



MINUTES
REPRESENTATIVE TOWN MEETING
Regular Meeting
August 1, 2016

RECEIVED FOR RECORD
WATERFORD, CT
16 AUG -6 PM 1:26
TEST: *Barbara K. Conroy*
TOWN CLERK

The August 1, 2016 Regular Meeting of the Representative Town Meeting was called to order by Thomas J. Dembek, moderator, at 7:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Thomas F. Ammirati, Marc Balestracci, Ryan Cairns, Edward Carboni, Timothy R. Condon, Thomas J. Dembek, Susan Driscoll, Steven D. Garvin, Paul S. Goldstein, Jeremy Grabel, Bruce Kruszewski, Julia Kushigian-Secor, Brian F. Lynch, Calley Merriman, Richard F. Muckle, Jennifer S. Mullen, Michael Perkins, Francisco Ribas, Brian Rheaume.

ABSENT: Sheri Cote, Valerie Muckle, Michael Rochetti.

EX-OFFICIO MEMBERS PRESENT: First Selectman Daniel M. Steward; Chair of the Board of Finance Ronald R. Fedor.

EX-OFFICIO MEMBERS ABSENT: Selectmen Robert J. Brule; Selectman Peter W. Davis; Chair of the Board of Education Jody Nazarchyk.

PUBLIC COMMENT

Mary Lou Gannotti spoke in favor of using flotation and other devices at Waterford Beach.

AGENDA ITEM D – June 6, 2016 Minutes.

MOTION by R. Muckle, seconded by Balestracci, to accept the minutes of the June 6, 2016 regular meeting with the following correction: Marc Ballestracci abstained from CALL ITEM 11 – Waterford Police Union Contract.

VOTING IN FAVOR: Unanimous.

AGENDA ITEM E – Correspondence:

No Correspondence

AGENDA ITEM F – Committee Reports.

MODERATOR Dembek assigned a request from RTM member Timothy Condon of the First District to review Fleet Management Ordinance on the issue of 3.17.050 – Definitions Variance to the Finance, Wage & Personnel Standing Committee of the RTM.

MOTION by R. Muckle, seconded by Lynch, to accept committee reports.
VOTING IN FAVOR: Unanimous.

AGENDA ITEM G – Transaction of business on the call.

CALL ITEM 1 – Free Beach Pass for Waterford’s Disabled Veterans.

MOTION by Perkins, seconded by Lynch, to offer Waterford’s disabled veterans a free beach pass each year through the Waterford Recreation and Parks.

MOTION TO WITHDRAW by Perkins, seconded to withdraw by Lynch.

VOTING IN FAVOR: Unanimous.

MOTION by Perkins, seconded by Ribas, to send the issue of “Free Beach Pass for Waterford’s Disabled Veterans “ to the Legislation & Administration Standing Committee of the RTM, based on a recommendation by Town Attorney Robert Avena to change an existing ordinance.

VOTING IN FAVOR: Unanimous.

CALL ITEM 2 – Mooring Permit Fees

MOTION by Driscoll, seconded by Balestracci, to approve a request from Jane B. Adams, Chairperson, on behalf of the Waterford Harbor Management Commission to act on mooring permit fees as proposed pursuant to town ordinance 2.82.100C6. New applications will be assessed \$75.00 and a renewal will be assessed \$50.00. (See Attachment)

MOTION TO AMEND by Perkins, seconded by Ribas, to adjust fees to \$75 for new application, \$50 for waterfront renewal, and \$75 for all other mooring applications.

VOTING IN FAVOR: Merriman, Perkins, Ribas.

VOTING AGAINST: Ammirati, Balestracci, Cairns, Carboni, Condon, Dembek, Driscoll, Garvin, Goldstein, Grabel, Kruszewski, Kushigian-Secor, Lynch, R. Muckle, Mullen, Rheaume.

MOTION TO AMMEND FAILS

VOTING IN FAVOR OF ORIGINAL MOTION: Ammirati, Balestracci, Cairns, Carboni, Condon, Dembek, Driscoll, Garvin, Goldstein, Grabel, Kruszewski, Kushigian-Secor, Lynch, R. Muckle, Mullen, Rheaume.

VOTING AGAINST: Merriman, Perkins, Ribas.

CALL ITEM 3 – Interlocal agreement for Animal Control Services.

MOTION by Driscoll, seconded by Balestracci, to adopt an “Interlocal Agreement by and between the Town of East Lyme and the Town of Waterford for Provision of Animal Control Services “, pursuant to section 7-148cc of the Connecticut General Statutes. (See Attachment)

VOTING IN FAVOR: Unanimous.

CALL ITEM 4 – Design and Replacement of HVAC systems in Town Hall/YSB.

MOTION by Driscoll, seconded by R. Muckle to approve a request from the Board of Finance for an appropriation in the amount of \$13,300 from Capital and Non-Recurring Designated Line Item # 20501-57780 HVAC System Town Hall/YSB to design and replace the HVAC systems in Town Hall and Youth Services Buildings, based upon its consistency with the Capital Improvement Program.

MOTION TO AMMEND by Driscoll, seconded by R. Muckle, to approve a request from the Board of Finance for an appropriation in the amount of \$13,300 from Capital and Non-Recurring Designated Line Item # 20501-57780 HVAC System Town Hall/YSB to evaluate and assess replacement options for the

HVAC systems in Town Hall and Youth Services Buildings, based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Unanimous

CALL ITEM 5 – Instructor Wage Schedule.

