

SUBJECT TO APPROVAL

MEETING DATE: JULY 11, 2019
6:00 P.M.

MEETING PLACE: TOWN CAMPUS ROOM A

BOARD OF SELECTMEN MEETING MINUTES

6:00 p.m. Special Session

First Selectman Banisch called the meeting of the Board of Selectmen to order at 6:07 p.m. and due to the size of the audience, the meeting was moved to the Hammonasset Room. Present were First Selectman Banisch, Selectwoman Ferris, Selectman Goldberg, Selectman Murphy, and Selectman Wilson.

First Selectman Banisch adjourned the meeting to the Beach and Recreation Commission Meeting at 6:10 p.m.

First Selectman Banisch opened to the Regular Meeting of the Board of Selectmen at 6:20 p.m.

1. Pledge of Allegiance.

First Selectman Banisch led the Pledge of Allegiance.

2. Public Comment:

Joan Walker of Stepping Stone Lane stated that the beaches need gate guards, increased security and lifeguards on duty. She questioned how the fees are assessed and how the tickets will be collected. She asked if weekly passes could be implemented and if nanny passes were possible for nannies who live out-of-town but care for children of town residents.

Paul Kessinger of Legend Hill Road read aloud a statement on behalf of resident Peggy Lyons. The statement is as follows:

“First, I want to thank the Beach & Rec Commission which is made up of volunteers and who have been spending a lot of their personal time and energy to try and contain the damage caused to the public. I also want to thank all town employees who are working hard and doing their best under a lot of public pressure. And I want to thank the Board of Selectmen for offering some opportunity, although very limited in notice, for people to come forward and speak their minds.

People understand that things always don't go smoothly in government, especially when it involves new technologies and new ways of doing things. However, what we do expect is that our government:

- get community input first, before implementing significant change. These are our beaches and we deserve a say
- follow the proper procedures before choosing a new system
- develop a process map and communication plan that follows a reasonable timetable
- show good judgement when implementing the plan
- and then admit when there are mistakes and try to correct them without deflecting blame or penalizing the public

Unfortunately, so far the public has seen little evidence of this for the roll-out of this new system. We can and must do better in our town government.

Thank You.”

Richard Morrison of Governor’s Way questioned if the beach pass system used cloud-based technology and also why it would take two weeks to make a change to a daily rate. He also asked if there were fees from the vendor to implement the changes being reviewed this evening.

Tom Hansen of Princess Drive asked why the change to a daily rate would take two weeks and noted that it seemed as though the vendor was not doing their job properly. He also stated that gate guards should be reinstated at all beaches.

Jaime Dietz of St. Francis Woods Road echoed comments regarding security and gate guards and also noted that there is camp at the Surf Club and anyone can enter during the times when children are being brought in for programming.

Betsy Manning of Wildcat Road stated that she went to the beach every day between last Wednesday and Sunday and that there is a big difference in crowd size now that Hammonasset is “free” to in-state residents. She noted that on one occasion she sat next to a couple from out-of-town who stated that they would be back since the cost was low to get into the Madison beaches. She also noted violations that she saw while in attendance at the beach during this timeframe. Additionally, she stated that those participating in the parade on July 4th should be asked to park somewhere other than the beach.

Dennis Crowe of Twilight Drive stated that in regards to the parade attendees, there has not been an issue with their parking at the beach in years past. This year it was more crowded because Hammonasset was full and the attendants there sent visitors to the Madison beaches. He also thanked the Board for their quick action this evening.

Ernie Lacore of Linden Lane stated that his street has become a parking lot as people are parking along his street and walking into the beach. Also, some cars have parked in ways that block driveways on Linden Lane. He stated that there should be no parking signs on all side streets.

Catherine Ferrante of Copse Road read aloud a statement from resident Janet Nicolini which summarized the questions being posed by residents on social media over the last few days. The list is as follows:

