

ZONING COMMISSION
NOANK FIRE DISTRICT 1
10 WARD AVENUE
NOANK, CT 06340

Approved Minutes of the Special Meeting

Date: Tuesday, May 11, 2021

Time: 7:00 - 9:00 PM

Consistent with Governor Ned Lamont's directives on the use of remote meeting technology during the coronavirus pandemic, this meeting was held remotely via the "Zoom App." The recording is available at the following link:

<https://www.youtube.com/playlist?list=PLp4s6RQGCh5T9l68DGPVVGpN4hWxQqRqQ>

All meeting documents are available at the following link, and can be accessed from a laptop or desktop computer without a Microsoft user account or password. Use of a mobile phone may require establishing an account.

<https://1drv.ms/u/s!ArWm4wCa4MFlxyGFcGt7Gmf7qQKL?e=mLj4Ij>

Call to Order 7:00 pm

Commission Members present: Rick Smith (Chair), Beth Steele (Vice-Chair), Art Tanner and Dana Oviatt. Alternate Larry Dunn was present and seated for Blake Powell, who was absent. Alternate Lynne Marshall was present.

The Chairman read the rules for holding remote meetings into the record.

The purposes of the meeting were: 1) Approval of Draft Proposed Ordinance to Regulate Short Term Rentals in Noank, 2) Process for Obtaining Public Input on the Short Term Rental Issue, 3) Selection of the Date for a Special Meeting to Obtain Informal Public Comment on Short Term Rentals.

Chairman Rick Smith commented that there have been no changes made to the proposed Ordinance during the last two meetings. Because of this, he asked if there was a motion formally in order to have a record of the Commission approving taking this document to the public informational meeting yet to be scheduled?

Commissioner Steele wanted to confirm that they're approving the document for the purposes of public discussion at a workshop and not because they all agree with everything in it.

Chairman Smith answered in the affirmative but reminded members to keep the terms clear, stating that the meeting is not a workshop, which conveys round-table interaction and discussion. He stated that the rules of how they intend to get comment will be discussed later in the meeting. He informed the Commissioners that the advice he'd received repeatedly was that it was important not to refer to the

meeting as a “workshop” because that conveys, under zoning rules, what is not intended. He reiterated that this would be a public information meeting for the Commission to receive input from the public.

Commissioner Steele offered to make the motion.

Action: Motion to approve taking the document to the Informal Public Input Meeting (Steele/Oviatt)

Discussion on the motion?

Alternate Dunn commented that, for a point of order, he wanted to confirm who the five voting members would be for tonight’s meeting.

Chairman Smith stated that he thought Commissioner Powell was out of town, and his recollection was that Alternate Dunn is next up on the rotation.

For the record, Chairman Smith seated Alternate Larry Dunn for Blake Powell, who was absent.

Then, Chairman Smith directed a statement to Commissioner Steele, said that he was going to infer that the comment she made prior to making the motion was a comment on the motion and that it did not convey that they are approving the document in any way, they’re just saying through the motion that this is the document they’re taking to the public to get their comment.

Commissioner Steele agreed that that was her intention.

Chairman Smith asked if there was any discussion on the motion.

Commissioner Tanner commented that he was not going to vote in favor of the motion because he feels it’s a mistake to take what he considers a “seriously flawed document” to the public.

Chairman Smith said that Commissioner Tanner’s comment would be reflected in his vote and thanked him for the comment and asked if there were any more comments on the motion. None noted.

Roll Call

Commissioner Oviatt: Aye

Commissioner Tanner: No

Commissioner Steele: Aye

Alternate Dunn: Aye

Commissioner Smith: Aye

4:1

Chairman Smith went onto the second order of business: Process of Obtaining Public Input on Short Term Public Input.

He stated that the draft has been on the 1Drive since last week and he has a series of questions that have arisen. He asked if any of the Commissioners had any comments on the first page, which is Public Input Plan for Soliciting Comments. He noted that there are 10 items and they’ve discussed three of them so far. Before moving on to the Rules of Public Involvement he wanted to see if there were any comments from Commissioners on some other items, such as the posting of notices at Carson’s, etc.

Alternate Dunn asked if Chairman Smith was asking the Commission to decide that somebody would be identified to approach the businesses, etc. for posting, depending on what is agreed upon concerning point #3, he asked if they were discussing the process and the execution as well.

Chairman Smith answered that first, he would have Sue (Weber, NZC Clerk), go and make those contacts to inquire as to whether the businesses will allow her to post notices at their establishments. He stated that item #3 is an explanation and that the email has already gone out to the Noank email list informing them of "what we're up to" He said that item #7, which contains information for the meeting announcement packet, and item #4, which pertains to the posting of the notice of the meeting, will happen simultaneously. He then asked Alternate Dunn if he answered his question.

Alternate Dunn restated his question asking if they were going to agree today upon the process and upon the execution of the notification to the public of the meeting. He then noted that he was ready to put an announcement on the Town of Groton's webpage since he had obtained permission to do so. He asked if Chairman Smith would authorize him to go forward and execute that action.

Chairman Smith answered that yes, if the two-page document is approved tonight, it will serve as the guidelines for how they put the issue out to the public and how they tell them their expectation of how they'll be commenting. He said that the approved document provides Alternate Dunn the authorization to execute item #5, except for the fact that they have to decide on the wording which he and Alternate Dunn can work on.

Chairman Smith then asked if there were any other comments on page 1.