MOTION by Balestracci, seconded by Lynch, to approve a request from Rik Wells, Chairman, Personnel Review Board to approve the Instructor Wage Schedule as submitted to the RTM. (See Attachment)

VOTING IN FAVOR: Unanimous.

CALL ITEM 6 – Obstructions in Town Rights of Way.

MOTION by R. Muckle, seconded by Balestracci, to approve a proposed ordinance to the Waterford Code of Ordinances, Chapter 12.05: Obstructions in Town Rights of Way, with regard to road obstructions in the Town's right of way. (See Attachment)

MOTION TO AMEND by Grabel, seconded by Driscoll, to refer back to committee.

WITHDRAWN by Grabel, seconded by Driscoll.

VOTING IN FAVOR: Unanimous

CALL ITEM 7 – School Building Committee Vacancy.

NOMINATION by Perkins to appoint Richard Muckle to the School Building Committee (Term 7/1/14-6/30/19).

VOTING IN FAVOR: Unanimous.

CALL ITEM 8 – Municipal Complex Improvements Building Committee vacancy.

NOMINATION by Driscoll to appoint Edward Carboni to the Municipal Complex Improvements Building Committee (Term Concurrent with duration of project).

VOTING IN FAVOR: Unanimous.

CALL ITEM 9 – Long Rang Fiscal Planning Committee Vacancy.

NOMINATION by Driscoll to appoint Marc Balestracci to the Long Rang Fiscal Planning Committee.

VOTING IN FAVOR: Unanimous.

CALL ITEM 10 – Resolution Authorizing the Issuance of Bonds.

MOTION by R. Muckle, seconded by Driscoll on a resolution authorizing the issuance of bonds to refund in whole or in part the Town's outstanding: \$8,500,000 General Obligation Bonds, Issue of 2009, dated as of August 1, 2009; \$14,000,000 General Obligation Bonds, Issue of 2011, dated as of August 1, 2011; \$15,640,000 General Obligation Bonds, Issue of 2012, dated as of March 1, 2012; \$33,750,000 General Obligation Bonds, Issue of 2013, dated as of March 15, 2013; \$15,930,000 General Obligation Bonds, Issue of 2014, dated as of March 17, 2014, and to pay costs of issuance of the refunding bonds.

(See Attachment)

VOTING IN FAVOR: Unanimous.

MODERATOR recessed meeting at 9:28PM. Meeting resumed at 9:33PM

CALL ITEM 11 – Replacement of Underground Storage Tanks.

MOTION by Driscoll, seconded by Perkins, to approve a request from the Board of Finance on behalf of Kristin Zawacki, Director Public Works, for an **FY17 appropriation of \$330,000** from funds designated in

the Capital Non-Recurring Expenditure Fund, LI# 20530-57799 – UST Replacement for the replacement of underground storage tanks at the public safety complex based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Unanimous.

CALL ITEM 12 – Reclamation and Paving of Gallup Lane.

MOTION by Perkins, seconded by Lynch, to approve a request from the Board of Finance on behalf of Kristin Zawacki, Director of Public works, for an **FY17 appropriation of \$440,950** for the reclamation and paving of Gallup Lane from LI# 20530-57800 – Gallup Lane – Reclaim/Repave , based upon its consistency with the Capital Improvement Program.

MOTION TO AMMEND by Perkins, seconded by Grabel to approve a request from the Board of Finance on behalf of Kristin Zawacki, Director of Public works, for an **FY17 appropriation of \$440,950** for the reclamation and paving of Gallup Lane from LI# 20530-57800 – Gallup Lane – Reclaim/Repave after any identified leaks on public paved portions of the road are repaired prior to paving, based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Ammirati, Balestracci, Cairns, Carboni, Condon, Dembek, Driscoll, Garvin, Goldstein, Grabel, Kruszewski, Kushigian-Secor, Lynch, Merriman, Mullen, Perkins, Rheume, Ribas.

VOTING AGAINST: R. Muckle

CALL ITEM 13 – IT Request for a Virtual Main Server.

MOTION by Driscoll, seconded by Grabel, to approve a request from the Board of Finance on behalf of Ed Crane, Director of IT, for an **FY17 appropriation of \$149,294** from Capital and Non-recurring designated line item # 20555-57807 for a Virtual Main Server, based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Unanimous.

CALL ITEM 14 – Mobile and Portable Radios.

MOTION by Driscoll, seconded by Grabel, to approve a request from the Board of Finance on behalf of Steve Bellos, Director of Emergency Management, for an **FY17 appropriation of \$250,190** from Capital and Non-recurring designated line item # 20522-57794 – Mobile & Portable Radios, based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Ammirati, Cairns, Carboni, Condon, Dembek, Driscoll, Garvin, Goldstein, Grabel, Kruszewski, Kushigian-Secor, Lynch, Merriman, R. Muckle, Mullen, Perkins, Rheume, Ribas.

ABSTAINED: Balestracci.

CALL ITEM 15 – New Town Wide Telephone System.

MOTION by Driscoll, seconded by Grabel, to approve a request from the Board of Finance on behalf of Maryanna Stevens, Finance Director, for an additional **FY17 appropriation of \$10,667** from Capital and Non-recurring line item # 20500-31520 Undesignated Fund balance to Capital Non-recurring line #20507-57771 – New Town Wide Telephone System, based upon its consistency with the Capital Improvement Program.

