

Short-Term Rental Ad Hoc Committee October 23rd,
2023,
Regular Meeting Minutes

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Minutes of EAST LYME SHORT TERM RENTALS AD HOC COMMITTEE REGULAR MEETING - 10/23/23

Date and time: 10/23/23 7:00 PM to: 10/23/23 8:53 PM

Present: Brooke Stevens, Recording Secretary, Anne Santoro, Anne Thurlow, Paul Formica, John Cellino, Gary Cicchiello, Greg McIntire, Gary Farrugia, Daniel Beachy

CC: Mark Zamarka, Town Attorney, Michael Finkelstein, Chief of Police

Location: East Lyme Town Hall, Upper Meeting Room

Link: <https://app.meetingking.com/meetings/406456>

Topics

1. Call Meeting to Order/Pledge

Note Co-Chair Santoro called the meeting to order at 7:02 p.m. and led those assembled in the pledge of allegiance.

2. Correspondence

Note see attached correspondence.

 [Frances_Violante_PH_Attachment.pdf](#)

Note see attached correspondence.

 [Jim_Capodiece_PH_Attachment.pdf](#)

Note see attached correspondence.

 [Lisa_Johansen_Attachment.pdf](#)


Note see attached correspondence.

 [Robert_Mills_Attachment.pdf](#)

Note see attached correspondence.

 [Russell_Mackey_Attachment.pdf](#)

Note see attached correspondence.

 [Van_Stratos_Attachment.pdf](#)

Note see attached correspondence.

 [Cindy_Konney_email.pdf](#)

Note see attached correspondence.

 [Nicholas_Romanetz_email.pdf](#)

Note see attached correspondence.

 [Jim_Weaver_email.pdf](#)

Note Link provided by Mr. Weaver: https://news.airbnb.com/policy-toolkit-short-term-rental-regulations/?c=.pi30.pk9872787_30148409&dclid=&gclid=EAlaIqobChMI8JDD4frPgQMVw9yzCh0q_g5xEAEYASAAEgKqnfD_BwE

Note see attached correspondence.

 [Janelle_Soleau_email.pdf](#)

Note see attached correspondence.

 [Van Stratos_email_2.pdf](#)

Note see attached correspondence.

 [Pamela_Stevens_email.pdf](#)

Note see attached correspondence.

 [Allison_Murphy_email.pdf](#)

Note see attached correspondence.

 [Annette_Stavola_Leisure_email.pdf](#)

Note see attached correspondence.

 [David_Marchi_email.pdf](#)

Note see attached correspondence.

 [Robert_Warenda_email.pdf](#)

Note see attached correspondence.

 [Alicia_Walsh_forwarded_email.pdf](#)


Note see attached correspondence.

 [Jim_Capodiece_Email_2.pdf](#)

Note see attached correspondence.

 [Dear_Ms_Santoro.docx](#)

Note see attached potential permit info from G. McIntire.

 [proposed_Permit_system_1-GMcintire_\(1\).docx](#)

3. Public Delegations

Note Ms. Santoro said she sees a number of people in the audience this evening, and although public delegations is on the agenda, they've already held a public hearing, had previous delegations and correspondence, she thinks delegations should be reserved for items not on the agenda. She added that they will most likely be holding an additional public hearing in the future.

Note Ms. Santoro said tonight's meeting will consist of Chief Finklestein's report, and after they hear that, she would like the Board to really begin to dissect the vast number of emails and commentary they have already gotten from the public, and to start factfinding.

4. Approval of Minutes

4-1. September 25th, 2023, Public Hearing Minutes

Note see attached minutes.

 [STR-September-25-Public-Hearing-Minutes.pdf](#)

Note MOTION (1)

Mr. Formica moved to approve the Public Hearing Minutes of September 25th, 2023, as presented.
Mr. Beachy seconded the motion.

Note Mr. McIntire said some of the following:

He would like to suggest that the minutes be corrected, and or with altered, so that the personal names and personal accusations be removed from those minutes, just as they were the evening of the public hearing. In particular, comments about the neighbor located at 42 Shore Road. He knows that Mr. Capodiece has written a letter to the Board. He thinks that those comments in the minutes really are uncalled for.

Note Mr. Cellino said he's okay with Mr. McIntire's suggestion.

Note Mr. McIntire said he thinks that the first 8 lines between page 11 an 12, starting from "the beginning of their purchase," should be redacted.

Note Mr. Formica replied that while he agrees that this may be a matter of decency to remove these remarks from the minutes, his name was mentioned, and he's not sure that that would be appropriate to do so. He noted they have town council here this evening and asked if he could weigh in on the appropriate alteration of minutes.

