

TOWN OF STONINGTON
SPECIAL TOWN MEETING
August 26, 2014

A Special Town Meeting of the Town of Stonington was called to order at 7:00 p.m. on August 26, 2014 at the Stonington High School auditorium, 176 South Broad St., Pawcatuck, CT, by First Selectman Ed Haberek, Jr. Also, in attendance were Selectmen George Crouse and Town Attorney Tom Londregan. Absent Selectman Glee McAnanly.

Ted Ladwig nominated Jim O'Boyle for Moderator and being properly seconded by George Crouse, was unanimously elected Moderator of the meeting. Town Clerk, Cynthia Ladwig served as Clerk.

There being no objection the Moderator dispensed with the reading of the Call of the meeting, recorded immediately preceding these minutes.

The Moderator asked for a motion on the first item on the Call. Being properly seconded by George Crouse, First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:

To consider and vote on the transfer and disposition of title to a portion of Fellows Street Extension, at and in front of 45 Sisk Drive, to the Stonington Housing Authority.

Being properly seconded, the Moderator opened the floor to discussion. Hearing no discussion, the Moderator asked for a vote on the resolution. The resolution passed by a unanimous voice vote.

The Moderator asked for a motion to waive the reading of the second resolution. Motion was made and seconded. All were in favor.

The Moderator asked for a motion on the second item on the Call. Being properly seconded by George Crouse, First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:

To consider and vote on a resolution to adopt an Ordinance of the Town of Stonington, Connecticut, regulating the peddling of goods and services within the town.

Being properly seconded, the Moderator opened the floor to discussion. Hearing no discussion, the Moderator asked for a vote on the resolution. The resolution failed by a standing vote. In favor - 39 Opposed - 61

The Moderator asked for a motion on the third item on the Call. First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:

To consider and vote on a submission by the Board of Selectmen to accept the recommendation of the Police Commission to sell a police boat through the competitive bidding process, with the Board of Selectmen reserving the right to reject all bids if they feel it is in the best interest of the Town to do so.

Being properly seconded by George Crouse, the Moderator opened the floor to discussion. Hearing no discussion, the Moderator called for a vote on the resolution. The resolution passed by unanimous voice vote.

The Moderator asked for a motion on the fourth item on the Call. First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:

To consider and vote on a resolution to amend the Mystic Harbor Management Plan Ordinance of the Town of Stonington, Connecticut, Article A., Section 7. Mooring Registration Fee to increase the fee from \$10.00 to \$50.00.

Being properly seconded by George Crouse, the Moderator opened the floor to discussion. Speaking on the amendment were Fred Allard, David Carreau, Chairman of the Mystic Harbor Mgmt. Comm., Robert Canova, Chris Miller, Michael Schultz and George Burnside. With no further discussion the Moderator called for a vote on the resolution. The resolution passed by voice vote with three no votes heard.

The amendment to the Ordinance reads as follows:

Mystic Harbor Management Plan Ordinance Amendment

Article A., Section 7. Mooring Registration Fee:

All applications for registration or renewal of registration shall be accompanied by a fee of \$50.00. [Connecticut General Statute 22a-113s authorizes a maximum mooring fee of \$200] All such fees shall be non-refundable unless an application is denied or an applicant is placed on a waiting list. All mooring permits shall expire on the 31st day of the December following the date of issuance.

The Moderator asked for a motion to waive the reading of the fifth resolution. Motion was made and seconded. All were opposed.

First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:

To consider and vote on a resolution to adopt an Ordinance of the Town of Stonington, Connecticut, establishing regulations and restrictions regarding the use and operation of recreational vehicles within the Town.

First Selectman Haberek read the resolution in its entirety.

WHEREAS, the Town of Stonington is a community characterized by diverse activities occurring in close proximity to each other; and

WHEREAS, certain kinds of residential and non-residential activities, even though lawful, can constitute a nuisance if not conducted with restraint, common sense, and a recognition of the need and desire for quiet enjoyment of property by others; and

WHEREAS, it is found that certain types of recreational vehicles produce noise, dust and air pollution; and

WHEREAS, it is found that certain types of recreational vehicles are likely to adversely affect property values within the Town and threaten the health, safety and general welfare of people living, visiting or owning property in the vicinity as well as constitute an unreasonable annoyance to those people; and

WHEREAS, the Town requires a regulatory vehicle to protect its residents and visitors from the most egregious nuisance activities, while allowing necessary and customary residential, commercial, industrial and institutional operations to continue, grow and prosper.

BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED, THAT THE FOLLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF STONINGTON:

Pursuant to the authority vested in the Town of Stonington through Section 7-148 (c)(7)(E) and Section 7-148(c)(7)(H)(xiii) of the Connecticut General Statutes and to ensure the public health, safety and welfare of the residents of the Town of Stonington.

1.1 General Provisions.

It shall be unlawful for any person to create, make, permit or allow unreasonably loud, disturbing, or unnecessary activity or noise if generated to such a volume as to be objectionable when heard within the confines of a residential home or residential premises before 6:00 a.m. and after 10:00 p.m. Monday through Saturday and before 8:00 a.m. and after 10:00 p.m. on Sunday. Such activity or noise shall violate this Ordinance when it is of such character, intensity or duration as to be detrimental to the quiet, comfort, repose, life or health of others, and is reasonably capable of being performed during hours other than the hours set forth above; or is reasonably capable of being performed in a way which would produce a lesser impact on the quiet, comfort, repose, life or health of others. A solitary act, a single occurrence or an activity or noise of limited duration would not be a violation of this Ordinance.

1.2 Recreational Vehicles.

SECTION I. Definitions.

ADJOINING PROPERTY. A property which touches another property along a shared line and/or at a common point.

ADJACENT PROPERTY. A property within five hundred feet (500') of another property.

ALL TERRAIN VEHICLE (ATV). Any motorized off-road recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain, including but not limited to a multi-track, multi-wheel or low pressure tire vehicle or related 2-wheel, 3-wheel, 4-wheel or belt driven vehicle, or an amphibious machine. The definition of ATV excludes golf carts, construction machines, utility vehicles used for business operations, agriculture, yard work, landscaping, snow removal or otherwise being used in the reasonable maintenance of a person's private property, or motorized vehicles being used for law enforcement, fire, emergency, military or other authorized governmental purposes.

DIRT BIKE/TRAIL BIKE. A motorcycle with special tires, suspension and/or other features for riding on unpaved surfaces and/or over rough terrain.

OCCUPANT. A person who regularly resides on the property in question.

OPERATE. To use in any manner within the jurisdiction of Town of Stonington.

OWNER. Any person who has legal or equitable title to the property on which a Recreational Vehicle is being operated.

PERSON. An individual, group of individuals, partnership, firm, association or any other entity.

PRIVATE PROPERTY. Any land, rights-of-way, roads or other real property owned, maintained, or otherwise under the control of any person or entity other than Town of Stonington and not available for general use by the public.

RECREATIONAL VEHICLE. All motorized vehicles designed or redesigned, or otherwise being used for off-road and/or recreational use, including but not limited to the following:

- A. Motorcycles;
- B. Dirt Bikes/Trail Bikes;
- C. All Terrain Vehicles (ATVs) or Utility Terrain Vehicles (UTVs);
- D. Go-carts;
- E. Snowmobiles; and
- F. Any other similarly mechanized vehicle.

Notwithstanding the foregoing, the term Recreational Vehicle shall not include motorized vehicles being used for law enforcement, fire, emergency, military or other authorized government purpose, or off-road motorized vehicles being used as utility vehicles for agriculture, yard work, landscaping, snow removal or otherwise being used in the reasonable maintenance of a person's real property. A motor home or mobile home used solely for overnight lodging and shelter shall not be considered a recreational vehicle for purposes of this ordinance.

UTILITY TERRAIN VEHICLE (UTV). A vehicle similar to an ATV (All Terrain Vehicle) but with more truck-like features for working instead of recreation.

SECTION 2: Operation and Use.

A: Owner or Occupant. Only the owner or an occupant or their guests or invitees shall be permitted to operate a Recreational Vehicle on private property.

B. Access Limitation. No person shall go on or cross the land of another to operate Recreational Vehicle without the specific, written, signed and dated permission of the landowner, which written permission shall be carried on the person of the operator. No person shall use State or Town roads to gain access to the land used for Recreational Vehicle operation. Nor shall any operation of a Recreational Vehicle be permitted on any Town owned property unless specifically authorized by the Town.

C. Setback Requirements. A person operating a Recreational Vehicle must remain at least three hundred feet (300') from all adjoining and adjacent property lines and at least five hundred feet (500') from all off-site residential dwellings without the specific, written, signed and dated permission of the owners or occupants of all such adjoining properties, adjacent properties and/or off site residential dwellings. Any person who previously granted permission may rescind such permission at any time.

D. Maximum Numbers, Facilities and Events.

1. The operation of more than four (4) Recreational Vehicles operating at one time requires an event or facility permit from the Town, provided such event or facility is otherwise a permitted use under applicable Town ordinances.

