Regulations, as outlined in the Seize and Assist letter by Zoning Enforcement Official Curtis Bosco dated October 24, 2023. (See attached)
2. Prohibit advertisement in magazines, newspapers, newsletters, handbills, notices, displays, billboards, posters, email, Internet websites or applications, online marketplace, or any other form.
3. It shall be unlawful for any person or entity to offer or make available for rent or to rent (by way of a rental agreement, lease, license, or any other means, whether oral or written) for compensation or any consideration, a short-term rental
4. No person or entity shall place or maintain any advertisement for a short-term rental.
5. It shall be unlawful for any person or entity to occupy, pursuant to a rental agreement, lease, license, or any other means, whether oral or written, for compensation of any consideration, a short-term rental.
6. (Fee Scale for Violations)

Furthermore, a draft ordinance shall be presented in advance to the Board of Selectman for the November 21, 2023, meeting to facilitate a vote.

TRIBURY MEDIA, LLC
Terrence S. McAuliffe
30 Independence Circle
Middlebury, CT 06762
tribury.media@gmail.com
203-758-1492 office – 203-770-9744 cell

Board of Selectmen
Town of Middlebury
1212 Whittimore Road
Middlebury, CT 06762

PROPOSAL TO UPDATE THE TOWN WEBSITE TO SUPPORT VOLUNTEERISM

Dear Board of Selectmen,

I've served Middlebury in various volunteer roles, including as EDC Chairman, for many years. Collaborating with the Board of Selectmen and our dedicated community, we've worked to enhance Middlebury's growth and prosperity.

During our discussions at previous Board of Selectmen meetings, I have raised concerns and ideas regarding the Town of Middlebury's website. While I have always represented these concerns in my capacity as EDC Chairman, I now wish to officially propose a solution in my capacity as the owner of Tribury Media, LLC.

With my extensive background in computer technology, web development, and a proven track record of working collaboratively with the current website company and its support team, I am confident in my ability to address the website's need for volunteerism effectively. As you are aware, I have already made significant contributions by creating an extensive EDC section on the town website, featuring essential content such as a Connecticut video and a dynamic listing of Middlebury commercial properties.

The primary objective of this proposal is to make the Town of Middlebury's website more welcoming to our valued volunteers. There is unanimous agreement that the website requires improvements in this regard.

I am offering my services at no charge, and I expect that there will be little or no vendor costs. I want to assure you that in carrying out this work, I will not incur any expenses without prior authorization from the Board of Selectmen or its designated representative.

Thank you for your attention to this matter. I look forward to the possibility of working together to improve the Town of Middlebury's online presence and better serve our volunteers and residents.



attachment: Example of changes proposed.

EXAMPLE OF CHANGES PROPOSED

Most significantly, a volunteer icon will be added to the home page.



The volunteer icon will link to the “Become a Volunteer Page” which needs updating and review.