VOTING IN FAVOR: Unanimous.

CALL ITEM 16 – Police Department Office Furniture Replacement.

MOTION by Ribas, seconded by Grabel, to approve a request from the Board of Finance on behalf of Brett Mahoney, Chief of Police, for an **FY17 appropriation of \$52,000** from Capital and Non-recurring

designated line item # 20529-57793 for Phase 1 of the Department's 3-Phase office furniture replacement project, based upon its consistency with the Capital Improvement Program.
VOTING IN FAVOR: Ammirati, Cairns, Carboni, Condon, Dembek, Driscoll, Garvin, Goldstein, Gabel, Kruszewski, Kushigian-Secor, Lynch, Merriman, R. Muckle, Mullen, Perkins, Rheaume, Ribas.
ABSTAINED: Balestracci.

CALL ITEM 17 – Remove "Abandoned Cemeteries" .

MOTION by Perkins, seconded by R. Muckle, to remove "Abandoned Cemeteries" from the Education Standing Committee of the RTM based on a recommendation in writing from Robert Nye, Town Historian. (See Attachment)
VOTING IN FAVOR: Unanimous.

CALL ITEM 18 – Remove "Salaries of Registrars of Voters".

MOTION by Driscoll, seconded by Perkins, to remove "Salaries of Registrars of Voters" from Finance, Wage & Personnel Standing Committee of the RTM.
VOTING IN FAVOR: Unanimous.

NEW BUSINESS

MOTION by Perkins, seconded by Kushigian-Secor to remove "Pan Handling" from the Public Protection & Safety Standing Committee of the RTM.
VOTING IN FAVOR: Unanimous.

MOTION by Gabel, seconded by Ribas to remove "Sidewalks and Trails" and "Reassigned Prioritization of Proposed Sidewalks Projects" from the Public Works, Planning & Development Standing Committee of the RTM.

MOTION by Perkins, seconded by Gabel, to adjourn at 10:03PM.

Respectfully Submitted



David L. Campo
Town Clerk

B

WATERFORD HARBOR MANAGEMENT COMMISSION

c/o Waterford Police Department, 41 Avery Lane, Waterford, CT 06385

Office:(860) 440-0548

June 3, 2016

Mr. Thomas J. Dembek, Moderator
Representative Town Meeting
15 Rope Ferry Road
Waterford, CT 06385

RE: REVISION OF MOORING PERMIT FEES

Dear Mr. Dembek:

The Waterford Harbor Management Commission, at its meeting held on May 12, 2016, voted unanimously to submit the following proposed modifications to mooring permit fees to the Representative Town Meeting for approval.

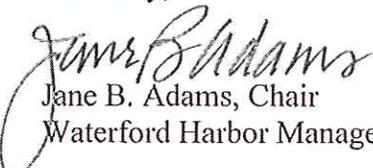
<u>Proposed for 2017</u>	<u>New Application</u>	<u>Renewal Application</u>
Waterfront Property Owners	\$75.00	\$50.00
All other mooring permit applicants	\$75.00	\$50.00

Historically, mooring permit fees have not increased since 2008, when waterfront property owners paid \$25.00 and all others paid \$50.00 for a mooring permit.

This request is being sent in accordance with Town of Waterford Ordinance 2.82.100 (C) (6) Mooring Application Fees, which states that "all applications for registration or renewal shall be accompanied by a fee in such amount as may from time to time be established by the harbor management commission and approved by the Waterford representative town meeting....These fees shall be deposited in the harbor management fund as established for the maintenance and improvement of the harbor pursuant to CGS Section 22a-113s."

Therefore, I respectfully request that an item be placed on the Call of the next RTM meeting to consider and act on mooring permit fees as proposed by the Waterford Harbor Management Commission.

Sincerely,


Jane B. Adams, Chair
Waterford Harbor Management Commission

cc: Daniel Steward, First Selectman
Lt. David Burton, Harbor Master
David L. Campo, Town Clerk
Maryanna Stevens, Director of Finance
Harbor Management Commission

RECEIVED FOR RECORD
WATERFORD, CT
16 JUN 13 AM 8:52
TESTE: David L. Campo
TOWN CLERK

INTERLOCAL
AGREEMENT BY AND BETWEEN
THE TOWN OF EAST LYME AND
THE TOWN OF WATERFORD
FOR THE PROVISION OF
ANIMAL CONTROL SERVICES

THIS AGREEMENT by and between the TOWN OF EAST LYME (“East Lyme”) and the TOWN OF WATERFORD (“Waterford”) (collectively, “the towns”) constitutes an Interlocal Agreement (“Agreement”) for the shared provision of Animal Control Services for the period beginning July 1, 2016 and continuing until such time as it is amended or terminated by one or both parties pursuant to the provisions herein.

Section 1: Purpose

Both East Lyme and Waterford desire and intend that Animal Control Services are available to their communities, and in consideration of the mutual promises and covenants herein contained hereby agree as delineated herein to cooperate to ensure that such services are hereby provided, pursuant to the Connecticut State Statutes (“CGS”) §7-148 and §§7-339a through 7-339l.