1. How was this particular vendor vetted (take us through the process) and did they approach us or the other way around? Please provide history of how this got started.
2. When you (Selectmen) saw this incredible delay and the approaching summer season, why didn't you reverse course and implement the old system for at least this year, till the new one could be vetted and tested?
3. Why wasn't the contract signed until May? Please explain the delay between January and May. How much legal expense incurred by the town?
4. What analysis was done up front on projected town net revenue from this system vs. the old system? Where do we stand now in net revenue vs. last year from a) season/resident passes b) daily purchases to date. Please include gross and net revenue (after you pay the percentage to the vendor). Please include what percentage is paid to the vendor for each pass sold and for each ticket issued or collected.
5. What specific steps does the vendor take to collect from the tickets (included in their fee)
6. How many passes were purchased specifically for July 4, and can you break that down by daily vs. hourly? How does this compare to last year (total revenue collected)
7. Why and when was it decided to allow an hourly parking fee? Can we get out of this completely? If not, can we section off a small section of the lot where hourly parking is allowed (but not other sections).
8. What has been done or when will something be done about the issue of zeros not being read properly on license plates, and people being erroneously ticketed? It is not fair to have people waste their time doing appeals when they have legitimate passes purchased.
9. How many tickets have been issues so far? How many on July 4th specifically?
10. Enforcement: We see that people can accumulate 6 violations before it is ever reported to the DMV. And that does not even address out of state tickets. How will ticket collection be enforced for residents vs. non-residents, in state and out of state?
11. Cell phone service is spotty at the beaches. How is this being handled (if people say they had no service to purchase pass— or those who honestly want to purchase cannot?)
12. Are you projecting a large revenue gap for this year as a result of this change? How much? How will this be made up?

Also, Ms. Ferrante stated that she felt that charging for parking until 8:00 p.m. at the Surf Club might affect business at M&J's.

Jennifer Ryan of Woodsvale Road stated that she has been at the beach this season and has not seen any cars being scanned by the staff. She asked if there was a way to quantify how many cars are scanned versus how many cars were in the lot. Also, she questioned if the Town was liable if only certain cars were targeted for scanning.

Cathy Lawton of Summer Hill Road stated that she was disturbed by the Beach & Recreation Commission members who seemed to know nothing about the fee structure for beach passes. She stated that the prices have been the same since she was on the Commission six years ago. Regarding the new system, her daughter had received two tickets today although her car was registered for a season pass. She stated that maybe poor cell phone reception was affecting the scanners. Regarding gate guards, Ms. Lawton stated that the staff needs to be supported by their superiors. The kids are bound to get yelled at, but if they know that their superiors support them, they can handle it better. She added that in all of her years going to the beach, she has never seen the Director there overseeing the summer staff. Also, she questioned why Madison did not have lifeguards and stated that kids who applied might have been told that they needed to pay for their own insurance.

Sheila Kinscherf of Twilight Drive stated that cell phone service is spotty at the beach and needs to be addressed. She was also uncertain of the recommended fees by the Beach & Recreation Commission. She added that at Garvin Point it is almost impossible to boat safely because visitors unfamiliar with the beaches are allowing their children to swim in this area.

Paula Steere of Deveron Drive stated that in Cape Cod when she rented a property, she was required to go to the Town offices in person to purchase a daily pass. Also, daily passes were limited to a certain number per day.

Aimee Ciampini of Allison Drive stated that change is inevitable; however, the system was not rolled out properly. She also stated that the cardboard signs at the beaches are tacky and lack information.

James Leva of Linden Lane stated that he has never seen the beach as messy as it has been this season. The old beach pass system at least had oversight; right now the system is chaos. He stated that the Town should let in anyone who pays to be there, but that the chaos needed to end.

Betsy Leverault of Brantwood Drive stated that it seems like the Town is regressing. The beaches need gate guards and lifeguards. The oversight needs to be better particularly because of abuse by Madison Beach Hotel employees.

Trent Jones of Ridgewood questioned if the public would receive direct answers to any questions asked during public comment.

Resident of Winding Brook Road stated that they didn't mind the fee for non-residents but that the system seems difficult for users and that having gate guards would be better.

Mark Lombardi of Hazzard Lane stated that the Town needs to stop spreading erroneous information about the case in Greenwich as that case only pertains to pedestrians. The Beach & Recreation Commission made a good first step with upgrading the system, but the fees are hollow if they are not enforced.

Susan McDevitt of Horse Pond Road questioned if guest passes were still being used for guests of residents.

Stephanie Hoffman of Partridge Lane stated that the Town needed to consider how to manage non-residents who were coming into the facility to watch sports games, etc. of residents.

George Egan of Flintlock Road stated that fifty years ago the Town had the same issues and that the Town was served with lawsuits regarding discrimination. He cautioned the Board to tread lightly and said that the proposed daily pass rates of \$50/\$75 were inordinate.