Note Mark Zamarka, the Town Attorney, offered the following remarks:

He's very hesitant to say they should start redacting entire portions of testimony regardless of whether or not the accusations were valid, vindictive or otherwise.

It is part of this committee's charge to investigate whether there is an issue with short term rentals in this town. The purpose of the public hearing is to allow the public to speak on that matter.

He will research this matter given that this is highly unusual.

Possibly a name could be redacted, but he would not at all suggest taking out any portions of the testimony.

Note Mr. Formica said it would certainly be appropriate for the Board to comment on those minutes during this meeting, in this case, the minutes of this meeting will reflect the Board's intention and feeling on whether those comments should be redacted or not. He added that this will give Attorney Zamarka time to check legal precedents regarding removing names.

Note Mr. Zamarka said he's not sure he would recommend redacting a name but would definitely not recommend redacting any portions of testimony.

Note Ms. Santoro said she agrees with Attorney Zamarka, it's highly irregular to be redacting minutes and taking out portions that they might find offensive; the speaker speaks for himself or herself and takes the consequences of making statements that are true or not true.

Note Mr. McIntire asked about posting minutes on the website prior to this Committee approving them and Ms. Santoro explained that they're posted to comply with FOIA regulations, that the minutes are a reflection of what the Recording Secretary has recorded, the minutes are open for discussion thereafter, and any corrections can be made at that point.

Note Mr. Zamarka noted that the purpose of taking minutes is to comply with Freedom of Information and he knows of no exemption that would allow the redaction of any of the testimony or names, and doing so could potentially be an FOIA violation.

Note Ms. Santoro said Mr. Capodiece's letter, which they received the night of the public hearing (see above correspondence attachments) needs to be part of the public hearing record. She added that two of the speakers that night, Mr. Mills and Ms. Violante, also provided outlines of their comments for the record.

Decision MOTION (1) Vote:

Motion carried, 7-1-0.

Nay- Mr. McIntire

4-2. September 25th Regular Meeting Minutes

Note see attached minutes.

 [STR-September-25-2023-Regular-Meeting-Minutes.pdf](#)

Note Mr. McIntire noted there are some portions of the minutes that are repeated, such as the bottom of the second page, and the Recording Secretary explained it's a glitch with the program she uses.

She also noted that Margaret Puzo contacted her after reading the minutes of the September 12th, 2023, minutes, and she's not the party who made the comment about sororities and fraternities, it's another member of the audience who made that comment from her seat.

Ms. Stevens said she explained to Ms. Puzo that she cannot change the minutes once posted, but she can make note of the error for the record, at this meeting.

Decision MOTION (2)

Mr. Cicchiello moved to approve the Regular Meeting Minutes of September 25th, 2023, omitting any redundancies.

Mr. Farrugia seconded the motion.

Motion carried, 8-0-0.

5. Report from East Lyme Chief of Police Michael Finkelstein

Note Ms. Santoro welcomed Chief Finkelstein and thanked him for coming. She said she's hoping to get an overview of his department's interactions regarding short-term rentals, and what their experiences have been.

Note Chief Finkelstein made some of the following remarks:

Short-term rentals overall don't seem to be a large driver of calls to the Police Department.

The calls they receive are noise and parking complaints.

The problem with quantifying that is it's not always specific to an address, and they have no way of knowing if a residence is a short-term rental.

It's a tracking issue.

Statistically, he can't go back and determine what calls were for short-term rentals, and all he can look up is if he's given a specific address that he is told is a short-term rental.

His officers can only weigh in on the parking and noise complaints.

Note Mr. Cellino asked if a parking complaint is made, or a noise complaint is made late at night, what exactly would the police do? Chief Finkelstein replied that regardless of whether the home is a residence or rental, the police will go out to investigate it, determine the validity of that complaint, try to get to the bottom of the source, and rectify it; if it's a noise complaint, try to quiet that down and see if there's anything else that they need to be investigating.

Note Chief Finkelstein further explained that if they go to a home for a noise complaint they don't inquire if someone is the homeowner, a visitor, or a relative, that there's really no need in their investigative process to do that.

Note Mr. Cellino observed that in general, that would be helpful and pertinent information.

Note Chief Finkelstein detailed how calls to the police are documented, and how for a noise complaint, they're not going to identify every individual in the home they're called to; there's no legal reason or ability to do that, and they're not going to question ownership, question any other status, but merely state that the noise should be turned down, or they will be charged.

Note Chief Finkelstein said that generally, they give people one opportunity to lower the noise, and if they go back and it hasn't been addressed, that person will either be charged with public disturbance or breach of peace depending on the circumstances in totality.

