

September 28, 2023

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WATERFORD, CT

Chairman Bono and Members of the PHRE Committee –

2023 SEP 28 P 2:05

At the RTM meeting on August 7, 2023, I expressed my preliminary disappointment with the recommendation of the PHRE Committee for a referral of the noise ordinance issue to the P&Z Commission as included in our agenda packet. I defer to the PHRE Chair to correct me, if appropriate. My understanding was that the referral of the noise ordinance to the PHRE was a referral of the Town's noise ordinance, in general, not a referral of the ordinance as it related to one business.

The 09/20/2021 letter of our then Police Chief Brett Mahoney to Clerk Campo stated that "The Town of Waterford noise ordinance is unworkable for enforcement." He further stated that he "had spoken with the Town Attorney regarding this matter." And, as a result, was "requesting that the RTM place this matter into new business for October [2021], for subcommittee review and revision." Further that it was his understanding that "The Town Attorney . . . has workable ordinances from other municipalities for review." The motion for referral to PHRE was made by members Welch-Collins and Steward-Gelinas.

At the first PHRE meeting on February 2, 2022, which lasted a total of 58 minutes and did not include any public comment, the Committee again heard from then interim Chief Balestracci that the Town noise ordinance is difficult to enforce. The Committee had some in-depth conversation and appeared to set some ambitious goals to tackle the ordinance as reflected in that meeting's minutes. (This was the only PHRE meeting I was able to attend due to a conflict between PHRE meeting times and my work hours.)

The record reflects that over the next 16 months the PHRE met 3 additional times for a total of 3 ½ hours, received input from 5 residents and one attorney speaking on behalf of one or more of those residents. Thereafter, prior to the July 12th meeting, the Chair presented to the PHRE for action a version of the letter to the RTM Moderator very similar to that which is included in our agenda packet, as well as the accompanying letter to the Chair of the Planning and Zoning Commission.

A review of the content of the PHRE minutes reflects that the requested referral of the noise ordinance by the Chief of Police for a general review/revision of its enforceability became a discussion of a single business and group of citizens who expressed concerns about that business. This approach assumed that the only residents who had concerns with the Town's noise ordinance and had hopes for its improvement were in the room. A virtual impossibility and significantly unlikely given the persecution the residents who did speak up have endured throughout the process, continuing through the past several days, by not only the owner of the business the PHRE placed its focus on, the general public and at least one member of this body.

Further, since the referral of the noise ordinance to the PHRE, there has been a significant uptick in short term rentals within our neighborhoods. Several of which have brought noise issues and concerns by many residents. There had been some hope that a revision of the noise ordinance would include language which would assist with this "new noise".

Unless is it the position of the current Police Chief and Town Counsel that the current noise ordinance is *workable and enforceable* in every instance, *except for that of a business with an outdoor dining special permit*, then the recommendation of the PHRE to refer the matter to the Planning and Zoning Commission is inadequate and does not address the task put into committee.

The RTM should not accept the PHRE report as a complete response to the workability and enforceability of the noise ordinance as referred to it at the request of former Chief Mahoney.

A handwritten signature in black ink, appearing to read "Cheryl R. Larder". The signature is fluid and cursive, with the first name being the most prominent.

Cheryl R. Larder  
RTM District 1