Commissioner Steele, referring to item #6, asked if they were to place an announcement in the New London Day Newspaper, what would it say?

Chairman Smith answered that Counsel Casey suggest they not do that.

Commissioner Steele said she agreed and didn't see the point in doing that.

Chairman Smith explained that was the reason he used the term, "consider". He said that he favored making the Noank email list as full as possible and added that he feels many people are aware of the issue and that an announcement is forthcoming because of a recent article in The Day newspaper by Erica Moser. He said that the Commission is urging people who live in Noank to get on the email list so that are notified and will receive documents when they come out. He added that many people have been asking to be added to the list. He stated that favors following Counsel Casey's advice of not putting an announcement in The Day.

Commissioner Oviatt asked if this was a good time to bring up if the public input meeting could possibly be held "non-Zoom".

Chairman Smith said that in the event the Governor changes the bans on public gatherings and they're able to have an in-person meeting, he felt the Firehouse wouldn't be big enough. He informed the Commissioners that he had secured the Town of Groton Annex for June 2, but they needed to discuss whether the meeting will take place in one night or if there would be spillover into a second night in the event there are more speakers than can be accommodated in one night. He went on to explain that the options are Zoom Live, in-person or hybrid where those who want to participate via Zoom would be allowed to and they would also have to have a room large enough for those who chose to participate in person. He also stated that he preferred a date early in June, which would mean the notice would have to

go out by the end of the week in order to provide enough time for the public to review the document and develop their comments. He felt that whether the public provides input orally or in writing, they will require ample time to prepare.

He then asked the Commission what they prefer: Zoom, in-person or hybrid.

Commissioner Tanner commented that his understanding is that the Governor is lifting the majority of the restrictions as of May 19th. He asked Chairman Smith if he knew whether social distancing would still be mandated after May 19th for large indoor meetings.

Chairman Smith answered that he has not read anything concerning social distancing regulations following the anticipated lifting of some of the Covid restrictions by the Governor on May 19th. He also mentioned that he wasn't certain if indoor meetings would require attendees to wear masks or not.

Commissioner Tanner suggested waiting until the Governor announces what the mandates will be for indoor gatherings post May 19th. He stated that he strongly favors an in-person meeting, indoors, in as big a space as is needed in order to comply with the regulations set in place by the Governor. He suggested possibly using the gym at the high school.

Chairman Smith asked Commissioner Tanner if he was suggesting that they postpone setting a meeting date until they know what the rules are and then, depending on those rules, find a venue that is large enough to handle a large crowd. He went on to say that if there is no social distancing requirement following the May 19th change, the basement in the Firehouse would probably work. He favors having a fallback night #2 for those people who were unable to be let into the meeting on the first night. He felt that having the meeting via Zoom had some value that hadn't been appreciated pre-pandemic and that was that those property owners who don't live locally would have the advantage of participating without having to travel to Noank. He did say that he felt that all things considered, in-person would be better, but that Zoom has its advantages too. He mentioned that although the Zoning Commission has never held a hybrid meeting, Alternate Dunn has told him that the Town has and it worked well. He said the town Annex building has cameras set up for hybrid meetings.

Alternate Dunn spoke up saying that he was informed by the town that the funding was in place and the plan for their meeting was that it be held both via Zoom and in-person, but Dunn could not verify that the plan had been executed. He felt no matter what the Governor decides to put in place for large gatherings, there will still be those who won't be comfortable going to an in-person public meeting. He feels the hybrid approach would work best, as long as it's possible. He favors putting it out as a Zoom meeting but put in the caveat that says, "In the event we are able to hold the meeting in person, subject to the rules that are established, we will do that, but the Zoom option will still be available for those who wish to participate from a distance." He also stated that holding the meeting using the hybrid model might still require a second night not because of actually having enough room for people, but not having enough time for all who wish to comment to be able to do so. His recommendation was to verify they can use the Town's facilities for a hybrid session and then await the Governor's rulings to determine how they move forward in compliance.

Chairman Smith restated Alternate Dunn's recommendation for clarity.

Alternate Dunn, for coherence, stated that his recommendation is that they would "go forward with an announcement that the meeting would be held via Zoom and, if allowed on that date, they will work to provide an in-person option also."

Chairman Smith asked if there were any other comments.

Commissioner Steele said she feels that what Alternate Dunn proposed sounds agreeable to her.

Chairman Smith asked if there was any disagreement with that? None were noted. He confirmed that they would proceed in that manner.

Alternate Dunn commented that he had heard discussion about whether the meeting would be a Webinar and he wanted to inform the Commission that they do not have licensing for that platform. He mentioned the possibility of leveraging the Town's license in order to hold a webinar instead of using Zoom. He stated that the Town may or may not be agreeable to this.

Chairman Smith said he would pursue the matter.

Alternate Dunn confirmed that Smith would pursue either a Webinar or expanding NZC's license for one month to 100 rather than 50.

Chairman Smith asked if there were any other comments on page 1. None were noted.

Chairman Smith opened discussion concerning the meeting ideally taking place on one night but pre-scheduling a second night if needed, asking how the Commissioners felt about that. He said he's concerned about cutting people off who would like to have commented but there wasn't time.

Commissioner Oviatt agreed.

Alternate Dun agreed.

Commissioner Steele said she doesn't disagree, but feels that commenters should only be allowed to speak once.