3. Discussion with and presentation from the Beach and Recreation Commission regarding:

- The rationale of the change to the Beach Pass System
- Historical usage data
- Impact of Hammonasset overflow
- Current status of implementation
- Registration system issues to be addressed.
- Pass price policy and constraints
- Beach capacity Policy
- Any other pertinent matters

Beach and Recreation Commission Chairman, Rob Card, thanked the public for attending the meetings this evening and for their input. The rationale behind the change in the Beach Pass System was noted at the Special Meeting on January 22, 2019 as follows:

1. Improve the process of purchasing annual beach passes by offering an online registration and purchase option.
2. Improve the process for purchasing hourly parking for residents without season passes and/or out-of-town users.
3. Help eliminate lines at the entrance gate to the Surf Club.
4. Reduce direct confrontations between Town employees and the public.
5. System will support cost savings, revenue collection, data collection and digital transformation.

At this same meeting the following concerns were noted:

1. Communication to the public seen as critical in the implementation of this new system in order to guarantee a positive and successful transition.
2. Potential effects on sports team events need to be addressed.
3. Implementation should include a number of warnings residents and out-of-town users will receive before ticketing goes into effect.
4. Go Live Date: Recommend a soft-launch on March 15 for testing purposes, followed by a public go-live date of April 1 with enforcement beginning on Memorial Day 2019.

Beach & Recreation Director, Scot Erskine, provided usage data for the past four years on July 4th. He noted the following:

Year	Residents	Non Residents	# of Cars
2015	40	1	303
2016	72	11	660
2017	127	14	775
2018	73	23	657

Regarding this year, the beach ended up closing at 2:00 p.m. and reopening later in the day. The current implementation status is that the system is in, scanning is on-going and ticketing is on-going. There are some issues with the readers, some due to errors in data entry by the purchaser (i.e. inputting a 0 instead of an O; inputting a 1 instead of an L). The process to work around these errors is to hand enter the information again before issuing a ticket. If the ticket is issued in error, then the vehicle owner can come to the staff to have the issue resolved.

Selectman Murphy questioned whether the vendor has seen this data entry error before and if there is a correction that can be made on the software side to address it.

Selectman Wilson stated that it is good to understand what limits are to charges for the beach passes and what would open the Town to a lawsuit.

Rob Card stated that the Beach and Recreation Commission's task was to implement a system to make things easier and keep the same pricing that had been in place for several years.

The Board reviewed that the Commission should continue to review constraints of pricing and should seek the Town attorney's opinion. When there are public comments that indicate that rates need to be raised to "keep people out," does that open the Town to a law suit?

Selectman Wilson questioned if since Hammonasset is public and is located within the Town, would that make it possible for all Town-owned beaches to be made for residents only?

The Board also reviewed that some towns in Connecticut with multiple beaches only open some of them to everyone and some are maintained as resident-only.

Selectman Murphy asked Mr. Card if there were things that he would have done differently in the implementation. Mr. Card responded that the reasons behind the change to the system were well-founded but that the system hasn't been easy so far.

Selectmen Wilson stated that he agreed, but also added that the Town has a lot of items to communicate to the public, not just beach passes, and that communication needs to be looked at for a number of reasons. Mr. Card added that the Beach and Recreation Department also has a lot of responsibilities, and that Mr. Erskine handles and oversees many directives.

Selectman Goldberg stated that the Board's job is to oversee the projects and employees of the Town. The public should be apologized to for these hardships. He questioned 1. If the system could be fixed and 2. If it was worth it to fix this system.

Mr. Card responded that the community seems to say there are elements of the new system which they like. The recommended changes to the current system will help solve some of the issues. To do away with the system would require substantial operational changes. There are bigger discussions to be had to determine what the Board sees as the future for the beaches.

First Selectman Banisch stated that the Town needs to look into staffing levels and also how staff are deployed throughout the beaches. Perhaps one person should be deployed to the guard station.

Selectman Wilson stated that this meeting was pulled together to lay the ground work for the system issues. There will be other opportunities for a more interactive meeting with the public to review other issues being brought forward. He also questioned what would happen if the system was suspended mid-season.

Selectman Murphy stated that the Commission could give the Board options for what the future of the beaches could look like with this system going forward, or, with other systems being implemented. The Board would need this information from the Commission before making any further decisions.

4. Discuss and take action to approve a recommendation from the Beach and Recreation Commission for an update hourly parking rate of the current Beach Pass System.

DISCUSSION: Selectman Goldberg questioned the enforcement aspect on how the increased rate would be enforced. Mr. Card responded that the staff needs to be supported and that they need to be monitoring in key areas.

Selectman Wilson stated that the Board should consider an hourly rate of either \$15 or \$20. He stated that since the average hourly stay last weekend was for three hours, at \$20 rate the total paid would be \$60 which is similar to the proposed \$50 daily rate to be reviewed in the item below. Mr. Card stated that the hourly rate applies to anyone using the app for hourly payments, which can include residents.