2. Where one or more structures, a track, a course, or one or more obstacles or features including, but not limited to mounds, depressions, berms and/or embankments are installed or arranged for use by vehicles regulated under this Ordinance, a facility or event permit shall be obtained from the Town, in those areas where such facilities or events may be permitted under applicable Town ordinances. Otherwise, such facilities and events are prohibited. Proper erosion and sedimentation controls shall be installed prior to use by the vehicles governed under this Ordinance

E. Dust Limitation. No person shall operate any Recreational Vehicle in any manner which causes dust, mud, dirt or debris to cross onto any adjoining or adjacent property. Visible dust, mud, dirt or debris shall not leave the property boundaries of the parcel where vehicles governed by this Ordinance are operated.

F. Environmental Sensitive Area Limitation. No person shall operate, allow or permit the operation of a Recreational Vehicle within a stream, creek, waterway, drainage way, wetland, or erosion sensitive area, floodplain, or within 50 feet of such environmentally sensitive area.

1.3 Exemptions.

Activities of law enforcement, fire, ambulance, civil preparedness, other emergency, military or authorized governmental departments and their personnel; and of public utility maintenance and repair equipment, including solid waste removal vehicles and equipment, and snow removal equipment are exempt from this Ordinance.

Places of public amusement under the supervision and control of the Town of Stonington.

Annual or semi-annual events of non-profit organizations or patriotic or public celebrations, such as, parades, carnivals and fireworks displays, provided that a permit for same has been obtained in advance from the Planning & Zoning Commission, Board of Selectmen or Chief of Police as may be applicable.

Noises created by emergency generators at any time that they are being used because of power outages provided that such equipment shall be maintained in good repair so as to minimize noise. Noise which is discharged from exhausts of such emergency generators shall be adequately muffled to prevent loud or explosive noise therefrom.

Noises created by any heating or cooling units, whether free standing or attached to a building. Examples include, but are not limited to, home or window mounted air conditioners, refrigerated trucks, and commercial chill or freezer units.

Noises or activities which are integral or accessory to marine fisheries, seafood handling, marinas, and other water dependent uses, as such uses are defined in the Coastal Management Act, Conn. Gen. Stats. Section 22a-90, et. seq., as amended; or as determined by the zoning commission having jurisdiction over the site.

Industrial or commercial activities which are operating in conformance with the terms of any site plan approval, special permit, special exception, or other zoning approval obtained from the zoning commission having jurisdiction over the site, or its authorized agent; and of any zoning regulations in force at the time of such approval; or any legal non-conforming use.

1.4 Enforcement:

The Department of Police Services shall be responsible for the enforcement of any prohibited activity covered by this Ordinance. When it has been determined by the Police Department that a violation has occurred it shall give notice to any person responsible to cease any such activity.

1.5 Penalty for Violation.

Any person in violation of any of the provisions of this ordinance shall be issued an infraction with a penalty of \$75.00, which may be updated from time to time. Each day on which a violation occurs or continues after the time for correction of the violation given in any order has elapsed shall be considered a separate violation of this ordinance.

1.6 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

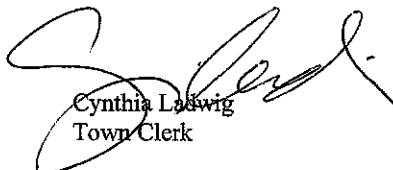
This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a substantial circulation within the Town.

Being properly seconded, the Moderator opened the floor to discussion. Speaking on the resolution were Aaron Green, Bob Canova, First Selectman Ed Haberek, Jim Turner, Judy Humphrey Silva, Linda Burdick, Marcella Bartolo, Pat ?, Karen Fusaro, Jeff Michael, Kathryn ?, Charlene Fowles, Chris Cassidy, Peter Coope, Nate Silvia, Mrs. Aaron Green, George Burnside, Justin Mariano, Cindy Nadeau, Nate Curioso and Sue Jones. Hearing no further discussion, the Moderator called for a vote by paper ballot which was defeated by the assembly. He then conferred with Town Attorney Londregan and called for a standing vote. 29 in favor – the rest of the assembly were overwhelmingly in opposition to this resolution. The Moderator declared the resolution defeated.

Being no further business on the Call of the Town Meeting, the Moderator declared the meeting adjourned at 8:35 p.m.

/s/ Cynthia Ladwig
Clerk of the meeting

Received for record this 27th day of August, 2014.


Cynthia Ladwig
Town Clerk