Commissioner Tanner recalled that at the Ford's hearing commenters were asked to provide their input in writing so there was documentation for review.

Chairman Smith stated that they can request that people provide their input in writing, they can't mandate it.

Commissioner Tanner stated that he felt the Commission should ask the public to put their input in writing.

Chairman Smith asked for clarification as to whether people would be asked to submit their comments in writing on the night of the public meeting and not subsequently.

Commissioner Tanner said he felt it would be easier to keep track of what's going on and he mentioned that it is typically done this way and that this process, which was used for the Ford's meeting, was what Counsel Casey had recommended.

Chairman Smith stated that he is aware there were specific rules for a legal public hearing but that this one is leaning toward being more informal. He doesn't disagree with Commissioner Tanner's suggestion and feels it is to the advantage of the speakers that the Commissioners have a copy of their comment in

writing that they can refer to, but he wants to figure it out sequentially. Chairman Smith made notes to ask speakers to also submit their comments in writing on the night of the meeting. He then asked Commissioner Tanner if he had noted his recommendation correctly.

Commissioner Tanner confirmed that was his recommendation.

Alternate Marshall commented that she feels that not everyone can or could be expected to submit their comments in writing because some people may not plan to speak but end up speaking.

Chairman Smith restated her comment for clarification that she feels some people may be more comfortable just getting up and speaking.

Alternate Marshall agreed and added that people may not have prepared their comments ahead of time. Being an informal meeting, some may respond to what another speaker said. She feels that some of that “back and forth” is really valuable, as long as it doesn’t get redundant.

Chairman Smith said that even if the discussion does get redundant, “the public deserves their fair opportunity after chomping at the bit for a year or more.” He said that he is sensitive to let people talk as long as they want to but admitted some will speak for an hour, leaving no time for others, which is why there needs to be a time limit on comments. He added that the public has a right to take their three minutes and tell the Commission what they think.

Alternate Marshall clarified that she meant that if a discussion took place and there was back and forth conversation or argument, it can be very valuable.

Chairman Smith stated that there will not be arguing amongst the speakers. He agrees there can be sequential comments.

Alternate Marshall clarified that’s what she meant.

Chairman Smith asked if anyone else had any comment on the subject of having the meeting take place on one night or two.

Alternate Marshall commented that in order to give everyone a chance to speak at least once, they either need to provide two nights or one night and let it go on until people are done. She favors two nights.

Chairman Smith asked if there was any disagreement with doing one night with a scheduled fallback if a second night was needed. None were noted.

Chairman Smith then instructed the Commissioners to look at item #7 on page 1 and stated that those are the items he intends to send out with the meeting announcement: The Agenda, An Explanation of the Commission’s Intent, which is the document sent out last week for the new people on the email list, the Rules of Engagement, which will be discussed next, and the Proposal itself. Seeing no raised hands on this, he will put those four items in the next mailing.

Next, he mentioned that item #9 has come up in discussions. He said he intends to put out to the public that the most effective way to provide input is to recommend different ways to accomplish the Commission’s goals than what the Commission is proposing and asked if there was any disagreement with adding that concept. None were noted.

Commissioner Tanner stated that, referring to item #10, he is uncomfortable with the way it's written. He feels it implies that the Commission is going to review every comment received. He suggested rewording from "Hold Commission meeting to review comments", to "Hold Commission meetings to review the proposal in light of the comments received."

Chairman Smith stated that his intention was that Commissioner Tanner described in his suggestion. He went on to say that the Commission has the right to ponder everything they hear and decide which comments they want to embrace and include or decide that nothing that has been suggested changes their minds. He stated that he agrees with Commissioner Tanner and asked if anybody disagreed with the change in wording in item #10. None were noted. Chairman Smith noted that he would change the wording in item #10.

Next, Chairman Smith moved onto Rules of Engagement. He informed the Commissioners that he had adjusted a few things which he then read to the Commissioners.

Chairman Smith's first suggestion, referring to item 3a: Public Input, was to place a time limit. He felt it was best to require commenters to email NFD Zoning by 5:00 p.m. on the day or even two prior to the meeting date. He explained that this will help avoid late and last-minute entries coming in on the day of the meeting. He went on to explain that in order to manage logistically, the phone numbers of those who may call in to comment, along with the requirement of the commenter to provide their legal residence address or, if property owners with a legal address outside of Noank, the address of the Noank property they own, he feels it would work best to use a deadline of a day or two in advance of the meeting.

Commissioner Steele stated that this suggestion was fine with her but she feels that item F, as it's worded, defeats the purpose of giving a pre-meeting deadline since it allows submissions following the meeting.

Chairman Smith clarified that the deadline would pertain to verbal commenters. Those wishing to speak must email and identify residence or property owned and phone number by 5:00 p.m. two days prior to the meeting. He added that item F refers to those who submit only written comments.

Commissioner Steele then mentioned that, based on earlier discussion, tabulating and compiling of the written comments might be very difficult for the clerk, assuming there will be many submissions. Therefore, she suggested the time limit also apply to written submissions.

Chairman Smith explained that was his intention in item F.

Commissioner Steele asked for clarification of item F, asking if written input would be accepted whenever they're submitted.

Chairman Smith went on to say that he used up to five days after the meeting because he presumes there may be people who formulate a view after hearing discussion at the meeting. He said he didn't intend for an open-ended submission period. He then suggested discussion take place regarding item F before going back to item A and asked if anyone had any views on what written in item F in terms of time limits.

