

WATERFORD TOWN CLERK
15 ROPE FERRY ROAD
1993 MAY 25 AM 11:31

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1993



WATERFORD, CT. 06385-2886

TOWN OF WATERFORD
REPRESENTATIVE TOWN MEETING
JUNE 7, 1993

The members of the Representative Town Meeting, electors and other legal voters of the Town of Waterford, are warned the Representative Town Meeting will hold its Regular Meeting in the Town Hall Auditorium, 15 Rope Ferry Road, Waterford, on June 7, 1993, at 7:30 P.M. for the following reasons:

1. To consider and act upon the minutes of the April 5, 1993 Regular Meeting, the May 3, 1993 Special Meeting, and the May 3-6 and May 10, 1993 Annual Budget Meeting.
2. To consider and act upon committee reports.
3. To consider and act upon a proposed Noise Ordinance as recommended by the Public Health, Recreation and Environment Standing Committee of the Representative Town Meeting.
4. To consider and act upon a request from the Board of Selectmen on behalf of the Town Clerk to create a new Budget Line Item 10109-52190 (Land Records Indexing) in the amount of \$5,584 with funding provided by an additional appropriation in the amount of \$1,584 and department transfers in the amount of \$3,725 (\$750 from LI 52050, Dues, Conferences & Education; \$275 from LI 52180, Vital Statistics; \$2,500 from LI 53270, Ordinances; \$100 from LI 53280, Election Materials; \$100 from LI 53290, Microfilm Supplies), as recommended by the Board of Finance.
5. To consider and act upon a request from the Board of Selectmen to accept Brook Street Improvements and associated Open Space.
6. To consider and act upon a request from the Board of Selectmen for an appropriation in the amount of \$480,000 from the Designated Fund Balance, Highway Construction and Improvements, of the Capital and Non-recurring Expenditure Fund for contract PW-25, South Bartlett Road and Bartlett Place, as recommended by the Board of Finance.
7. To consider and act upon ~~the~~ the appointment to fill a vacancy on the Ethics Commission for the term of February 3, 1992 - February 2, 1994.

Dated at Waterford, Connecticut, this 25th day of May, 1993.

Donald K. Blevins
Donald K. Blevins
RTM Moderator

MINUTES

WATERFORD TOWN CLERK

REPRESENTATIVE TOWN MEETING

JUN 30 AM 10:08

JUNE 7, 1993

ROLL CALL

The Regular Meeting of the Representative Town Meeting was called to order at 7:37 P.M. by Moderator Donald K. Blevins.

ROLL CALL

PRESENT: Victor J. Bartolucci, Marcia A. Benvenuti, Donald K. Blevins, John R. Bodin, Mark Burnham, Michael J. Cannamela, Barbara R. Hanna, George A. Henault, Keith L. Jensen, Lynn R. MacMorrow, John Merrill, Jr. (retired 10:50 P.M.), Herbert F. Moran, S. Derek Phelps, Janet K. Reidy, Ivan J. Sadler, Paul L. Severance, John W. Sheehan.

ABSENT: Vincent M. D'Arinzo, Francis G. Mullins, Joan B. Petro.

EX-OFFICIO MEMBERS PRESENT: First Selectman Thomas A. Sheridan, Selectman David B. Fairman, Chair of the Board of Finance Jeffrey C. Hall.

EX-OFFICIO MEMBERS ABSENT: Chair of the Board of Education Elizabeth A. Bresser.

THE PLEDGE OF ALLEGIANCECALL ITEM 1 - Minutes

MOTION by Sheehan, seconded by Jensen, to accept the minutes of the Regular Meeting of April 5, 1993.

VOTING IN FAVOR: Unanimous.

MOTION by Sheehan, seconded by Jensen, to accept the minutes of the Special Meeting of May 3, 1993.

VOTING IN FAVOR: Unanimous.

MOTION by Benvenuti, seconded by Bartolucci, to accept the minutes of the Annual Budget Meeting of May 3, 4, 5, 6 and 10, 1993 with the following correction:

eliminate the entire GENERAL ASSISTANCE (10434) series on page 11 and replace with WATERFORD PUBLIC HEALTH NURSING SERVICE (10433) in the amount of \$205,000.

58010 (Public Health Nursing) in the amount of \$205,000.

DISCUSSION: Director of Public Health Nursing Service Geraldine Buchholz explained how the funds were spent. Further explanation was provided by Business Manager Charles Zultowsky regarding the fund balance and the percentage of the budget funded by the Town.