Section 2: Services – General

Pursuant to this Agreement, the towns shall provide the following operational, general administrative and support services and physical plant in furtherance of the purpose of this Agreement:

- A. East Lyme shall appoint an Animal Control Officer (“ACO”), and, should the towns mutually agree that additional personnel, such as kennel assistants, are needed to maintain the operations of the animal control services as provided herein, shall employ such other personnel, and shall be responsible for the costs of hiring, training and certification of the ACO and other personnel. By separate addendum, the towns shall enter into an employment policy and practices agreement regarding the training and supervision of the ACO and all personnel employed pursuant to this Agreement. Said addendum shall be effective upon the joint signatures of the towns’ First Selectmen.
- B. East Lyme shall provide on call emergency services 24 hours per day, seven days per week, through the term of this agreement. The field services provided by East Lyme under this Agreement shall include but are not limited to the following:
 - i. Handling of dead, confined, stray, at large, nuisance, sick, injured, or vicious animals;
 - ii. Investigation and enforcement of any cruelty, abandonment, or protective custody cases in East Lyme and Waterford;

- iii. Provision of veterinary care on an emergency basis for domestic animals;
 - iv. Handling of neighborhood disputes involving animal complaints;
 - v. Investigation of all reported bites, quarantine of biting animals pursuant to State guidelines, and performing such duties as are necessary on a live biting animal or its carcass, necessary to prepare and deliver it for rabies testing;
 - vi. Supervision of animals brought to any regional evacuation facility during a declared emergency; and
 - vii. Supervision and placement of all exotic animals that come under the jurisdiction of the ACO.
- C. Waterford shall provide the existing facility at 204 Boston Post Road, Waterford, with food, heat, and electricity for the kenneling of animals from both communities pursuant to this agreement, including routine facility maintenance.
- D. The towns shall cooperate with other agencies in delivering animal services pursuant to this Agreement. It is recognized that other agencies, such as the Connecticut Department of Agriculture, the Connecticut Humane Society, the Ledge Light Health District, and State Police also have animal control and welfare responsibilities and interests. The ACO shall be cognizant of such overlapping jurisdiction, shall avoid duplication of services, and where appropriate, shall provide for coordination, referral, and assistance to and among agencies.
- E. Waterford shall provide said facility, existing equipment, and inventory of supplies as are necessary to fully provide the services required herein.
- F. The towns shall respond to requests from individual citizen in their respective communities for information concerning animal control and animal welfare and make staff available for public speaking events at community meetings, organizations, public hearings, schools, and the media.
- G. In addition to the field services specified in subsection 2.B above, the ACO shall be responsible for administrative and related duties necessary to maintain the animal control services specified herein, including but not limited to:
- i. appearance in Court in connection with any criminal enforcement or civil hearings, and for all other hearings on animal control matters, on behalf of East Lyme and Waterford ; and

- ii. oversight and control of all charitable donations made to or on behalf of the animals from both towns under the jurisdiction of the ACO as specified herein.

Section 3: **Consideration and Financial Obligations**

- A. In consideration for East Lyme's performance of the duties listed herein, Waterford will pay directly to East Lyme fifty percent (50%) of the annual salary and benefits for the Animal Control Officer and other personnel as specified in Subsection 2.A above, except that each community shall pay overtime associated with that community's call-out for services beyond standard working hours.
- B. East Lyme shall provide a suitable vehicle for the operation of the Animal Control Program and assume financial responsibility for fuel, maintenance, insurance, and any other normal and usual expenses for said vehicle, including all field equipment.
- C. All fees and revenues generated by the program for animals originating or residing in each town shall be remitted directly to the finance director of the respective town from which the animal originated.
- D. All veterinary fees and expenses as well as advertising and adoption fees incurred on behalf of animals originating or residing in Waterford will be paid by Waterford; all veterinary fees and expenses as well as advertising and adoption fees incurred on behalf of animals originating or residing in East Lyme will be paid by East Lyme.

Section 4: **Accountability**

- A. The ACO shall provide East Lyme and Waterford with quarterly reports concerning the ACO's and animal control personnel performance under this Agreement; such reports to, at minimum, reflect the following information regarding animals originating or residing in each town:
 - i. The number of animals sheltered;
 - ii. The number of adoptions;
 - iii. The number of euthanizations;
 - iv. The number of individuals receiving notices of infractions, misdemeanors and/or seizures; and
 - v. The number of investigations.

Section 5: Disposition of Assets/Equipment Upon Expiration/Termination

Upon the expiration or termination of this Agreement, Waterford shall retain the equipment and other capital items used to provide the services set out herein, and East Lyme shall retain the vehicles it has provided.

Section 6: Agreement

- A. This Agreement may be amended in whole or in part by mutual assent by Waterford and East Lyme, said amendments to be ratified in the same manner as the original agreement delineated herein.

- B. If, at any time during the term of the Agreement, East Lyme, in the reasonable discretion of Waterford, has (a) failed materially to provide equipment, services and/or reimbursement for services and care as specified herein; (b) become insolvent; (c) abandoned the work; (d) subcontracted, assigned, transferred, conveyed or otherwise disposed of its obligations under the Agreement other than as provided herein; or (e) repeatedly or materially failed to comply with any other term or condition contained in the Agreement, Waterford shall have the right to terminate the Agreement upon written notice to East Lyme.

- C. In the event of termination by Waterford pursuant to Subsection 6.B, Waterford's payment obligation as specified herein shall cease as of the final date on which services in accordance with this Agreement are last performed by East Lyme.

- D. If, at any time during the term of the Agreement, Waterford, in the reasonable discretion of East Lyme, has (a) failed materially to provide services required in accordance with this Agreement; (b) become insolvent; (c) abandoned the work; (d) subcontracted, assigned, transferred, conveyed or otherwise disposed of its obligations under the Agreement other than as provided herein; or (e) repeatedly or materially failed to comply with any other term or condition contained in the Agreement, East Lyme shall have the right to terminate the Agreement upon written notice to Waterford.

- E. In the event of termination by East Lyme pursuant to Subsection 6.D, East Lyme's payment obligation as specified herein shall cease as of the final date on which services in accordance with this Agreement are last performed by Waterford.

- F. The waiver by any party of a breach of any provision of this Agreement by any other party shall not operate or be construed as a waiver of any subsequent breach. NO waiver shall be valid unless in writing and signed.

- G. No part of this Agreement nor any rights or obligations hereunder, shall be assigned or subcontracted without the prior written approval of the other parties. This is intended to be a restriction on both the right and the power to assign, and any purported assignment not consented to by the other parties as herein required shall be void, shall confer no rights on the purported assignee, and need not be recognized by the other parties. This Agreement shall be binding upon and inure to the benefit of Waterford and East Lyme and their respective permitted successors and assigns.
- H. The invalidity or unenforceability of any provision hereof shall in no way affect the validity or enforceability of any other provision.
- I. This Agreement shall be governed, construed, and enforced in accordance with the laws of the State of Connecticut, without regard to its conflicts of laws principles.
- J. This Agreement contains the entire understanding of the parties and supersedes and replaces any and all previous understandings, written or oral, regarding the subject matter of this Agreement. This Agreement may not be changed, except in an amendment signed by both parties, and ratified as specified in Subsection 6.A.
- K. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original but all of which shall constitute one and the same instrument. Facsimile and scanned signatures shall be treated as original signatures.

Approved by the East Lyme Board of Selectmen on _____, 2016.

Approved by the Waterford Board of Selectman on _____, 2016 and the Waterford RTM on _____, 2016.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Date

By: _____
First Selectman, Town of East Lyme

Date

By: _____
First Selectman, Town of Waterford

Job Title	Per Hour Rate	Explanation
Certified Fitness Instructor I		Hourly rate based on basic certification for a single program. Minimum one year experience in teaching. Keeps in contact with participants to encourage participation.
Certified Fitness Instructor II		Holds certifications for > 3 different fitness genres. Can substitute for other instructors. Follows up with class participants to encourage participation. Checks in on participants who miss 2 or more classes.
Music/Arts/Enrichment Instructors		Instructor holds at minimum an Associates degree and can demonstrate expertise in the subject being taught.
Information/Technology Instructor		Instructor holds an Assoc. degree or higher in the subject being taught. Instructor required to stay abreast of changes in software and technology in order to continue teaching the latest information.

Chapter 12.05 – OBSTRUCTIONS IN TOWN RIGHTS OF WAY

RECEIVED FOR RECORD
WATERFORD, CT

16 AUG -6 PM 1:06

Sections:

12.05.01 - Purpose

TEST: *David L. Conroy*
TOWN CLERK

The unauthorized encroachment and/or placement of obstructions within a public right of way in the Town of Waterford is detrimental to the health, safety, and general welfare of the community. Such obstructions constitute an attractive nuisance to children and imperil safety, create dangerous situations by obstructing the view of pedestrians or motorists, damage town property and depreciate property values. The control and use of the town rights of way is hereby regulated for the preservation of the health, safety, and general welfare of the community.

12.05.02 - Definitions

For the purpose of this chapter, the following terms and phrases shall have the meanings set forth in this section, unless a different meaning is clearly indicated by the context:

- A. Encroachment: any permanent fixture or addition, such as a wall or fence, berm, shrubbery, planting, bushes or trees (except grass) which illegally intrudes into or invades a portion of the public right of way, obstructing or diminishing the width or area of the same but without closing it to public travel.
- B. Obstruction: any permanent or temporary hindrance, obstacle, or barrier, including but not limited to fences, posts, structures, containers, and sporting equipment such as basketball hoops, skateboard ramps, etc., positioned in or near a public right of way which in any manner impedes or interrupts free passage along the same. Trash and recycling barrels shall be permitted in the public right of way only for the purpose and time periods listed in chapter 8.04 *et seq.* of these regulations, as well as approved U.S. mailboxes.
- C. Private underground system: any permanent underground device installed for private use, such as but not limited to underground irrigation systems or in-ground electric pet fencing systems.
- D. Property Owner: the holder of the title in fee simple of the real property on or adjacent or abutting to the location where an unlawful encroachment or obstruction is situated.
- E. Public right of way: the land occupied or intended to be occupied by a street, road, avenue, highway, including the walkway and/or sidewalk areas thereof, for the full width of the dedication thereof, used or intended to be used for the passage or movement of vehicles or pedestrians and members of the public and owned, or dedicated for such use, by the Town of Waterford or State of Connecticut. The right of way includes all related property of the Town or state, inclusive of the road, sidewalk, and unpaved and/or planted areas, and town easements for public utilities, including such easements over private properties.

- F. Public utilities: include but are not limited to electrical and communication lines, sanitary sewers, storm sewers, and water lines.
- G. Town official: the officer or officers, who are authorized by this chapter to exercise the powers prescribed herein, including the First Selectman, Director of Public Works, Fire Marshall, Fire Services Director or designated agents, and any police officer of the Town.
- H. Utility easement: any designated land area occupied or intended to be occupied by a public utility line, sanitary sewer, storm sewer or water line.

12.05.03 - Encroachments or Obstructions in Public Right of Way Prohibited

It shall be unlawful for any person to cause, permit, or maintain any encroachment to or obstruction of any public right of way, utility easement, or other public place unless and only to the extent and duration specifically authorized by an appropriate town official. Any such encroachment or obstruction shall be deemed malicious if repeated or continued after the person committing such act has been notified of the violation. All use of the town rights of way for placement of utility lines of any kind is prohibited without approval by the appropriate town officials and receipt of the proper right of way excavation permits.

12.05.04 - Notice of Violation

In the event that an encroachment or obstruction which violates this chapter is identified, the town official shall notify the property owner by certified mail and/or abode service, and request the removal thereof.

12.05.05 - Removal of Encroachments or Obstructions by Town; Costs of Removal Charged to Property Owner

If within 15 days after having received notice the property owner has not complied with the terms of this chapter, a town official may remove or cause removal of such encroachment or obstruction, and the property owner shall be charged by the Town of Waterford for the reasonable cost of said removal. If such costs are not paid within 30 days or notification to the property owner, the town is authorized to seek payment and costs through court process and judicial liens.

12.05.06 - Private Underground Systems or Personal Property in Public Right of Way

The Town of Waterford assumes no responsibility for or liability arising out of the installation, care, operation, future maintenance, or repair of any portion of a private underground system installed without a permit from the town, or any personal property, such as sporting equipment, trees and other plantings, in a public right of way or utility easement in violation of this chapter.

12.05.07 - Penalties for Offenses

Notwithstanding the provisions of section 12.05.05 above, the failure of the property owner to remove such obstruction within 15 days of receiving notice shall constitute an offense punishable by a penalty of \$50 per day, and each day that the obstruction remains shall constitute a separate and distinct offense.

(R.T.M.)

(Amend. of)

**RESOLUTION OF THE REPRESENTATIVE TOWN MEETING
OF THE TOWN OF WATERFORD**

AUTHORIZING THE ISSUANCE OF REFUNDING BONDS FOR PAYMENT OF ALL OR A PORTION OF THE OUTSTANDING PRINCIPAL OF AND INTEREST AND ANY CALL PREMIUM ON THE TOWN'S OUTSTANDING: \$8,500,000 GENERAL OBLIGATION BONDS, ISSUE OF 2009, DATED AS OF AUGUST 1, 2009; \$14,000,000 GENERAL OBLIGATION BONDS, ISSUE OF 2011, DATED AS OF AUGUST 1, 2011; \$15,640,000 GENERAL OBLIGATION BONDS, ISSUE OF 2012, DATED AS OF MARCH 1, 2012; \$33,750,000 GENERAL OBLIGATION BONDS, ISSUE OF 2013, DATED AS OF MARCH 15, 2013; AND \$15,930,000 GENERAL OBLIGATION BONDS, ISSUE OF 2014, DATED AS OF MARCH 17, 2014, AND COSTS RELATED THERETO

RESOLVED,

(a) That the Town of Waterford issue its refunding bonds, in an amount not to exceed FORTY-FIVE MILLION DOLLARS (\$45,000,000), the proceeds of which are hereby appropriated: (1) to fund one or more escrows, and to apply the balance held in such escrows, together with the investment earnings thereon, to the payment in whole or in part, as to be determined by the First Selectman and the Director of Finance of the Town, of the outstanding principal of and interest and any call premium on the Town's \$8,500,000 General Obligation Bonds, Issue of 2009, dated as of August 1, 2009 (consisting at original issue of \$8,500,000 School Bonds); \$14,000,000 General Obligation Bonds, Issue of 2011, dated as of August 1, 2011 (consisting at original issue of \$14,000,000 School Bonds); \$15,640,000 General Obligation Bonds, Issue of 2012, dated as of March 1, 2012 (consisting at original issue of \$15,640,000 School Bonds); \$33,750,000 General Obligation Bonds, Issue of 2013, dated as of March 15, 2013 (consisting at original issue of \$33,750,000 School Bonds); and \$15,930,000 General Obligation Bonds, Issue of 2014, dated as of March 17, 2014 (consisting at original issue of \$15,930,000 School Bonds, and Costs Related Thereto including the payment of interest accrued on said bonds to the date of payment, and (2) to pay costs of issuance of the refunding bonds authorized hereby, including legal fees, consultants' fees, trustee or escrow agent fees, underwriters' fees, bond insurance premiums, net interest and other financing costs and other costs related to the payment of the outstanding bonds described above. The refunding bonds shall be issued pursuant to Section 7-370c of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(b) That the First Selectman and the Director of Finance of the Town shall sign the bonds by their manual or facsimile signatures. The First Selectman and the Director of Finance are authorized to determine the bonds to be redeemed and the amount, date, interest rates, maturities, redemption provisions, form and other details of the refunding bonds; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds and escrow agent with respect to the refunding escrow or escrows to be funded with proceeds of the bonds; to provide for the keeping of a record of the bonds; to sell the bonds at

RECEIVED FOR RECORD
WATERFORD, CT
16 JUL 20 PM 4:50
TOWN CLERK

public or private sale; to deliver the bonds; and to perform all other acts which are necessary or appropriate to issue the bonds.

(c) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that costs of the refunding may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the refunding. The First Selectman and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(d) That the First Selectman and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds.

(e) That the Representative Town Meeting, the First Selectman, the Director of Finance and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to enable the Town to effectuate the refunding of all or a portion of the Town's outstanding: \$8,500,000 General Obligation Bonds, Issue of 2009, dated as of August 1, 2009; \$14,000,000 General Obligation Bonds, Issue of 2011, dated as of August 1, 2011; \$15,640,000 General Obligation Bonds, Issue of 2012, dated as of March 1, 2012; \$33,750,000 General Obligation Bonds, Issue of 2013, dated as of March 15, 2013; and \$15,930,000 General Obligation Bonds, Issue of 2014, dated as of March 17, 2014, and to issue refunding bonds authorized hereby for such purposes, including, but not limited to, the entrance into agreements on behalf of the Town with underwriters, trustees, escrow agents, bond insurers and others to facilitate the issuance of the refunding bonds, the escrow of the proceeds thereof and investment earnings thereon, and the payment of the outstanding bonds in whole or in part.

(f) That the above authorization to issue refunding bonds shall lapse on June 30, 2017.

Item for Notice of Representative Town Meeting

Number ____.

To act upon a resolution entitled "Resolution of the Representative Town Meeting of the Town of Waterford Authorizing the Issuance of Refunding Bonds For Payment of all or a Portion of the Outstanding Principal of and Interest and any Call Premium on the Town's outstanding: \$8,500,000 General Obligation Bonds, Issue of 2009, dated as of August 1, 2009; \$14,000,000 General Obligation Bonds, Issue of 2011, dated as of August 1, 2011; \$15,640,000 General Obligation Bonds, Issue of 2012, dated as of March 1, 2012; \$33,750,000 General Obligation Bonds, Issue of 2013, dated as of March 15, 2013; \$15,930,000 General Obligation Bonds, Issue of 2014, dated as of March 17, 2014, and Costs Related Thereto", which shall authorize the First Selectman and the Director of Finance to determine the bonds to be redeemed and the amount, date, interest rates, maturities, redemption provisions, form and other details of the obligations, to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent, and paying agent for the obligations, to provide for the keeping of a record of the obligations; to designate a financial advisor to the Town in connection with the sale of the obligations; to sell the obligations at public or private sale, to deliver the obligations and to perform all other acts which are necessary or appropriate to issue the obligations; to designate Day Pitney LLP as bond counsel to approve the legality of the obligations; to declare the Town's official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings; to authorize the First Selectman and the Director of Finance to make representations and covenants to maintain the continued exemption from federal income taxation of interest on the obligations and to make representations and enter into written agreements for the benefit of holders of the obligations to provide secondary market disclosure information.

PUBLISHER'S CERTIFICATE

State of Connecticut
County of New London, ss. New London

Personally appeared before the undersigned, a Notary Public within and for said County and State, Billie Jean Durgin, Legal Advertising Clerk, of The Day Publishing Company Classifieds dept, a newspaper published at New London, County of New London, state of Connecticut who being duly sworn, states on oath, that the Order of Notice in the case of

21505 TOWN OF WATERFORD
REPRESENTATIVE TOWN MEETING Regular

A true copy of which is hereunto annexed, was published in said newspaper in its issue(s) of

07/25/2016

Cust: TOWN OF WATERFORD - TOWN
Ad #: d00673437

Billie Jean Durgin
Subscribed and sworn to before me

This Tuesday, July 26, 2016

Maryanne Olivetti
Notary Public
My commission expires 5/31/19

RECEIVED FOR RECORD
WATERFORD, CT
16 JUL 29 PM 12:09
ATTEST: *Blair J. Longo*
TOWN CLERK

Public Notices | Public Notices | Public Notices

21505

TOWN OF WATERFORD
REPRESENTATIVE TOWN MEETING
Regular Meeting
August 1, 2016

The members of the Representative Town Meeting, electors, and other legal voters of the Town of Waterford, are hereby warned the Representative Town Meeting will hold its Annual Budget Meeting in the Town Hall Auditorium, 15 Rope Ferry Road, Waterford beginning on Monday, August 1, 2016 at 7:30 p.m. for the following reasons:

