

## SUBJECT TO APPROVAL

**MEETING DATE:** TUESDAY, APRIL 6, 2021  
8:00 A.M.

**MEETING PLACE:** ZOOM ONLINE MEETING

### BOARD OF SELECTMEN MEETING MINUTES

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

First Selectwoman Lyons called the Regular Session of Tuesday, April 6, 2021 to order at 8:01 a.m. Also in attendance were Selectwoman Duques, Selectman Goldberg, Selectman Murphy and Selectman Wilson.

1. Pledge of Allegiance.  
First Selectwoman Lyons led the Pledge of Allegiance
2. Approval of minutes: March 22, 2021

**MOVED** by Selectman Wilson and seconded by Selectman Murphy to approve the Regular Minutes of March 22, 2021.

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

3. Legislative Update from Senator Cohen and State Representative Parker.

First Selectwoman Lyons introduced the state representatives. Representative Parker provided an overview of current bills passed at the State level including those relating to the public health pandemic and approval of COVID-relief funds; and relating to the Police reform bill and Police use of force. Representative Parker also detailed a working group of young elected officials that he helped to start; a mental-health panel that he and Senator Cohen sponsored, and the bonding of a project at Garvin Point that he has helped the Town with. Other updates and event details are available on his website or by subscribing to his email updates.

Representative Parker also broached the subject of the Zoning regulations which have been discussed at the state level; and Senator Cohen added that the legislature is continuing to work diligently despite the pandemic. She detailed the State's COVID vaccination roll out and how that has been effective in Connecticut. The positivity rate is also trending downward after this past weekend. Also, Moody's has updated the State of Connecticut's bond rating for the first time in 20 years. Senator Cohen also provided an overview of the State budget process and the current Governor's budget; and other initiatives being

brought forward by her committee relating to environmental and coastal resiliency measures. Commerce and Finance Committee also has important initiatives being brought forward this year.

Selectman Wilson thanked Senator Cohen and State Representative Parker for attending this meeting. He stated that it was important for the public to see and engage the state representatives in addition to the Board. He added that he would support a standing invitation for the state representatives; and Selectwoman Lyons stated that the plan was to have them attend on a quarterly basis.

Selectman Wilson stated that the Town has received a lot of input and comment on a drafted Flood Plain Management Ordinance and he asked Senator Cohen for her input on the draft. Selectman Murphy asked for more information on the mental health forum that was brought forward to the residents. Representative Parker stated that there are many local initiatives to support mental health including those that bring in the Town's Youth & Family Services Department.

Selectwoman Duques stated that she was hoping to have more information on the Zoning regulations at the state level. Senator Cohen stated that there are a lot of proposals flying around relating to what has made it out of committee and how the state can coordinate and collaborate with the Towns. The proposals go back even a couple of years and the zoning mandates have been discussed at length; some language regarding more controversial items have been removed. Senator Cohen stated that she would make sure that the Board received the current drafted legislation. Both representatives also stated that they support the Town's need to be represented and to have more options for input on the regulations.

Selectwoman Duques questioned how the proposed legislation will affect the Affordable Housing Plan that the Town is undergoing currently. Representative Parker stated that the State's plan will offer guidelines and thoughts on how the pieces fit together; he added that Town Planner Dave Anderson is such an important resource for the Town as well.

Selectman Goldberg asked the State Representatives if there were other initiatives that the Town should be focusing on; Senator Cohen stated that conversations will continue with OPM and the Towns and that these meetings will provide great guidance for the Town.

4. First Selectwoman's Updates.
  - a. COVID-19 Response and Town Operations Update.

First Selectwoman Lyons stated that the Town is doing well on providing vaccinations across the Town.

5. Liaison Reports/Selectmen Comments.

None.

6. Citizen comments.

Fran Brady, Genesse Lane stated that the Garden Club has planted 2,000 daffodils around town and he had a thought that the Town could plan 2,000 trees. Although this may be an expensive undertaking, this is an initiative that could span the next 5 years until the next centennial celebration of the Town's incorporation. The first tree would be planted next month at the garden at the Library. He stated that the Town and a 501c3 club would be needed to make the initiative work.