VOTING IN FAVOR: Bartolucci, Benevenuti, Blevins, Bodin, Burnham, Cannamela, Hanna, Henault, Jensen, Moran, Mullins, Phelps, Reidy, Sadler, Severance, Sheehan.
 ABSTAINING: Petro.
 VOTING IN FAVOR: Unanimous.

CALL ITEM 2 - Committee Reports

MOTION by Hanna, seconded by Hanna, to accept committee reports.
 VOTING IN FAVOR: Unanimous.

COMMITTEE ASSIGNMENTS

Legislation and Administration:
 Review of space needs of the Waterford Youth Services Bureau RTC 5-3-93.
 Review of recommendation by auditors of modifications to town purchasing ordinances RTC 6-7-93.
 Public Health, Recreation and Environment:
 Request of the Health Department for a new ordinance relating to the construction wells and sewage disposal systems RTC 5-3-93.

CALL ITEM 3 - Proposed Noise Ordinance

MOTION by Cannamela, seconded by Reidy, to approve a proposed Noise Ordinance as recommended by the Public Health, Recreation and Environment Standing Committee of the RTM.
 DISCUSSION: Public Health, Recreation & Environment Committee Chair Cannamela opened discussion with a summary explanation of the ordinance, noting that it had been in committee for four years. In the committee's opinion, the ordinance was well-written and achieved its overall purpose "to protect, preserve and promote the public health, safety and welfare" of the citizens of Waterford.
 Moderator Blevins then gave the "standing room only" floor to members of the audience. There were approximately 45 speakers of whom approximately 2/5 were Waterford residents. Most spoke against the ordinance which they viewed as an attempt to shut down the speed bowl, a 42-year old "institution" on Route 85. A range of arguments were offered which centered on the following issues: decibal levels lower than state regulations; problems associated with enforcement; attempts by the speed bowl to work with the Town regarding a sound barrier and mufflers; the impact on the Cohanzie Fire Department and the Police Department; the impact on local business; the loss of 75 part-time jobs; regulation of other noise, e.g., chain saws, lawn mowers, fireworks, "cigarette boats," the pistol range, two major interstates and gravel pits; and the number of races and the amount of noise in past years. Several speed bowl supporters stated that racing is a "family sport." "These folks are true blue-blooded Americans," said one, while another asked, "why destroy the U.S.A.?"
 A number of Waterford residents addressed their concerns with the ordinance. Among them was Peter Davis who felt that enforcement should rest with land-use agencies, not the first Selectman,

Police Department or Fire Marshal. In addition, Davis cited state statute relating to exclusion for recreational activities, pointing out that the speed bowl has protection under the law as a pre-existing, non-conforming use. Mark Geer noted that Waterford is not Greenwich and that the people against the speed bowl are not blue-collar. Geer pressed the Town to be more business-oriented which is not to be accomplished by building homes.

"Jack" Browner, a former part-owner of the bowl, recalled that it was a lot noisier years ago. In all, about ten Waterford residents spoke against the ordinance including Attorney George Kanabis who represents the speed bowl. Kanabis repeated a number of points made by others, questioned the legality of the ordinance under state statute and cited precedents from federal law. Kanabis also noted that if passed, the noise ordinance will be "the longest one on the books".

Speaking in favor of the ordinance were six Waterford residents, including Harrison Loeser who objected to the "rowdy noise," though he acknowledged the track's muffler requirement. James Wadlow, Chair of the Zoning Board of Appeals, doubted the ordinance would eliminate the speed bowl, urging control within reason and recommending the ordinance be adopted on a trial basis. Ward Linsley noted that since 1974 the state recognized excessive noise as a health hazard. Linsley added that new muffler technology does not have to minimize performance and that the speed bowl is non-conforming because of the aquifier. Peter Storms said that his family has lived in northern Waterford since the late 1940's (before the speed bowl). Just in the last 3 years under the new owners, Storms continued, the number of events has gone from 28 to 40-some and include jet cars, etc. In Storm's opinion, the speed bowl has not lived up to their side of the gentleman's agreement in matters such as practice times. One resident lamented that families in the area do not have summer weekends because of the noise. Another felt that every town should have a noise ordinance - for the good of all the townspeople, including the speed bowl. Bruce Gathy, who lives 450' from the track, shared a number of decibel readings that he had taken from various points including the inside of his home. Jean Storms noted that while the noise of a truck on the interstate may last for half a minute, the noise from a race lasts for 6 - 8 hours.

Other speakers included Dan Kortweg of the speed bowl who said he was willing to work with the town. Kortweg added that Peter Storms' comments were "outright lies." Storms replied that northern Waterford residents had negotiated "in good faith" and noted that a non-conforming use can be regulated if in the public interest. Terry James, representing owners of the speed bowl, pointed to a number of issues, including the taxes paid to the state and town and \$30,000 raised for local charity. James emphasized the importance of sitting down and coming up with "long-term solutions" in an effort to avoid hardening "the battle lines."

Committee Chair Cannamela, in summary comments, stressed the importance of the proposed ordinance. Cannamela also expressed frustration with the speed bowl attorney for not responding to the committee's requests for information.

MOTION by Cannamela, seconded by Reidy, to recommit the proposed ordinance with instructions for consideration and action at the August 2, 1993 Regular Meeting.

MOTION by Phelps, seconded by Severance, to amend the previous motion to include specific recommendations by Phelps.

BRIEF DISCUSSION: Benvenuti objected to Phelps' "grandstanding," adding that RTM members should forward individual opinions and recommendations directly to the committee.

VOTING IN FAVOR: Bodin, Burnham, MacKorrow, Phelps, Severance.

VOTING AGAINST: Bartolucci, Benvenuti, Blevins, Cannamela, Hanna, Henault, Jensen, Merrill, Moran, Reidy, Sadler, Sheehan.

FURTHER DISCUSSION: Committee member Henault expressed the committee's frustration, noting that they tried to be fair and had no intention of singling out the speed bowl. Jensen added that industry in general has had to conform in one way or another in recent years. Sheehan addressed the matter of damaging noise levels and explained the mathematical formula for the measurement of such. Meanwhile, frustrated with the lengthy discussion, Merrill announced that he was leaving.

VOTING IN FAVOR (of the motion to recommit): Benvenuti, Blevins, Bodin, Burnham, Cannamela, Hanna, Jensen, Phelps, Reidy, Sadler, Severance, Sheehan.

VOTING AGAINST: Bartolucci, Henault, MacKorrow, Moran.

RECESS: 10:53-11:00

CALL ITEM 4 - Town Clerk

MOTION by Henault, seconded by Sheehan, to create a new Budget Line Item 10109-52190 (Land Records Indexing) in the amount of \$5,584 with funding provided by an additional appropriation in the amount of \$1,584 and department transfers in the amount of \$3,725 (\$750 from LI 52050, \$275 from LI 52180, \$2500 from LI 53270, \$100 from LI 53280, \$100 from LI 53290).

VOTING IN FAVOR: Unanimous.

CALL ITEM 5 - Brook Street

MOTION by Jensen, seconded by Bartolucci, to accept Brook Street Improvements and associated Open Space.

BRIEF DISCUSSION: Public Works Director Edward Steward provided further explanation. Town Planner Thomas Wagner noted that two of the units meet affordable housing guidelines and will come under the authority of the Housing Authority.

VOTING IN FAVOR: Unanimous.

CALL ITEM 6 - South Bartlett Rd. & Bartlett Place

MOTION by Bodin, seconded by Sheehan, to appropriate \$397,500 from the Designated Fund Balance, Highway Construction & Improvements, of the Capital & Non-recurring Expenditure Fund for Contract PW-25, South Bartlett Road and Bartlett Place.

VOTING IN FAVOR: Unanimous.

MOTION by Sheehan, seconded by Jensen, to deem the above action
Emergency Legislation.
BRIEF DISCUSSION re.: Project timetable.
VOTING IN FAVOR: Unanimous.

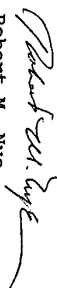
CALL ITEM 7 - Appointment to Ethics Commission

Moderator Blevins entertained nominations to fill a vacancy on
the Ethics Commission for the term of February 3, 1992 - February
2, 1994.
NOMINATION by Sheehan of Sanford Glassman.
VOTING IN FAVOR: Unanimous.

ADJOURNMENT - 11:17 P.M.

MOTION to adjourn by Cannamela, seconded by Sheehan (11:17 P.M.).
VOTING IN FAVOR: Unanimous.

Respectfully submitted,


Robert M. Nye
Town Clerk