Commissioner Tanner commented that his understanding is that all of the written comments that have been received up until now will not be considered within the framework of the public input meeting and that the input received from the public at the public input meeting will consist only of what is said at the meeting, submitted at the meeting or submitted within the time frames outlined in item F and that the Commissioners do not need to maintain "all the other stuff" but what they need to pay attention to within

the framework of the public input meeting, is what is being proposed here in section 3. He then asked if his understanding is correct.

Chairman Smith clarified that Commissioner Tanner's understanding is correct with respect to the intention of item F. He also stated that Counsel Casey has advised that the Commission doesn't have a legal requirement to consider any of the earlier comments, dating back to around April 1st, because there is no legal proposal on the table yet so Commissioners can include them or let the commenters know that if they would like the comments submitted earlier to be considered by the Commission, they can resubmit them.

Beth Steele stated that at past meetings, it's been said that if people want to submit comments, they should do so in writing and so they did and now the Commission is going to imply that those comments don't matter? She feels the Commission should accept those comments as well and they should be part of the record. She feels it's not right, given the direction the public has received by the Commission "time and time again to submit their comments in writing."

Chairman Smith stated that he was attempting to put boundaries on it because there are comments going back to 2019.

Beth Steele asked Chairman Smith what exactly his thoughts were as to how the Commissioners would process through the written comments that have been received and forwarded to the them.

Chairman Smith answered that if they come in electronically, they'll be forwarded to the Commissioners in a batch weekly. He explained that the comments are PDF'd as a document, attached to an email and sent to Commissioners. He went on to say that written documents are expected to be processed the same way. Item F, he explained, was intended to put some sideboards on it so it wasn't so open-ended. He has no objection to including the submissions already received. He agrees it's "awkward" to tell people to resend them. He clarified that the Commissioners have received all of the comments submitted thus far and that this period now is for people who wish to submit comments based on the Informal Public Input Meeting we're going to have. He also noted that there had been a big gap between the last comment received prior to April 1, 2021. Since April 1st, he said, many comments have been received and are continuing to come in. One suggestion he made was that any comments received in 2021 automatically be part of what the Commission reviews in the context of looking at the proposal.

Commissioner Steele reiterated that she feels those comments have to be included. Otherwise, it's "like false advertising" to tell the public to write letters and then say that those really don't matter and that they must resubmit them or submit something else entirely.

Chairman Smith confirmed that he will make a text change stating that "any document received since 01/21/2021, will automatically be included for the record."

He then asked if everybody was OK with that.

Alternate Dunn commented that he is OK with the text change concerning prior submissions, but feels that item F should also reflect a time restriction on submissions. He feels that because as the Commission meets formally to deliberate on changes, if any to the proposal, only those submissions received during the stipulated time frame would be utilized in deliberations.

Chairman Smith stated that both items F and G are going to require rewriting to suggest that comments submitted from April 2, 2021, through 14 days prior to the meeting should automatically be included. He

also commented that he agrees with the change and feels it will make the process easier for the public. He also noted that since the submissions received through last Friday, (05-07-2021), have already been distributed to the Commissioners, they are able to review them in order to capture the public's sentiment. He stated that the way he feels it should be rewritten is, "to remove the reference to the 14 days and change item G to reflect that any submissions received less than three days before the meeting will not be reviewed by the Commissioners. They will only be available for viewing following the meeting." He explained that those three days are needed in order to convert the emails and their attachments into an easily transmittable form.

Commissioner Oviatt commented that he agrees with Commissioner Steele and feels that the Commission should be clear that Commissioners will not only be considering written comments submitted during this period, but that prior submissions also count and will be considered. He feels there was valuable input received prior to January, 2021.

Chairman Smith reiterated that all documents that have been received have been distributed to Commissioners. His question was: following the Informal Public Input session, how far back does the Commission want to go in reviewing documents that have been submitted? He stated that the proposal changed dramatically in the late Fall into Winter when letters and concerns were being submitted; however, the Commission hadn't made many decisions at that point. He referred to Commissioner Tanner's comment that they should be reviewing the proposal and reviewing comments received relative to the proposal rather than reviewing every comment ever received as its own entity. He said he felt a decision needs to be made as to how far back they want to go. His opinion, as a way to avoid a dilemma, is for the Commission to set a start date and an end date for purposes of this public information meeting and tell people that if they want to comment on this proposal in this Public Input meeting, they submit something 14 days prior or up to five days following the meeting for the Commission's review for the record. He feels it's important to have boundaries around what will be reviewed because they must know logistically what the record will consist of for this informal meeting. He also informed the Commissioners that once they get to the formal, legal meeting, the record will consist of only what is submitted once the Commission announces the public hearing and thereafter. The record will be based on the legality of the announcement of the proposal and comments received after that date.

Commissioner Steele suggested that they should require that written comments may be submitted up to five days following the meeting. She feels this wording helps to clarify that submissions made prior to and up to five days following the meeting will be included. She feels the language as written is confusion and she would be in favor of simplifying the text.

Chairman Smith agreed for simplifying the text but noted that he doesn't want the public to expect that if they submit something in writing the morning of the meeting that the Commissioners will have had the opportunity to review it before the meeting. He feels that, in order to be fair with the public, there should be a three day or more time frame prior to the meeting in which submissions can be made in order for the Commissioners to have the benefit of them.

Commissioner Stele stated that she felt the point of the Informal Public Input Meeting was to hear the public's comments and that at a later meeting, the Commissioners would digest them and discuss them so whatever submissions received up to five days following the meeting would include those submitted in the days prior to the meeting as well. She added that the debate on the proposal would not take place the night of the Informal Public Meeting, but at the Commission's next meeting when those submissions would be discussed.

Chairman Smith stated that he wants to be sure he's capturing what Commissioner Steele is conveying, so he clarified by saying that he would remove the "14 days prior to the meeting" text.

Beth Steele agreed.

Chairman Smith then suggested leaving the three day prior to the meeting rule so the public is aware that their comment will not be read prior to the meeting. He asked Commissioner Steele if she feels that should also be removed.

Commissioner Steele stated yes, she feels it sends the message to the public that they have to resubmit something they've already submitted. She feels that the way it's worded might lead some to believe they need to resubmit their comments.

Chairman Smith agreed with Commissioner Steele on that point. He doesn't feel that people should have to resubmit something that was submitted recently. He restated that he feels it's important that the public understand that if they want to have the benefit of their written comment, since some will not want to speak at a meeting, and they want the Commission to consider those thoughts leading up to the meeting, they need to be aware that they have to get them in three days before the meeting.

Commissioner Steele stated again that on the date of the Informal Public Input Meeting, the Commission is taking in information but not having a discussion where they will be considering what people have said to them and debating it. That will come at a later session. She asked if her understanding is correct.

Chairman Smith confirmed that there will be no discussion at the Informal Public Input Meeting.

Commissioner Steele again stated it is an informational meeting and that no comments are doing to be "considered" in terms of a discussion on that night. Her main concern, she stated, is that people know that whatever they've submitted to this point is going to be considered and that they don't have to resubmit because the Commission has those comments and will review them when the Commission meets for discussion.

Commissioner Tanner asked if the proposal is "out in public".

Chairman Smith answered yes, it's been on the 1Drive and linked on agendas for every one of the Commission's meetings for several weeks. He said that people had requested the document, which is a public document, and that they have been sent either a link to the document or the document itself.

Commissioner Tanner wanted confirmation that it is in fact a public document.

Chairman Smith restated, "Yes. It is."

Commissioner Tanner commented that in the framework that you're attempting to establish in terms of the comments, when people speak for three minutes, he feels it would be helpful for all comments written or verbal, made either at the meeting or outside of the meeting, follow the same structure where they take the proposal and make specific suggestions on how to improve it and not just the blanket comments that he's seen in a number of the earlier submissions. He believes that if this meeting is going to be at all helpful, there needs to be structure to it. He favors item F stating that once the document is officially out for comment, people have two weeks to submit input. The comments should be specific in order to help the Commissioners take this proposal, which has taken much time to create, and go through it with those

targeted comments to figure out what changes, if any, members want to make. He is in favor of specific, useful, helpful comments.

Chairman Smith stated that item D is intended to accomplish what Commissioner Tanner is stating. He offered to strengthen the text if needed. He then read item D and stated that he doesn't disagree with Commissioner Tanner that broad comments from the public will not be helpful; however, the Commission has to give the public the opportunity to speak and the Commission has to listen. He noted that, although there is no data to support it, he feels 90% to 95% of the comments received are going to be "don't do this". Although, given the trend of the letters, there are those who are in favor of regulation and may even feel the Commission isn't "going far enough." He summed up his comment by saying that people will have three minutes to tell the Commission what they think and that they will be most effective if they comment on the proposal and tell the Commission what to improve or do differently.

Next, Chairman Smith mentioned a counterpoint to item F regarding the "14 days prior" stating that Commissioner Steele and Commissioner Tanner have both commented and his intention was to try to structure it so the comments coming in could be strained. He noted that Commissioner Steele made a good point concerning making the public have to resubmit their comments. He stated that he needed to know the way the Commissioners wanted to go on this matter.

Commissioner Oviatt stated that he understands what Commissioner Steele is saying and feels she would probably be satisfied with removing the first sentence of item F and he asked Commissioner Steele if she agreed.

Commissioner Steele agreed.

Chairman Smith said that was a good suggestion and asked if there was any disagreement on that.

Commissioner Tanner stated that he like it the way it is written for the reasons he stated earlier.

Chairman Smith asked if there was a motion on whether to omit sentence one or to leave item F as it is.

Commissioner Steele stated that if it means a lot to Commissioner Tanner she is OK leaving the first sentence as written.

Chairman Smith, trying to accommodate Commissioners Steele and Tanner, stated that he will write it so people know they don't have to resubmit comments and will leave the first sentence in since it doesn't refer to comments submitted earlier. What will require change, he said is item G, in order to reflect that anything we receive in 2021 on this subject is available for consideration by the Commission. He asked if that sounded good to everyone.

Commissioner Steele answered that it sounded good to her.

Commissioner Tanner asked what the logic was for saying "anything received in 2021?" He stated that he would think that the input they've received since the date the proposal became publicly available is what could logically be said to be part of the record of the Informal Public Meeting.

Chairman Smith restated that there were few, if any comments received from January to April 1, 2021, so April 1st could be used as the date.

Commissioner Tanner said he was OK with that.

Chairman Smith asked Commissioner Steele if she was OK with that.

Commissioner Steele confirmed she was.

Chairman Smith made notations that input received since April 1, 2021, will be considered and no resubmissions have to be made.