- To consider and act upon a request from the Waterford Recreation and Parks Commission to offer Waterford's disabled veterans a free beach pass each year.
- To consider and act upon a request from Jane B. Adams, Chairperson, on behalf of the Waterford Harbor Management Commission to act on mooring permit fees as proposed pursuant to town ordinance 2.82.100C6. New applications will be assessed \$75.00 and a renewal will be assessed \$50.00.
- To consider and act upon a request from Daniel Steward, First Selectmen, on behalf of the Board of Selectmen, to adopt an "Interlocal Agreement by and between the Town of East Lyme and the Town of Waterford for Provision of Animal Control Services", pursuant to section 7-148cc of the Connecticut General Statutes.
- To consider and act upon a request from the Board of Finance for an appropriation in the amount of \$13,300 from Capital and Non-Recurring Designated Line Item # 20501-57780 HVAC System Town Hall/YSB to design and replace the HVAC systems in Town Hall and Youth Services Buildings, based upon its consistency with the Capital Improvement Program.
- To consider and act upon a request from Rik Wells, Chairman, Personnel Review Board to approve the Instructor Wage Schedule as submitted to the RTM.
- To consider and act upon a proposed ordinance to the Waterford Code of Ordinances, Chapter 12.05: Obstructions in Town Rights of Way, with regard to road obstructions in the Town's right of way, pending a recommendation by the Public Works Planning & Development Standing Committee of the Representative Town Meeting. A complete draft of the ordinance is available in the office of the Town Clerk.
- To consider and act upon a vacancy on the School Building Committee (Term: 7/1/14-6/30/19) due to the resignation of Thomas Amanti (R).
- To consider and act upon a vacancy on the Municipal Complex Improvements Building Committee (Term: Concurrent with the Duration of the Project) due to the resignation of Theodore Olynciw (D).
- To consider and act upon vacancies on the Long Range Fiscal Planning Committee due to resignations by Andrea Kanfer (D) and Theodore Olynciw (D).
- To consider and act on a resolution authorizing the issuance of bonds to refund in whole or in part the Town's outstanding: \$8,500,000 General Obligation Bonds, Issue of 2009, dated as of August 1, 2009; \$14,000,000 General Obligation Bonds, Issue of 2011, dated as of August 1, 2011; \$15,640,000 General Obligation Bonds, Issue of 2012, dated as of March 1, 2012; \$33,750,000 General Obligation Bonds, Issue of 2013, dated as of March 15, 2013; \$15,930,000 General Obligation Bonds, Issue of 2014, dated as of March 17, 2014, and to pay costs of issuance of the refunding bonds.
- To consider and act on a request from the Board of Finance on behalf of Kristin Zawacki, Director Public Works, for an FY17 appropriation of \$330,000 from funds designated in the Capital Non-Recurring Expenditure Fund, LI# 20530-57799 - UST Replacement for the replacement of underground storage tanks at the public safety complex based upon its consistency with the Capital Improvement Program.
- To consider and act on a request from the Board of Finance on behalf of Kristin Zawacki, Director of Public works, for an FY17 appropriation of \$440,950 for the reclamation and paving of Gallup Lane from LI# 20530-57800 - Gallup Lane - Reclaim/Repave, based upon its consistency with the Capital Improvement Program.
- To consider and act on a request from the Board of Finance on behalf of Ed Crane, Director of IT, for an FY17 appropriation of \$149,294 from Capital and Non-recurring designated line item # 20555-57807 for a Virtual Main Server, based upon its consistency with the Capital Improvement Program.
- To consider and act on a request from the Board of Finance on behalf of Steve Bellos, Director of Emergency Management, for an FY17 appropriation of \$250,190 from Capital and Non-recurring designated line item # 20522-57794 - Mobile & Portable Radios, based upon its consistency with the Capital Improvement Program.
- To consider and act on a request from the Board of Finance on behalf of Maryanna Stevens, Finance Director, for an additional FY17 appropriation of \$10,667 from Capital and Non-recurring line item # 20500-31520 Undesignated Fund balance to Capital Non-recurring line # 20507-57771 - New Town Wide Telephone System, based upon its consistency with the Capital Improvement Program.
- To consider and act on a request from the Board of Finance on behalf of Brett Mahoney, Chief of Police, for an FY17 appropriation of \$52,000 from Capital and Non-recurring designated line item # 20529-57793 for Phase 1 of the Department's 3-Phase office furniture replacement project, based upon its consistency with the Capital Improvement Program.
- To consider and act on a request from Robert Nye, Town Historian, to remove "abandoned cemeteries" from the Education Standing Committee of the RTM based on his correspondence which states "there is no longer any reason for the neglected/abandoned cemeteries matter to remain in your committee".
- To consider and act on action taken by the Board of Finance at its July 20, 2016 meeting and remove the matter of "Salaries of Registrar of Voters" from the Finance, Wage & Personnel Standing Committee of the RTM.

Dated at Waterford, Connecticut, this 25th day of July, 2016
Thomas J. Dembek
RTM Moderator

RECEIVED FOR RECORD
WATERFORD, CT

16 JUL 15 PM 3:15

TEST: *David L. Campo*
TOWN CLERK

July 15, 2016

Thomas F. Ammirati
Chairman
Education Standing Committee of the RTM

Dear Tom,

There is no longer any reason for the neglected/abandoned cemeteries matter to remain in your committee.

Recent legislation absolving town personnel of liability has in fact prompted the town to play a more active role in the maintenance of neglected cemeteries. First Selectman Steward, for example, has supported the effort of volunteers overseeing the Gorton Cemetery along Waterford Parkway South. He has also taken advantage of a \$2,000 grant to remove trees from the Wheeler Cemetery (a work-in-progress).

While much remains to be done relative to the care and maintenance of neglected cemeteries, the Historic Properties Commission does not see the need at this time for any legislative action.

On behalf of the commission thank you and committee members for your interest as well as your ideas and suggestions.

On behalf of the Historic Properties Commission,



Robert Nye
Municipal Historian

cc: Thomas J. Dembek, RTM Moderator
David Campo, Town Clerk
Daniel Steward, First Selectmen
Historic Properties Commission