Note Mr. McIntire thanked the Chief for coming this evening and noted that the two of them had a discussion a couple of days back, and said he would like to get on the record Chief's comment that more information is better than no information, and if they had a database so to speak, an asterisk could be made for an address, and they would have more information prior to arriving at that address.

Note Chief Finklestein discussed with the Committee how that would be dependent on the source of the complaint, how it's documented, how the information is updated, and who is responsible for updating this information; they would have to consider how to do this properly.

Note Mr. Formica asked if they determine there's a problem and take enforcement action, is it against the perpetrator or is it incumbent on them to find the owner of the property since they're responsible for their guests? Chief replied that it would be whoever is perpetrating that incident, and the exception would be with juveniles.

Note Chief Finklestein noted there's pitfalls associated with trying to catalogue this type of information- who ensures the rental status is reported, who enforces it when someone is not reporting this information, who's updating the information? He clarified that the police aren't responding any differently to any of those calls, whether it's a short-term rental, a long-term tenant, or the owner of that house.

Note Ms. Thurlow wondered if they always have officers available for minor complaints like noise and parking, and Chief replied that immediate availability is dependent on the importance of the other calls received at that time.

Note Mr. Cicchiello asked if there's any beach community that causes more trouble than others and Chief replied that no one place stands out, but historically the southern part of town, the beach communities, and Main Street is the busier part of town, and the volume of calls certainly increase during the summer months.

Note Ms. Thurlow asked about the noise ordinance and Chief Finklestein explained that as it is written, it's unenforceable, Waterford no longer has the decibel reader to measure the noise and the Court doesn't recognize it as a viable measurement in their proceedings.

Note Chief Finklestein briefly discussed parking issues he has seen in beach communities such as blocked driveways, and blocked access ways. He noted the Police Commission is the traffic authority for town and how residents can bring specific matters like this before them.

Note Mr. Formica asked about a beach community that may have parking related bylaws and Chief explained that beach bylaws aren't enforceable by the police, that they will only address town laws. He said they could go before the Police Commission in regard to any areas of traffic concern and see about changing the determination of that area.

Note Mr. Beachy asked if there is anything the Committee might do to make matters easier for the police and Chief Finklestein offered the following response:

He appreciates the question.

For the police department the type of rental doesn't necessarily have an effect on how they do their job.

He will only agree with one comment, that more information is always better.

If they had an ability to have information, when would they use that information?

That being said, he would rather have more information.

Note Ms. Santoro said he's mentioned a number of topics that she thinks they can pursue and noted that most of them feel that the noise ordinance needs a reexamination by the Board of Selectmen.

6. First Discussion Concerning Findings from Public Hearing, Public Delegations, & Correspondence to Date

Note Ms. Santoro discussed the numerous emails and delegations they've received so far, and wondered if they might begin by considering location, if there are problems, can they isolate the problems in some way physically?

Note Ms. Santoro said it might be useful to create a spreadsheet and match the emails by location. She added that so far, she's not getting the feeling that this is a town wide problem, and they've heard nothing from the north end of town.

Note Mr. Formica said he thinks they've only heard from two areas that were problematic, and the desire expressed has seemed to be not to eliminate the opportunity for short term, but to find a way to control it.

Note Mr. Formica said it's a conundrum; do they recommend that the Board of Selectmen create an ordinance for a problem that seems to be isolated to two spots? He noted that these areas definitely need these problems to be solved.

Note Ms. Thurlow said she thinks people in other parts of town didn't know about the first couple of meetings and are just hearing about them now. She suggests they keep delegations open in the future for people to have a chance to talk in the beginning of this process, as opposed to the public hearing at the end of this process.

Note Ms. Thurlow asked if Oak Grove by benefit from becoming an association and Mr. McIntire clarified that they are an association but don't have separate zoning, and as they've heard from Chief Finklestein tonight, their bylaws aren't enforced by the police.

Note Mr. Beachy said having a zoning officer in your community doesn't solve any of these issues and Mr. McIntire concurred.

Note Mr. Beachy said they need to consider what the Fire Marshal and police can do, and so far, they've heard that they're not going to treat short term rental differently.

Note Mr. McIntire said he agrees with to the point where the Fire Marshal said that if they change the classification from single family to something else, it may give him a chance to actually go in and inspect it.

Note The Committee discussed how Oak Grove Beach is a special case since the houses are built on a concrete seawall, people park on it, and the cars are parked so close together.

Note The Committee discussed some of the various beach communities and how each beach community's bylaws have different lengths of time required for short-term rentals, and Mr. Zamarka reminded them that the current court case suggests that limits may not be allowed.

Note Mr. Cellino observed that it's important for them to get the results of the court case prior to making their recommendation.

