



# TOWN OF MIDDLEBURY

## Board of Selectmen

**MINUTES**  
Board of Selectmen  
November 20, 2023 – 4:00 p.m.  
Town Hall Conference Room

RECEIVED FOR FILING  
Nov 22 2023 at 3:38 p.m.  
TOWN CLERK'S OFFICE  
MIDDLEBURY, CT  
*Rhonda M. Beach*  
TOWN CLERK

Start – 4:00 p.m.

End – 4:55 p.m.

### Present:

Edward B. St. John, First Selectman  
Elaine Strobel, Selectman  
J. Paul Vance, Selectman  
Jennifer Mahr, Selectman, Elect  
Robert Smith, Town Attorney  
Patrick Deely, Chief of Police  
Dan Norton, Director of Public Works  
Peter Vaccarelli, Assistant Public Works  
Director  
Kevin Dawes, PW  
Nick Sidorick, PW  
Jo-Ann LoRusso, Library Director  
Betsy Anderson, Park and Recreation Director  
Chris Kelsey, Assessor  
Brigitte Bessette, Town Clerk  
Curtis Bosco, Zoning Enforcement Officer  
Mark Lubus, Building Official  
Brenda Carter, Tax Collector

Cindy Palomba, Tax Collector, Elect  
Connie Brunswick, Finance Manager  
Patricia Kurze, Safety Committee, Chairman  
Rita Smith – Library Board of Trustees –  
Chairman, PD – Commissioner, BOF-member  
Sarah Shelton, Voices  
Liana St. Germain, Recording Clerk

### Also Present

Ralph Barra  
Maryann Barra  
Janet Serra  
Gerald Nardone  
Steve Huebner  
Peter Trincherro  
Max Maybach  
Drew Greene

### 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 the November 6<sup>th</sup>, 2023, Meeting Minutes

First Selectman St. John MOTIONED to approve the minutes from November 6<sup>th</sup>, 2023, SECONDED by Selectman Vance. Unanimous approval.

### Tax Rebates

None

### Appointments

Selectman Strobel MOTIONED to appoint Harold Zinno III (R) to the Parks and Recreation Commission, SECONDED by First Selectman St. John. Unanimous approval.

TERM – November 20, 2023 – November 20, 2028

Selectman Strobel MOTIONED to appoint Dawn (Yoakam) Andonellis(R) to the Land Preservation and Open Space Acquisition Commission, SECONDED by First Selectman St. John. Unanimous approval.

TERM – November 20, 2023 – November 20, 2025

### Discussion and Consideration

#### New FD Officers

First Selectman St. John noted that this is a courtesy. Our Fire Department elects all its officers. First Selectman St. John would like to wish all of them well. Having been a 50-year department member, I know finding individuals to do what they do is not easy. First Selectman St. John noted that the fire department would be glad to hear from you if anyone is willing to volunteer. (See attached)

#### J. Paul Vance

I want to take a moment now that the campaign is over to discuss the proposed Warehouse/Distribution Center Project. I have spent time listening and learning about this project, mindful that I have a strong opinion, but careful not to interfere with the legal process. I do not want my opinion to give any developer a pathway to sue the Town and cost our taxpayers money. That being said, as a Selectman who was elected to represent the people of the Town, we can and should make our opinions clear. There is no gag order. We are here to represent our neighbors. I have many concerns about the proposal and why it should not happen. The building height and the truck traffic are not a good thing for Middlebury. I am concerned about public safety and the character of our town. This is a project that does not work for this Town. I hope as it goes through the process, that the project fails. It would be ideal if the developer withdraws the project. I respectfully move and make the motion that my comments be added to the record of this meeting to reflect my opposition to the project.

First Selectman St. John asked Selectman Vance if he would like a motion to be made. Selectman Vance requested that the motion to support the facts that were stated be added on record into the meeting minutes and asked that the Selectmen be role-called as to their agreement. First Selectman St. John suggested that a simple one be done if a motion is to be made. First, Selectman St. John noted that the motion should state do you support the distribution center, the answer would be a simple yes or no, and if Selectman Vance agrees, First Selectman St. John will second that motion. Selectman Vance agrees with making a simple motion. Do you support a distribution center? Yes or no.

First Selectman St. John shares some words. The town went through an election. Many things were said about this project. What is most bothersome to me is that we have always taken the position, as the Board of Selectmen, over the last 30 years of projects, of letting the process take its course. Let the Boards do their jobs. It's pretty evident that what the First Selectman has suggested, others have felt entirely different. The voters decided just that that, indeed, was a big issue. First Selectman St. John noted a flyer circulated that showed a monstrosity of a project that was sent to half the town, which pictured an Amazon distribution project. First Selectman St. John stated that he did not say anything about it, but I contacted all our Land Use individuals and advised them that we must be prepared to handle this correctly. This application must be properly heard, and every procedure must be followed. The First Selectman noted that this was not a done deal. The shovel is not ready to hit the ground. Every time the Board of Selectmen attempted to give the town's position and that of the applicant, it was said that the Selectmen were in bed with the developer and that we strongly favored the project.

First Selectman St. John stated that this is anything but true. There isn't a soul in this room you can produce where Ed St. John, Elaine Strobel, John Vance, or Ralph Barra ever went out and said they were supporting this project and waving the flag. We all took the position to let the process take its course. It backfired horribly. First Selectman St. John stated that he was publicly called a crook at meetings by our town residents. Where our people are being referred to as dishonest brokers, First Selectman St. John noted that that bothers him immensely. First Selectman St. John stated for someone who has given over 50 years to this community, "There isn't a soul in this room that can ever say that Ed St. John has a dishonest bone in his body." "But when you accuse me of being a crook, someone is getting paid off in this town. You went a little too far, okay? I don't take that lying down." First Selectman St. John stated that the Board of Selectmen's position on this project is to let the process work, but we are beyond that, and the record needs to be made clear. First Selectman St. John MOTIONED no, to do you support the distribution center, SECONDED by Selectman Vance. Unanimous approval.

### **Short-Term Rental Ordinance – Prohibition of Residential Short-Term Rentals**

First Selectman St. John thanked everyone who brought this to the attention of the Board of Selectmen. Council Robert Smith has prepared a draft, Prohibition of Residential Short-Term Rentals. We are doing this as an ordinance not connected with zoning. Zoning can be filled in later.

Selectman Strobel MOTIONED to accept the Prohibition of Residential Short-term Rentals SECONDED by Selectman Vance. Unanimous approval. (See attached)

First Selectman St. John opened the floor for discussion.

Zoning Enforcement Officer Curtis Bosco states there is no provision for enforcement. How will this be handled? First Selectman St. John said our Middlebury Police Department will assist; they enforce all our town's ordinances.

First Selectman St. John noted that the residents had a question for the town attorney regarding the fine of \$250.00. Attorney Smith stated that is the maximum fine allowed under state statute by ordinance. Attorney Smith noted that police types of ordinances under section 7-148 subsection c10 provide for a maximum fine of \$250.00. Selectman Strobel questions whether this is per day or occasion. Attorney Smith states this is per event. First Selectman St. John noted to the Chief of Police, who was present that the Police Department must become very proactive on this. Multiple properties in town are listed, and they must be advised that an ordinance is now in effect. Attorney Smith stated let's see if we can even go further and contact Airbnb and others and inform them that the Town of Middlebury now has an ordinance prohibiting Short Term Rentals. Attorney Smith noted that there is a concern across this nation with this. Attorney Smith thanked Janet Serra and Dawn Andonellis for their research and documentation, which helped tremendously in drafting the ordinance. First Selectman St. John questioned when this ordinance would take effect. Attorney Smith stated that the typical is fifteen days from the day of approval.

Jennifer Mahr, Selectman Elect, asked if there is any exception to this policy that we would want to take a second to consider. The reason for asking is that she knows parents connected to Westover School would prefer to rent a home when visiting their child. The town doesn't have a bed and breakfast, and there are commercial hotels, but before we go down this road that states no rentals are possible, I'm asking if there would be a consideration if there is some connection to Westover to think about. First

Selectman St. John stated going back over the years, Westover has many housing facilities and used to provide that for visitors, and I take it they don't do that anymore. Ms. Mahr stated she did not know the answer to that, and this was a concern expressed, and she wanted to make sure this was thought about. First Selectman St. John stated that making an exception for one will open the door for all. First Selectman St. John said let's put this ordinance out there and see what comes out of it, and in the meantime, Ms. Mahr, you will be on our Board of Selectmen moving forward, and we can then amend the ordinance where we see fit. Selectman Strobel stated schools like Westover, Taft, and Gunnery have lists of houses for families, and the others are advertised, one, especially as the "party house." Ms. Mahr stated that it does not specify that, so that is why I am asking this question. Under this ordinance, it is not allowed anymore. If we must change this in the future, that is fine; I only asked for it to be considered. Does that preclude this situation? Attorney Smith stated that does not preclude an amendment. You can always amend an ordinance. This addresses an immediate problem.

Janet Serra would like to thank the Board of Selectmen for the concern for the residents of Mirey Dam Road and other residential neighborhoods that may also face this short-term rental problem, which is a problem nationwide. One of my concerns, having been the tourism director for 35 years for western Connecticut, including Litchfield Hills and Fairfield County, is that many schools have host homes that families can use. One problem is that short-term rentals are not town-approved, unlike a bed and breakfast.

Steve Huebner questioned the \$250.00. Is that the maximum fine? Attorney Smith noted yes, per our statutory. Mr. Huebner asked if there were any laws against progressive fines. Attorney Smith stated that you cannot go beyond the \$250.00 per event. Attorney Smith noted that this is an immediate action, and I suggest that Planning and Zoning also take it up. We are regulating under a statute that provides for the regulation of potential nuisance.

Selectman Vance stated that no one wants a hotel in a residential neighborhood, but if we need to make amendments, we can do that. Being a product of going to a prep school, I know parents' weekend and finding a hotel as close to the school as possible wasn't easy. Luckily there is one right down the road for Westover.

Max Maybach stated he lives on Mirey Dam Road and understands this is a Prohibition of Short-Term Rentals, and section 2 does not have a time limit. It prohibits all operations. As a homeowner, if I have the opportunity to go on a sabbatical and I seek to rent my house for a certain period of time, I will look forward to language that would provide a path for being compliant to doing that.

Selectman Strobel stated this would be a one-time, not a repeated event, and would not be advertised. First Selectman St. John noted this is something that can be looked at moving forward.

Ralph Barra questioned can be done about the on-street parking, can they be ticketed or towed? Attorney Smith stated we have an ordinance in place for on-street parking. Selectman Vance also stated there is a state statute also. First Selectman St. John stated most people park their cars in their driveways, we have an ordinance that takes care of on-street parking during inclement weather, but let's say Ed St. John wants to have a party and individuals park on the road, what are we going to do, not let them park on the road.

Drew Greene stated he has a summer place on Lake Quassapaug, Tyler's Cove, and this association has a short-term rental in place for 30 days. Will this ordinance affect all the buildings? Attorney Smith stated, yes it would. Mr. Greene stated if we have a problem, will we still be covered? Attorney Smith stated this ordinance will add another tool to assist.

### Thank you to Selectman Elaine Strobel

First Selectman St. John wanted to share with everyone the 30-year relationship with Selectman Strobel. Our first assignment was to work with her on preparing budgets for approval and she was always at our side. We learned very early on that we needed to separate our wants from needs. That's the first lesson we give in the budget process, and I'm sure some of our department heads here can testify to that. For 27 years, we were able to maintain an average of a 2.5 percent increase in our town's operating budget. The town increased its bond rating 3 times in fifteen years to an AA1, there's only one rate higher in Connecticut, and we will probably never reach that because we do not have the population. We increased our undesignated fund balance to 5.8 million.