The Board reviewed the vendor constraints and performance and First Selectman Banisch also cautioned not to increase the rates too high. Selectman Goldberg agreed and stated that the rates should be kept on the modest side because the Board did not have the opinion of the Town Attorney on the proposed new rates.

The Board reviewed that the enforcement of any system would require an increased staff presence and for better signage to be put up at the beaches.

Mr. Card stated that the summer staff currently employed is great and the supervisor is a “gem”; they work with the Town to make enforcement greater.

MOVED by Selectman Wilson and seconded by Selectwoman Ferris to **APPROVE** a recommendation from the Beach and Recreation Commission to increase the hourly parking rate at all Town beaches from \$3/hr to \$10/hr, to be replaced by a daily rate system when the software allows it.

VOTE: the motion was approved unanimously.

5. Discuss and take action to approve a recommendation from the Beach and Recreation Commission to set the hours for hourly parking passes as part of the current Beach Pass System.

DISCUSSION: First Selectman Banisch stated that the new system allows for an increase in season length and hours of operation. Mr. Erskine also reviewed that an increase in hours may require additional staff as well. Selectman Wilson stated that if this increase in hours required a budgetary need then the Beach & Recreation Department and Commission should bring this to the Board for consideration.

MOVED by Selectman Murphy and seconded by Selectman Wilson to **APPROVE** a recommendation from the Beach and Recreation Commission to set the hours for hourly parking passes to 8:00 a.m. – 8:00 p.m. at East Wharf and West Wharf; and from 9:30 a.m. – 8:00 p.m. at the Surf Club.

VOTE: the motion was approved unanimously.

6. Discuss and take action to approve a recommendation from the Beach and Recreation Commission to set a daily minimum pass rate as part of the current Beach Pass System, to be implemented in accordance with the software requirements of the contractor.

DISCUSSION: Mr. Card explained the Commission's rationale and First Selectman Banisch stated that the new rates proposed were consistent with the Town of Clinton. Also, the Board reviewed that the daily pass rate for non-residents in other towns ranged from \$20/day to \$75/day.

MOVED by Selectman Wilson and seconded by Selectman Goldberg to **APPROVE** a recommendation from the Beach and Recreation Commission to set a daily minimum pass rate as part of the current Beach Pass System, at \$50 per day Monday – Thursday and \$75 per day Friday-Sunday and Holidays; to be implemented in accordance with the software requirements of the contractor.

VOTE: the motion was approved unanimously.

7. Discuss and take action to approve setting future meetings in conjunction with the Beach and Recreation Commission pertaining to the implementation of the changes noted above.

DISCUSSION: Selectman Wilson stated that this evening's meeting was called to flesh out the issues that still need to be reviewed. The Board reviewed with Executive Assistant/Risk Manager, Lauren Rhines, how a meeting could be called, when a meeting could take place next week and agreed to table any action, but to follow through in setting up a Public Information Session.

8. Public Comment.

Tom Hansen stated that the Beach and Recreation Department is one of the finest departments in Town. What happened here is that they and the Beach and Recreation Commission were sold a system that doesn't work in Madison. The system should be removed. The townspeople want to be able to use their beaches, they don't care about revenues.

Richard Morrison confirmed that the DMV tie-in was being implemented in the current system.

Mike Lombardi stated that the vendor and software should not dictate the policies. The vendor should be terminated if they cannot implement the policies that the Town decides are needed.

Carolyn Noller of Wilshire Lane stated that Madison and Clinton are sandwiched around Hammonasset and that affects how the Madison beaches need to be run. She stated that signage was poor and that residents should get priority use of the beaches.

Dennis Crowe stated that he liked being able to register online for his passes; it was a great advantage this year. He also thanked the Board for being very responsive to resident concerns.

Ernie Lacore questioned whether parking issues on side roads would be addressed.

Joan Walker stated that increasing the hourly cost also should change the infraction cost for tickets. She questioned if the Beach & Recreation Commission could provide a registration comparison between this season and past seasons. Also, lifeguards seem to be budgeted so the discussion of why lifeguards are not hired needs to be had.

Catherine Ferrante echoed the comments about ticket costs and cell service at the beaches.

Joe Timbalone cautioned if the hourly rate change was worth it since the daily pass system was in the works. If the Town's contract with the vendor is reaching billable hours, then the hourly rate change could be held off. Also, positions of employment at the Town beaches should go to Town residents and their children as well.

9. Adjournment.

There being no objections, First Selectman Banisch adjourned the meeting at 8:02 p.m.

Respectfully submitted,

Lauren Rhines
Executive Assistant