Alternate Marshall commented with regard to item A that when she attends a meeting at the Town of Groton, she signs in with her name and address and there is no one checking. She noted that item A requires sign-up to take place a couple of days ahead of time so that “we can check to see if they’re a Noank resident.” She stated that she doesn’t feel that there’s an easy way to check residency. She gave examples of people who may have valuable input but are not Noank property owners, but are Noank residents.

Chairman Smith interrupted to clarify that it is not the Commission’s intent to “check up on people.” He stated the intent is to focus people on the fact that the Commission is going to listen to residents and property owners. He further stated that this was decided at a previous meeting. He feels the document should stipulate that residents and property owners email in to sign up. He clarified further that the reason for the two-day time frame for sign up is because he expects there will be a flood of people emailing in. The clerk will have to create a list of email addresses and phone number. Email addresses are required for those commenting via video, phone numbers are required for those speaking by phone. His concern is that people know the Commission is interested in hearing from Noank residents and property owners and it is absolutely not the intent of the Commission to chase anyone down who is not a resident or a property owner but comments anyway.

Alternate Marshall stated her concern is that attendees will have ideas at the meeting based on what they’re hearing but if they haven’t signed up to speak, they may not get the chance.

Chairman Smith stated there has to be a sign-up list if it’s a Zoom meeting. People will have to be called on to speak from the sign-up list. He referred to item E and asked Alternate Marshall to read through it and then asked if was OK with her.

Alternate Marshall answered yes it was.

Chairman Smith reminded Commissioners that he distributed the document a week ago and wanted to make sure everyone had seen it. Continuing with item A, he noted that they had agreed that residents and property owners would be speakers. He added having the phone numbers in for the reasons provided. He then asked if there was any disagreement with that. Seeing none, he continued to explain that people will be instructed to include their phone number when they email to sign in so that if they’re not on video, the meeting manager will know who the next speaker is and can unmute them.

Chairman Smith then began discussion regarding allowing people three minutes to speak or allowing unlimited time for comments. He mentioned that the reason for the three minutes limitation being so everybody gets some opportunity to speak had been brought up earlier in this meeting. Are there any views on that? None were noted so Chairman Smith stated that he assumes three minutes is agreeable to all.

He then asked if there were any questions concerning the attorney option. He noted that at the last meeting, the Commissioners discussed the option of allowing an attorney who represents a group of citizens to speak for three minutes up to five times for a total of 15 minutes. The went on to say that the representatives would be required to identify the five citizens he or she represents and those citizens would not also get the opportunity to speak. He commented that he felt this was a good idea and goes to the point that “we want to get comments on the proposal that are effective in suggesting revision that would meet our goals but be more satisfactory to somebody who may not be satisfied now.” He feels the comments may be more effective coming from someone who is not as emotionally involved. He then asked if there were any views on that.

Commissioner Tanner commented that he feels that, based on the Ford’s hearing, he would be surprised if input from the attorneys would help the Commission in crafting a better proposal. He added that they typically are hired to object and is not optimistic that the Commission will benefit from their input.

Chairman Smith said that was a fair point and asked if there were any other comments on that issue.

Alternate Dunn stated that Commissioner Tanner made a good point and that he feels that a good way to proceed is when the representative submits their request, they need to identify who they are as well as the clients they’re representing and their addresses so we are able to track this item.

Chairman Smith clarified that item C addresses this issue; though he admitted it may not be clear enough.

Alternate Dunn said he felt item C didn’t clarify how a speaker would submit a request for time.

Chairman Smith asked Alternate Dunn to reread item C.

Alternate Dunn stated that upon submission of the request to speak, it should be noted how much time they are requesting.

Chairman Smith said he understood and confirmed that when the representative initially requests 15 minutes, they have to identify whom they’re representing so those names don’t end up on the speaker list.

Alternate Dunn confirmed that clarification.

Commissioner Oviatt commented that he felt Commissioner Tanner raised a good point in that attorneys are hired by one side or the other and since this is not an actual public hearing and there is nothing being litigated, he is unsure what the purpose would be in having an attorney speak rather than the actual Noank resident. He also mentioned that he felt that if an attorney spoke on behalf of a resident or residents, those residents should not be given the opportunity to speak also as item C suggests.

Chairman Smith informed the Commissioners that Counsel Casey advises that it’s a good idea to allow attorneys representing clients to speak. It would be a very rare event, he said, that it would not be allowed. He then mentioned the idea of not allowing those who are represented to speak as well.

Discussion took place regarding the number of times each commenter would be allowed to speak and whether those who are being represented by an attorney or another advocate should be able to comment on their own behalf whether time permits or not.

Chairman Smith concluded by stating that everyone speaks once and asked if that was agreeable to everyone.

Alternate Marshall answered no.

Commissioner Tanner answered yes.

Alternate Marshall explained her concern because she feels people will have to have their comments prepared ahead of time and that they won't have the opportunity to respond to things that have been said.

Chairman Smith reiterated that if the meeting takes place via Zoom, it is logistically not feasible to have people commenting back and forth.

Alternate Dunn explained that people can access the "hand raise" function as well as the "chat" function for commenting. He added that it is at the discretion of the Chair to allow comments from people who are not on the list.

Chairman Smith stated that he still feels that it will be next to impossible to manage a Zoom meeting where people are allowed to come back and comment again in response to something they've heard earlier. He said submitting a written comment within five days following the meeting with their responses seems more coherent. He also expressed concerns because he believes there will be a large number of people in attendance and the Commission meetings that have been held via Zoom over the past year have not included the use of the "hand raise" function or the "chat" feature, which is why he feels requiring people to sign up before the meeting is important. He said that allowing one comment per person and ads many written comments as they want to submit seems to fairer to the public; however, he reminded the Commissioners that he is always open to suggestions and the will of the majority. What, he asked, is the will of the majority?

Action: Motion that people are allowed to only speak once for the reason that it is very unfair to allow some people to speak twice or more and others not one time, making it fair to everyone. (Steele/Tanner)

Discussion on the motion?

Commissioner Oviatt asked if this would change if the meeting were to take place in person.

Chairman Smith said it might change, depending on the date of the meeting, which he doesn't feel they are ready to set because of the uncertainty as to how the meeting is logistically going to be run. He added that there are many strong pros and cons for both approaches, which is why Alternate Dunn's suggestion of having a hybrid meeting was appropriate.

Commissioner Steele said that as the motion bringer, she intended her motion to be whether the meeting takes place via Zoom or in person.

Commissioner Tanner seconded.

Chairman Smith confirmed that the seconder agrees with the intent and so he added to the motion: people only speak once per person, Zoom or in-person meeting.

Comments on the motion? None noted

Roll Call:

Commissioner Steele: Aye

Commissioner Tanner: Aye

Commissioner Oviatt: No

Alternate Dunn: Aye

Commissioner Smith: Aye

4:1

Chairman Smith mentioned that the only availability to use the Town Annex was June 2nd should the meeting be held hybrid or full in-person. He said he feels they need to table the issue of location for the time being.

Next he mentioned that he would like suggestions about how to manage the meeting as a Zoom meeting. He said that he felt having Alternate Dunn manage the meeting would be unfair because he wouldn't be able to listen to the comments and host the meeting given all of the functions that are required for the host to manage and control in the Zoon interface.

Commissioner Oviatt said that he felt they were moving forward too fast and getting ahead of themselves since they're uncertain about the type of meeting they will have. He favors having an in-person meeting rather than a Zoom meeting.

Action: Motion that no decision is made tonight until we can have an in-public meeting that will not be held over Zoom. (Oviatt/Tanner)

Comments on the motion?

Commissioner Tanner read from the CT website "Effective Wednesday, May 19, 2021, all remaining restrictions will be lifted except masks will continue to be required in all indoor public settings where social distancing is not possible." He indicated that the information he shared he found by Googling "Connecticut Guidelines." The website used was <http://portal.ct.gov/>. He said that based on this information, it seems like an indoor meeting could be planned with attendees wearing masks.

7:33:13 p.m. Chairman Smith experienced technical difficulty and lost internet connection.

Alternate Dunn asked if Vice-Chair Beth Steele wanted to take control of the meeting.

Vice-Chair Steele took control of the meeting and confirmed that discussion on the motion was taking place. She stated that she is agreeable to the motion as stated.

Alternate Dunn advised that the Town may have an issue with in-person meetings even if the State permits them.

Vice-Chair Steele asked Alternate Marshall her thoughts on the matter.

Alternate Marshall commented that if it was scheduled at the Firehouse in-person, they could move forward.

Vice Chair Steele asked Alternate Dunn his thoughts on the matter.

Alternate Dunn said he feels there are people who are remote owners as well as others who won't be comfortable with going into a closed environment regardless of what the State's guidance is.

Vice-Chair Steele shared her thoughts on favoring a hybrid meeting so out-of-towners can comment and be heard. She shared that she is concerned that the Zoom platform doesn't allow the Commission to get the "same feel", but said she could go either way. She indicated that they could take a vote on the motion and asked if there was any further discussion on the motion.

Commissioner Oviatt indicated that he wasn't comfortable taking a vote in Chairman Smith's absence and wondered what the protocol is in this situation or what Robert's Rules of Order say about it; especially in light of it being held via Zoom. He said he doesn't want to move forward if the vote could come into question by Chairman Smith who wasn't there.

Vice-Chair Steele said she is willing to wait a few minutes and noted that the time was 8:38 p.m.

Alternate Dunn informed Commissioners that there was not an issue with Robert's Rules of Order. He stated that "if any member is not available, it defaults to the Vice-Chair and she runs the meeting and there's a quorum." He reiterated that there is no issue with the vote being taken. He also said that he agrees with Commissioner Oviatt's point but that from a legal point of view, there is no issue.

Discussion took place concerning trying to reach Chairman Smith to see if he could connect to the meeting through the Zoom Application on his cell phone. Alternate Dunn relayed this message to Chairman Smith.

8:38:55 p.m. At this time, a viewing resident interjected asking if, as a Noank homeowner, it was OK for her to participate in the meeting.

Vice-Chair Steele responded, "No, it's not. I don't mean to shut you down at all. I apologize but this isn't a meeting where the public is allowed to comment tonight and definitely we do want to hear our comments so however it goes, and I don't know how they're going to decide, but if for whatever reason they decide in-person, you do have that opportunity to do it in writing to make your thoughts known. I'm sorry."

Vice-Chair Steele then asked if Alternate Dunn had received a response from Chairman Smith.

Alternate Dunn indicated that he had Chairman Smith on the phone and asked Smith if he could hear.

Chairman Smith said he could hear.