Projects undertaken – Selectman Strobel came in at the end of some of these projects. The Shepardson Community Center was converted into a Senior Center. It was formally a Region 15 School. The Town Hall Renovation Project, creating more space and updating all mechanicals in the building. Selectman Strobel was around for three additions to our Public Library, often referred to as the People House. Worked on the massive fund-raising effort to make it all possible. The Public Library is probably a 20 to 21-million-dollar investment, and the town has little to no investment. It was all done through public funds and the generosity of our residents. The Historical Building was in 1995, and a major renovation was in 2020, and is still ongoing. The Fire Department building was built in 1975-1976, upgraded in 2000, and again in 2021 – 2022. The Police Department building was built in 1975-1976, upgraded in 2000, and again in 2021-2022. Both the Fire and Police Departments were upgraded at the same time. Public Works Facility was done between 1990-1993, and Selectman Strobel caught this upgrade in the middle. The old building was removed, and the new highway building was constructed. A new Highway vehicle maintenance facility was constructed, which is where we maintain all our town equipment. New Canine Facility and new Recycling Facility. The recycling facility has numerous severe environmental challenges as it sits atop the town's old landfill.

Senior Housing on Woodside Heights, Selectman Strobel was very instrumental in working with us to make that happen. We bought the land, ultimately received a grant, and proceeded to build Woodside Heights, including a new access road to the site. The town owns all the land around our present public works operation.

Affordable housing was accomplished, and Middlebury has a total of 120 units to date. It took a long time to get there, but we got there.

Our Greenway Project, which took 15 years to complete. It started in 1985 and was completed in 2000. 6.5 miles and numerous property owner issues.

A new radio system was put in from low band to high band.

Bristol Park was added to our park system. That was the first one added. Following the construction of Ledgewood Park, Meadowview Park, and School House Park. This town had no parks when I came into office in 1983—the acquisition of hundreds of acres of property for preservation and or for town use.

With the construction of a municipal water system, we had poor-quality water and no water during dry spells—three upgrades to our sewer system, which cost millions.

Eight bridges were either replaced or rebuilt, the last one being the Long Meadow Bridge in 2014.

The purchase of Fenn's Farm, which is located on Artillery Road and is a historical landmark, was made in 2005. The farm is to be kept in preservation; this is restricted by deed. The land trust has a conservation easement.

Residential development was approved by our land use board. Steeple Chase, Benson Woods, Brookside, Avalon, Ridgewood, and Granite Woods.

EDC development we had the Uniroyal complex had 1 million square feet, Timex had a massive campus on Park Road, General Data Com (GDC) took over the Timex facility, and IBM purchased all the Uniroyal Holdings. This was our largest property owner and taxpayer for many years.

The bankruptcy of GDC, the downsizing of the Uniroyal complex, and the downsizing of Timex corporation at 199 Park Road ultimately moved to its headquarters on Christian Road—the sale of the Uniroyal complex along with all of its other properties.

Some serious work needed to be done to figure the plug the holes in the revenue side of our budget for taxes. We were talking about millions of dollars being taken off the grand list.

The helicopter issues. Timex Corporation for years owned helicopters and needed to renew their permits. A lot of neighborhood backlash over that.

The Straw Pond Debacle.

The Water contamination in the Three Mile Hill Road area was long done and resolved.

First Selectman St. John noted he was out of office from 2007-2011, and what happened in that interim, we were always a pay-as-you-go town. We got very behind. In 2007-2014 we had virtually nothing on our infrastructure. Our buildings are old. They have all since been updated, but you can't forget your maintenance year after year. Capital projects had to be created. Had to plan to bond this money moving forward. Selectman Strobel and Ralph Barra were always by my side during this time. A total of 17 public hearings had to go through to convince the town to approve a 6-million-dollar bond issue on one slot, and phase 2 would be two years later another 6 million dollars. We borrowed a total of 12 million dollars. This was the first time the town had ever borrowed money. I am a pay-as-you-go guy. The Town borrowed the money to do massive extensive upgrades.

Selectman Strobel was instrumental in encouraging the Department of Public Works to rebuild many of their older vehicles so the town would not need to buy new vehicles. They have since had a very successful program doing so. The town has since saved an immeasurable amount of money, and we are blessed with a great team.

Selectman Strobel provided direct oversight with our phone system, radio upgrades, and organizational streamlining, which is going on to this day in all our senior activities and buses, and is still president of the Woodside Senior Facility. The Town will always be indebted to you for your many years of service to our great town. Everyone always compliments the town and how beautiful it is well, you were part of that team that made it all happen.

