

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
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AGENDA
PUBLIC HEALTH, RECREATION & ENVIRONMENT STANDING COMMITTEE OF
THE RTM

Special Meeting
Thursday, June 30, 2022
4:00 P.M. - Waterford Town Hall
Louise Appleby Room

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment
5. To consider and act upon the minutes of the February 22, 2022 meeting.
6. Consideration and possible action on item referred to committee:
 - A. Review of Noise Ordinance, Noise Control – Chapter 9.06, RTC 10/04/21Presentation/Review of information requested at previous meeting from Staff & Legal.
7. Adjournment

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TOWN CLERK

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MINUTES

PUBLIC HEALTH & RECREATION & ENVIRONMENT STANDING COMMITTEE OF THE RTM
Special Meeting
Waterford Town Hall – Louise Appleby Room
February 22, 2022

2022 FEB 25 PM 2:01

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Public Health Recreation & Environment Committee Chair Michael Bono called the February 22, 2022 Special Meeting to order at 5:31 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mike Bono, Mary Childs, Nick Gauthier, Ryan Healy, Jennifer Bracciale.

ABSENT: None

EX-OFFICIO MEMBERS PRESENT: RTM Member Susan Driscoll, RTM Member Cheryl Larder, RTM Member Michael Rocchetti.

ALSO PRESENT: Town Clerk David L. Campo; Interim Police Chief Marc Balestracci.

MOTION by Bracciale, seconded by Ryan to end the meeting by 6:30 P.M.

VOTING IN FAVOR: Unanimous

ITEM 4 – March 25, 2021 Meeting minutes.

MOTION by Gauthier, seconded by Bracciale, to approve the March 25, 2021 Meeting minutes.

VOTING IN FAVOR: Gauthier, Bono, Healy, Bracciale.

VOTING AGAINST: None

ABSTAINED: Childs

MOTION PASSES: 4-0-1

CALL ITEM 5A – Review of Noise Ordinance, Noise Control – Chapter 9.06, RTC 10/04/21

Interim Chief Balestracci provided some background as to why the previous chief recommended that this be reviewed. He stated that the States Attorney's Office is unwilling to prosecute based on our current ordinance, due mostly to the codified decibel levels. This puts the Waterford Police Dept. in a difficult spot as far as fining or prosecuting. He explained how a noise complaint is generally responded to and noted that after one visit by the police, the situation is usually resolved. The Town is not looking to fine or arrest, but for compliance. A copy of the State Statute covering noise was presented. (See Attachment).

Lengthy Discussion Ensued.

The committee discussed what would be needed to go farther, such as ordinances from other towns. Do we need input from Planning & Zoning and how this affect commercial and industrial zones? Is there

requirements for sound mitigation? What is "sustained noise?" It was noted that when the committee discusses levels it is referring to decibel levels. It was briefly discussed how and when to use the services of the town attorney.

The Committee has developed the following list of goals to be addressed by town departments to guide further consideration of ordinance review.

Legal

- Keep any language in revision plain so that it is easily understood
- Define "Sustained"
- Define "Reasonable"
- What is a reasonable "time of day"
- Ensure continuity of language (eg.- use of the word level and dBA meaning the same thing)
- Language to ensure/protect lawful activities protected by state statute
- Develop a progressive discipline approach to enforcement while ensuring Police digression
- Look at other town's noise ordinance examples that implement the above.

Town Clerk

- Historical ordinance revision tracking
- Last known Noise Ordinance revision date 1993 do we have a copy of pre-'93 ordinance and any minutes of the committee meetings in the development of the previous revision

Planning

- Review the towns Zoning Map
- Potential issues where there is an intersection of residential zones and commercial/industrial zones
- Special permit exemptions (eg.- private party, wedding event in a residential zone)

MOTION by Gauthier, seconded by Bracciale, to adjourn at 6:29 P.M..

VOTING IN FAVOR: Unanimous

Respectfully Submitted,

Mike Bono
Chair

Sec. 53a-181a. Creating a public disturbance: Infraction. (a) A person is guilty of creating a public disturbance when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) annoys or interferes with another person by offensive conduct; or (3) makes unreasonable noise.

(b) Creating a public disturbance is an infraction. (Fine amount: \$103.00)

Sec. 53a-182. Disorderly conduct: Class C misdemeanor. (a) A person is guilty of disorderly conduct when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person: (1) Engages in fighting or in violent, tumultuous or threatening behavior; or (2) by offensive or disorderly conduct, annoys or interferes with another person; or (3) makes unreasonable noise; or (4) without lawful authority, disturbs any lawful assembly or meeting of persons; or (5) obstructs vehicular or pedestrian traffic; or (6) congregates with other persons in a public place and refuses to comply with a reasonable official request or order to disperse; or (7) commits simple trespass, as provided in section 53a-110a, and observes, in other than a casual or cursory manner, another person (A) without the knowledge or consent of such other person, (B) while such other person is inside a dwelling, as defined in section 53a-100, and not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy.

(b) Disorderly conduct is a class C misdemeanor. (Summons or physical arrest)