Vice-Chair Steele said that she was trying to take some charge but was happy to hand it back to Chairman Smith.

Alternate Dunn brought Chairman Smith up to speed and informed him that there was a motion on the table and that that there had been discussion on the motion. He asked Chairman Smith to weigh in on the matter.

Chairman Smith informed the Commissioners that under Zoom rules, he is able to participate even though he's not there. He then asked if there was any more debate on the motion.

Commissioner Steele indicated that Commissioner Oviatt was raising his hand to speak.

Commissioner Oviatt stated that he would like to continue the discussion.

Alternate Dunn interrupted and stopped Commissioner Oviatt in order to confirm that Chairman Smith could hear.

Chairman Smith indicated he could not hear and that he would connect to Zoom via his cell phone.

Alternate Dunn reminded all that Beth Steele was the Chair.

Commissioner Oviatt stated that this technical difficulty is exactly the reason he feels that meeting should take place in person rather than via Zoom.

Vice-Chair Steele commented that his point is appreciated.

8:43:06 p.m. Chairman Smith was back online and present.

Commissioner Steele stated that the motion was still being discussed.

Chairman Smith commented on the motion. He said that he agrees with the motion. He added that considering the technological problems that took place tonight with only five people meeting and about 20 people watching, he feels it is a disservice to the public to try to have a full blown public input meeting by Zoom.

Other comments on the motion? None noted.

Roll call:

Commissioner Oviatt: Aye

Commissioner Tanner interjected saying that he is puzzled because his understanding is that an in-person meeting is possible based on his understanding of the guidelines. He indicated that he didn't understand what they were deciding.

Chairman Smith explained his understanding of the motion is no decisions on whether to do it by Zoom or not. He then asked Commissioner Oviatt if he wanted to do the meeting in person.

Commissioner Oviatt confirmed in the affirmative. He does favor an in-person meeting.

Chairman Smith decided to state that text in the motion. He worded the motion as follows:

Motion: that the public meeting should be in person.

Roll call continued:

Commissioner Tanner: Aye

Commissioner Steele: Aye

Alternate Dunn: No

Commissioner Smith: Aye

4:1

Chairman Smith said that the meeting will take place in person and said he felt they should leave the option open for hybrid as well. He then realized that his comment went against the intent of the motion and stated that the motion is public meeting only.

Chairman Smith then asked if there were any other comments on page 2 of The Proposed Rules of Engagement. None noted.

He went on to say that this document would need some revision and rewriting because some points were written for Zoom-type participation so he said he'd make the edits and send them out to Commissioners. He reminded them that there can be no debate by email but he asked that if they notice an inaccuracy or an error, to let him know and he can make corrections. He advised that once the edits are made, they will have to decide if they want to have another meeting to discuss further these rules or if they are what they will use as the Rules of Engagement. He reiterated again, no debate via email but corrections and agreement that it's ready to go.

Commissioner Oviatt asked if they need to have another meeting to discuss Chairman Smith's plans or if they should hold off for now.

Chairman Smith asked what Commissioner Oviatt meant by "plans".

Commissioner Oviatt clarified "revisions."

Chairman Smith stated that he would redraft the document based on the decisions they made tonight, send it out to them as a draft, not for public distribution. They can look at it and if they see an error, they can let him know. If anyone feels there is need to debate and it merits another meeting, they will have another meeting so it's done in the public arena. He said that if it's good to go after they've seen the redraft, then they'll use it. He went on to say that the question now is when to use it.

He stated that the last thing on the Agenda is "Selection of the Date for a Special Meeting to Obtain Public Comment on Short Term Rentals." He asked if they're ready to pick the date.

Commissioner Steele stated that she is ready to pick a date.

Chairman Smith explained that if they pick the date, that presumes that they'll get all of these kinks out. He feels the redraft may take longer than he'd anticipated because there are more changes than he expected. He advised that there does have to be a meeting for them to pick a date and if the Commissioners have issues with the redraft, they will have to have a meeting to debate the redraft, opening up the possibility of having to postpone the date they choose tonight for the public input meeting.

Commissioner Steele asked if they really have to have a meeting solely for the purpose of picking a date.

Chairman Smith indicated that he thought so. He went on to talk through his thoughts on the fact that technically the public input meeting is nothing more than a special meeting; however, he feels it does require more structure because they're inviting the public to comment. He stated that Counsel Casey has always advised that every decision they make they should debate and make the decision in public. He also said that provision is they can set their own agenda and meetings without having to have a public meeting to pick another meeting. He concluded by saying that he feels Commissioner Steele may be correct and that they can pick a date tonight and change it if need be.

He then stated that another issue that needs to be discuss is that of a venue for the meeting. He said that the lower level of the Firehouse might work and if there was overflow, they could meet again for a second night. He asked Commissioner Steele if they had to pass a motion tonight to choose the meeting date.

Commissioner Steele indicated that she didn't think so. She said they don't have meeting to pick any other dates.

Chairman Smith discussed his understanding of Counsel Casey's earlier comments regarding special meetings and concluded that legally, it is a special meeting, no different than other special meeting. He concluded that he feels it would be best to defer picking a date once the issues discussed tonight are resolved. He then asked if there were any other comment on these three Agenda items? None noted.

Action: Motion (Steele/Dunn) – Adjournment

Approved 5:0

Adjournment: Meeting adjourned at 8:54 p.m.

Recorded by: Susan Weber, Clerk