Selectman Vance noted that Selectman Strobel did a lot for this town, and I learned this very quickly. When I became a Selectman, she welcomed me with open arms. Selectman Strobel educated me and helped me.

Ralph Barra thanked Selectman Strobel when he first became a Selectman, she was very helpful, and over the years, they worked together very well. Selectman Strobel was a great mentor.

### **Public Comments**

Jennifer Mahr, Selectman Elect, asked if there is a solar panel update. First Selectman St. John stated that we have been at this for about a year now. Our Zoning Enforcement Officer Curtis Bosco stated that, unfortunately, Eversource and Pura keep changing the rules. Every year it is a different type of auction. Hopefully, we'll have an update very soon. I am still optimistic.

First Selectman St. John states we have a great public works facility to work with.

Ms. Mahr is questioning the deadline for the RFP, which is dated August. Mr. Bosco advised that this deadline was able to be extended and modified.

**Executive Session**

None

**Adjournment**

Selectman Strobel MOTIONED to ADJOURN the meeting at 4:55 p.m.; SECONDED by Selectman Vance. Unanimous approval.

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

These minutes are submitted subject to approval.

Respectfully Submitted,

*Liana St. Germain*

Recording Clerk

## PROHIBITION OF RESIDENTIAL SHORT TERM RENTALS

### Section 1. Enabling Laws:

This Ordinance is authorized by Town Charter and Connecticut Statutes, including, but not limited to, Connecticut Statutes Sec. 7-148(b) and Sec. 7-148(c)<sup>1</sup>

### Section 2. Purpose and Intent:

The purpose and intent of this chapter is to prohibit the advertisement for, operation of, and/or establishment of, the short-term rental of any residential dwelling, dwelling unit, or room in a dwelling in residential areas, zones, and districts of the Town of Middlebury Connecticut.

### Section 3. Definitions:

a. As used in this Ordinance, “**short-term rental**” shall mean 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, zone, or district of the Town of Middlebury for a period of less than 30 consecutive calendar days. A short-term rental includes any contract or agreement that initially defined the rental term to be greater than 30 consecutive calendar days and which was subsequently amended, either verbally or in writing, to permit the occupant(s) of the owners’ or lessees’ short-term rental to surrender the subject dwelling unit before the expiration of the initial rental term that results in an actual rental term of less than 30 consecutive calendar days. The rental of rooms or units within town-approved hotels, motels, and bed and breakfasts shall not be considered to be a short-term rental.”

### Section 4. Prohibitions:

a. It shall be a violation of this Ordinance 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.

b. It shall be a violation of this Ordinance for any person or entity to place or maintain any advertisement for a short-term rental prohibited by this chapter.

c. It shall be a violation of this Ordinance for any person or entity to occupy, pursuant to a rental agreement, lease, license, or any other means, whether oral or written, for compensation or any consideration, a short-term rental.

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<sup>1</sup> See, for example, Sec. 7-148 (c)(7)(B), concerning on-street residential parking regulation, and Sec. 7-148 (c)(7)(E), concerning the abatement of nuisances.



**Section 5. Penalties for Violation of this Ordinance:**

Any person or entity violating the provisions of Section 4. a. or b. above, of this ordinance, shall be fined \$250.00 (two hundred fifty dollars) for each offense. Any person or entity violating the provisions of Section 4. c., of this ordinance, by occupancy of a short-term rental, shall receive a written warning for a first violation, and progressive fines thereafter, up to, but not more than, \$250.00 (two hundred fifty dollars) for each subsequent offense.

Voted and adopted, by the Middlebury Board of Selectmen, on November , 2023.

# ELECTIONS 2023-2024

The Annual Elections were held at Fire Headquarters on Sunday November 11, 2023 at 19:00 hours with Chief Kales presiding.

A Total of 39 voters attended.

## Officer Elections:

For the position of Chief (FD-1)

Not up for Election this year

For the position of 1<sup>st</sup> Deputy Chief (FD-2)

Motion made by S. Grandpre to nominate J. Grohs, seconded by B. Ferrucci.

Motion made to close nominations and the Secretary cast 1 ballot by M. Vonk, seconded by E. Cavallaro, vote was unanimous to approve.

For the position of 2<sup>nd</sup> Deputy Chief (FD-3)

Motion made to nominate M. Vonk by M. Proulx, seconded by E. Cavallaro.

Motion made to nominate B. Shaban by M. Dayton, seconded by D. Bunnell.

Motion made to close nominations and was made by N. Santos, seconded by B. Dawes.

Voted: Vonk – 9. Shaban – 29

For the Position of Senior Captain (FD-4)

Motion made to nominate M. Vonk by C. Capodanno, seconded by R. Kuehnle.

## ELECTIONS 2023-2024

Motion made to nominate N. Santos by B. Dawes, seconded by M. Kales.

Motion made to close nominations was made by B. Dawes, seconded by M. Kales.

Voted: Vonk – 20. Santos - 18

For the Position of Junior Captain (FD-5)

Motion made to nominate N. Santos by B. Dawes, seconded by M. Kales.

Motion made to nominate E. Cavallaro by T. Holmes, seconded by J. Calabrese.

Motion made to close nominations by B. Dawes, seconded by M. Kales.

Voted: N. Santos – 25. E. Cavallaro – 13.

For the position of Senior Lieutenant (FD-6)

Motion made to nominate E. Cavallaro, by C. Kean, seconded by J. Calabrese.

Motion made to nominate B. Ferrucci by D. Bunnell, seconded by P. Phillips.

Motion made to close nominations by N. Santos seconded by M. Kales.

Voted: Cavallaro – 19. Ferrucci - 20

For the Position of Lieutenant (FD-7)

Motion made to nominate E. Cavallaro by C. Capodanno, seconded by M. Beckett.

Motion made to nominate G. Stowell by M. Dayton, seconded by M. Kales.

# ELECTIONS 2023-2024

Motion made to close nominations by K. Dawes, seconded by B. Dawes.

Voted: Cavallaro – 24. Stowell – 15

For the position of Lieutenant (FD-8)

Motion made to nominate J. Calabrese by T. Holmes, seconded by D. Soto.

Motion made to nominate G. Stowell by K. Dawes, seconded by T. King.

Motion made to nominate C. Gilbertie by D. Hanks, Seconded by J. Bernardi.

Motion made to close nominations by N. Santos seconded by R. Kuehnle, vote was unanimous to approve, election results

Voted: Calabrese – 7. Stowell – 24. Gilbertie – 8.

For the Position of Lieutenant (FD-9)

Motion made to nominate J. Calabrese by C. Capodanno, seconded by T. Holmes.

Motion made to nominate C. Kean, by B. Dawes, seconded by, D. Bunnell.

Motion made to nominate C. Gilbertie by J. Bernardi, seconded by, T. King.

Motion made to close nominations by B. Proulx, seconded by, B. Dawes.

Voted: Calabrese – 7. Kean – 17. Gilbertie – 15.

Runoff vote: Kean – 20. Gilbertie - 19

# ELECTIONS 2023-2024

For the position of Secretary.

Motion made to nominate M. McGaughan by M. Dayton, seconded by D. Bunnell.

Motion made to nominate C. Gilbertie by T. Holmes, seconded by B. Shaban.

Motion made to close nominations by B. Proulx, seconded by P. Philips.

Voted: McGaughan – 22. Gilbertie – 17.

For the position of Treasurer.

Motion made to nominate B. Browne by R. Kuehnle, seconded by T. King.

Motion made to close nominations and the secretary cast 1 ballot by B. Dawes, seconded by B. Proulx.

# ELECTIONS 2023-2024

FD-1 CHIEF BRETT KALES

FD-2 DEP. CHIEF JAMES GROHS

FD-3 DEP. CHIEF BRIAN SHABAN

FD-4 CAPTAIN MIKE VONK

FD-5 CAPTAIN NICK SANTOS

FD-6 LIEUTENANT BRYAN FERRUCCI

FD-7 LIEUTENANT ED CAVALLARO

FD-8 LIEUTENANT GEOFF STOWELL

FD-9 LIEUTENANT CHRISTIAN KEAN

TREASURER BRENDAN BROWNE

SECRETARY MIKE MCGAUGHAN