Joe MacDougald, Charter Review Committee Chair thanked the Board for meeting with the CRC and also added that the CRC has met with the major Town boards, and some town staff. The next phase is move into the review and revisions of the current document. He welcomed the Board to come back and give any other input.

Bob Patricelli, Parker Avenue & Parker Lane stated that he urged the Board to consider the public policy issues behind the proposed Flood Plain Ordinance. As a matter of Town policy, the Board needs to consider if they want to help homeowners to maintain their older homes or if they want to make it harder for these homeowners. He stated that he has reviewed the federal and state policies extensively.

Kim Brunstad stated that she supported the comments of Mr. Patricelli; she stated that it was incredibly important that the CRC be up front about changes in regulations. She added that the Board should hold future Public Hearings and allow for more public input on this Ordinance as well as wait for updated FEMA legislation before the Ordinance can be approved or established. She encouraged the Board not to take any action; and to consider scaling back the proposed rules.

Dennis Crowe stated that he was concerned with the State Zoning Regulations and the balance of affordable housing in Madison. He stated that the Town needs to consider the ramifications of these regulations and that he supported the proposed Resolution that Selectman Wilson had brought to the Board.

Emile Geisenheimer stated that some residents are very aware of what is in the proposed Ordinance but 160 homes are allegedly affected by the Ordinance and more may be once FEMA updates their mapping. He stated that given this, the Town should have an obligation to notify every homeowner directly on the proposed Ordinance.

**BUSINESS**

7. Discuss and take action to approve accepting a Historic Document Preservation Program Grant in the amount of **\$5,500**, and to authorize the First Selectwoman to sign the contract.

**MOVED** by Selectman Murphy and seconded by Selectman Wilson to approve accepting a Historic Document Preservation Program Grant in the amount of **\$5,500**, and to authorize the First Selectwoman to sign the contract.

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

8. Discuss and take action to Declare April 24, 2021 Green Up, Clean Up Day.

**MOVED** by Selectman Murphy and seconded by Selectman Wilson to approve declaring April 24, 2021 Green Up, Clean Up Day.

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

9. Discuss and take action to modify a motion as follows: to Approve a Special Appropriation request in the amount of **\$42,000** to purchase electronic message boards for the Emergency Management Department to display public safety announcements; determined during the Budget Workshop cycle of the Board of Selectmen, and pending Board of Finance approval. This modified action will satisfy all requirements for a Town Meeting under State of Connecticut Executive Order 7S.

**MOVED** by Selectman Murphy and seconded by Selectman Wilson to approve a Special Appropriation request in the amount of **\$42,000** to purchase electronic message boards for the Emergency Management Department to display public safety announcements; determined during the Budget Workshop cycle of the Board of Selectmen, and pending Board of Finance approval. This modified action will satisfy all requirements for a Town Meeting under State of Connecticut Executive Order 7S.

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

**MOVED** by Selectwoman Lyons and seconded by Selectman Murphy to approve opening the Agenda for item 9a – Discuss and take action to authorize a request from the North Madison Fire Department to expend funds in the amount of \$13,096.51 from the Hose & Equipment Account for the purchase of a new storage tank fill system and supplies for the North Madison Volunteer Fire Company.

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

- 9a. Discuss and take action to authorize a request from the North Madison Fire Department to expend funds in the amount of **\$13,096.51** from the Hose & Equipment Account for the purchase of a new storage tank fill system and supplies for the North Madison Volunteer Fire Company.

**MOVED** by Selectman Wilson and seconded by Selectman Murphy to approve a request from the North Madison Fire Department to expend funds in the amount of \$13,096.51 from the Hose & Equipment Account for the purchase of a new

storage tank fill system and supplies for the North Madison Volunteer Fire Company.

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

10. Discuss establishment of a Town Facilities Committee.

First Selectwoman Lyons stated that the Town has undertaken a Facilities Study and now this item is a follow up from the work of the Committee. Selectwoman Duques stated that the Facilities Study looked at the conditions of the existing Town-owned buildings and the utilization of these buildings. The permanent Facilities Committee was then reviewed and in doing so, it was determined that there are already measures established in Town to achieve the goal of a potential Facilities Committee, eg. within the Plan of Conservation and Development. Recommendations going forward should consider a more comprehensive look. The proposed plan forward is to establish a working group similar to Guilford task force; versus a permanent Board or Commission.

Selectman Murphy stated that the current working group has been successful and worked well and he was encouraged to continue this same type of collaboration to meet the goals of the Town.

First Selectwoman Lyons stated that many items in Town are suspended based on how this oversight moves forward. If the current working group was comfortable continuing forward on this work, then she cautioned that a timeline and milestones should be established to make sure that the working group is achieving the goals.

Selectman Goldberg questioned if the working group has any decision-making authority and if they needed a budget to move forward. Mr. Anderson state that the decisions would still be the responsibility of the Board and that funding would either be requested through the Board or could be found in grant funding.

**MOVED** by Selectman Murphy and seconded by Selectman Wilson to approve opening the Agenda for item 10a – Discuss and take action to approve the Charge of the Facilities Working Group.

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

10a. Discuss and take action to approve the Charge of the Facilities Working Group as follows:

The charge of the Facilities Working Group is to make recommendations for the optimization of the town's existing buildings and facilities, which may include best use, re-use, restoration, improvement, or disposal of existing buildings. To do this, the working group will evaluate current and projected usage by town operations and programming for the community, the need for additional space for

these purposes, as well as the desires of the community. The working group will consider this information in conjunction with the building conditions and projected maintenance costs as outlined in the Town of Madison Facilities Assessment completed March, 2021. Recommendations should be consistent with the town's Plan of Conservation and Development.

**MOVED** by Selectwoman Lyons and seconded by Selectman Murphy to approve action to.

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

11. Discuss Plan of Conservation and Development and Zoning Regulations.

First Selectwoman Lyons stated that there have been some controversial items in the last couple of years and the Board would now need to review the changes at the Town level in conjunction with the State's proposed legislation.

Mr. Anderson provided an overview of the Plan of Conservation and Development and of the process of updating the POCD. A recent concern in town is the housing density changes at the state level; Mr. Anderson reviewed the language in the POCD which would be affected by these types of developments and he detailed that there were areas downtown near the train station and in conjunction with the Bradley Road Study that would allow for higher density plans. Overall, Mr. Anderson stated that planning changes and regulations in Town requires a strategic, comprehensive, plan to maintain the qualities of Madison that residents currently enjoy. The Board reviewed that there would be future discussion on these matters; and also, whether the State legislative changes should be debated at the Town level. The Board went back and forth on what rules and regulations were appropriate for the Town to engage in pertaining to State regulations; and what the Board is charged with to help the residents. The Board reviewed the Resolution that was presented by Selectman Wilson and whether this document should be moved forward at the Board level in Madison.

12. Review draft of Flood Plain Ordinance and comments from March 22, 2021 Public Hearing.

First Selectwoman Lyons recused herself from the discussion on the Ordinance.

The Coastal Resiliency Commission provided a written statement of their revised recommendations which are attached to these minutes; and they also presented their thoughts to the Board.

Joe MacDougald provided an overview of the impact on coastal communities in Connecticut due to 100-year and 10-year storms that are seen in Madison more frequently than 100 and 10 year spans. He overviewed the need to establish an Ordinance and regulations at the Town level that help preserve and maintain the houses on the coastline in Madison.

Moving forward the Board should still receive comment from the Building Official and the Town Engineer as well as establish another Public Hearing to garner public comment. The Board also reviewed that there may be a spectrum of improvements versus considering all improvements as equal when it comes to the Ordinance regulations. Mr. MacDougald also stated that home insurance policies and mortgage agreements would consider some of the needs and liabilities of the flood zone ramifications. However, the primary insurance industry does not consider all of the impact of storm damage and there may be gaps in coverage. Mr. MacDougald cautioned that understanding the risk of maintaining resiliency is very important; and that homeowners needs to be informed of this risk and the costs associated with owning within a coastal area.

The Board and Mr. Anderson reviewed that next steps would be to make modifications to the Ordinance, hold another public hearing, and have the Town Attorney weigh in on the Ordinance draft.

13. Appointments / Resignations:

Will Braun to the Board of Assessment Appeals for a term to expire November 1, 2023.

**MOVED** by Selectman Goldberg and seconded by Selectman Murphy to approve the appointment of Will Braun to the Board of Assessment Appeals for a term to expire November 1, 2023.

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

Eileen Banisch from the Historic District Commission.

**MOVED** by Selectman Wilson and seconded by Selectman Murphy to approve the resignation of Eileen Banisch from the Historic District Commission, with thanks from the Board.

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

14. Tax Abatements / Refunds.

**MOVED** by Selectman Wilson and seconded by Selectman Murphy to approve tax abatements / refunds in the amount of **\$51,125.19**.

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

15. Citizens comments.

Dede Stone of Middle Beach Road stated that she is acutely aware of the FEMA guidelines pertaining to homes in the flood zone. She stated that she has followed

the Ordinance process since February, and has reached out to her neighbors to inform them of the process. She feels that many residents are unaware of the proposed changes and that the Town has an obligation to notify the affected homeowners directly outside of Board agendas, public hearings, etc.

Emile Geisenheimer stated that the Board should be aware that the building permit process and he stated that he disagrees with Mr. MacDougald's comments on the tax base. He stated that the current drafted Ordinance will diminish the value of the homes affected by the regulations. Elevating homes is very costly and it will drive down the housing prices when homeowners sell versus raise their homes. Mr. Geisenheimer stated that the CRC has failed to look at the real problem, which is the impact of the waves during storms; not the water encroaching the first level of the homes. In Europe, they build water breaks to breakup the waves before they can hit a structure, versus raising their homes.

16. Adjournment.

There being no objections, the Board adjourned at 10:57 a.m.

The Town of Madison does not discriminate on the basis of disability, and the meeting facilities are ADA accessible. Individuals who need assistance are invited to make their needs known by contacting the Town's ADA/Human Resources Director Debra Milardo at 203.245.5603 or by email to [milardod@madisonct.org](mailto:milardod@madisonct.org) at least five (5) business days prior to the meeting.

## CRC Response to FPO Comments

Over 95% of both the current and proposed Floodplain Ordinance contains verbiage required by one or more of the following codes. These codes, like our building codes, set minimum standards. The Town has the ability to make them more stringent, but not less.

International Residential Code (IRC) adopted by  
Connecticut 10/1/2018 Connecticut State Building  
Code  
FEMA and NFIP required language and standards

The Lookback period, Base Flood Elevation, Assessed Value and Variance option are already considered in our current Floodplain Ordinance.

Most Connecticut municipalities use five (5) years or greater for their lookback period. Branford, Guilford, Clinton and Westbrook are all at five (5). One (Greenwich) uses the life of the structure, and none are zero.

The CRC strongly believes our original proposal would have provided the best coastal resilience, as we are charged to do. We understand that there are current projects that will be affected by the proposed change.

Accordingly, to accommodate these projects and provide ample notice of FPO changes, we amend our recommendations as follows:

### **Lookback Period**

- The current one (1) year lookback remain in force until July 1, 2023.
- After that date, the lookback becomes five (5) years, but utilizes July 1, 2023 as the lookback date until July 1, 2028.
- This removes any improvements completed prior to July 1, 2023 from the calculations for Substantial Improvement
  - In effect "clearing the slate" and resetting the amount available for improvements after July 1, 2023.

### **SI / SD items to be included in Cost:**

We contacted Diane Ifkovic (DEEP NFIP Administrator) to ascertain exactly what must be included in this calculation and, to make sure all parties were clear, she contacted Molly Lucia Kaput (Senior Emergency Management Specialist, FEMA Region 1) and the simple answer is "**any project requiring a building permit is to be included**".

### **Appraisal versus Assessment:**

Both our current FPO and the proposed FPO use the appraised value of the dwelling on the most recent Grand List to determine the market value. This is the FEMA recommended method and the method used by a majority of Connecticut municipalities.

### **Historic Structures:**

Section 7.2.1 of our proposed FPO already has language that should address the concerns of owners of Historic Structures due to the addition of the locally adopted historic district in the

DEEP model FPO:

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.