Note Mr. Cellino discussed how enforcement is always an issue, how an infraction will likely be gone by the time the Zoning Enforcement Officer is able to arrive onsite. He added that at some point the line between residential and commercial is crossed, and he questioned when a property becomes a full-time transient property; there are no regulations for this practice.

Note Ms. Santoro said our zoning laws don't directly address this and Mr. Cellino discussed how he doesn't believe that the returns of rentals are being adequately considered from a tax and assessment point of view. He added that there is valuation issues here and Ms. Santoro concurred.

Note Mr. Beachy said short-term rentals have become an industry but are still treated as a single-family home.

Note The Committee had a general discussion about LLC's buying multiple properties and the potential risk of a single-family residential community becoming entirely commercialized.

Note Ms. Thurlow pointed out that towns around them are tightening their regulations and if they don't address rentals here, people will continue to seek out East Lyme for more commercialized rentals.

Note Mr. Formica explained how a hospitality tax is extended for rentals.

Note The Committee discussed how zoning might provide some controls and Mr. Zamarka reiterated that a zoning regulation would not apply townwide, while an ordinance would.

Note Ms. Santoro discussed how she was encouraged by some of the topics Chief Finklestein spoke of and how revising the noise ordinance and going before the Police Commission as the local traffic authority might be potential avenues.

Note Mr. Farrugia said the comment was made that this is an isolated problem, but he doesn't think they have isolated concerns; there is a growing concern in his neighborhood, about investors coming in buying homes, and using them exclusively, as short-term rentals.

Note Ms. Santoro said they've heard those comments from some people, that they like their neighborhoods as neighborhoods, and don't want a commercial enterprise.

Note Mr. Formica asked why they wouldn't have further public comment this evening and Ms. Santoro replied that there will be additional opportunities going forward, and another public hearing, but this has been their first chance to really talk about the information that they've already gotten, and she didn't want them to feel weighted down by more until they've had some discussion amongst themselves.

Note Ms. Santoro discussed gathering information and how tonight they've talked about parking, noise, and safety. She added that a spreadsheet will help them hone in on the facts and if they see specific streets and addresses repeating, they can touch base with Chief Finklestein.

Note The Committee had an in-depth discussion about delegations, public comments, and public hearings.

Note Mr. Formica had some of the following comments:
His suggestion would be to have a public hearing after they've decided as a committee, on a number of items that they're considering putting forward to the Board of Selectmen, and let the townspeople speak to that those items. When we finalize those items, people can then speak to that.
He's disappointed in the elimination of public delegations this evening because it's an opportunity for people to speak, who may have been unable to attend the public hearing.

Note Mr. Cellino said personally, he likes to hear from the public as an issue is being discussed.

Note Ms. Santoro said she agrees with Mr. Formica in regard to the timing for the next public hearing.

Note Mr. Farrugia said it would be helpful to develop a punch list of items to discuss.

Note Mr. Cicchiello offered some of the following:
He thinks they need to address Mr. Farrugia's concern that large companies want to come in and buy a whole neighborhood.
How does that affect prices of houses and affordability?
They're allowing companies like Airbnb who have no skin in the game, to dictate what happens in these communities, as opposed to the people who live in there.
A balance has to be made.

Note Mr. McIntire said he would like to echo what Mr. Beachy and Mr. Farrugia said, that the community nature of this problem is real; we're seeing these problems more acutely in these other areas, simply because we are smaller, and these problems aren't seasonal. He noted that in terms of pricing and affordability, that ship has sailed, and that a house on the water just sold for 2 million, and most common people aren't going to be able to afford that.

Note Ms. Santoro said initially a spreadsheet can be done to for the problems that have been isolated and Mr. Cicchiello said he can create a table if someone wants to work with him.

Note Mr. Formica had the following remarks:

They're all coming to this from a different angle.

Perhaps it might be prudent if each of them brought to the next meeting, two or three subject matters that are being discussed.

Perhaps they can whittle that down into some recommendations that would be able to be presented before a public hearing for people to make comments.

Note Mr. Farrugia discussed how bullet points would also be helpful for discussion points.

Note Mr. Beachy said they need to determine when their goals are and what they're trying to solve.

7. Schedule Future Meeting(s)

Note The Committee discussed when to hold future meetings and settled on November 20th, 2023, for their next meeting and December 4th, 2023, at 7:00 p.m., as a potential public hearing date.

8. Reports of Co-Chairs

Note There was none.

9. Committee Member Comments

Note There were no further Committee Member comments.

10. Adjournment

Decision MOTION (3)

Mr. Beachy moved to adjourn the October 23rd, 2023, Regular Meeting at 8:53 p.m.

Mr. Formica seconded the motion.

Motion carried, 8-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary