

Board of Selectmen
Special Meeting

May 4, 2016
2:00 P.M. Town Hall

Present: Bruce Adams, Mike VanValkenburg and Jeff Parkin.

Also present: Lynn Worthington.

Mr. Adams called the meeting to order at 2:00 p.m.

Proposal to ban seaplanes from Lake Waramaug:

Mr. Adams stated that the Board of Selectmen has been provided with the following documents:


- December 23, 2015 letter from Edgar Berner, Chairman of Lake Waramaug Authority
- Proposed ordinance
- December 22, 2015 letter from Charles Ebersol, Jr.
- April 15, 2003 letter from Michael Volk, President of Seaplane Pilots Association
- December 18, 2015 letter from Peter Bonachea, President of Lake Waramaug Association

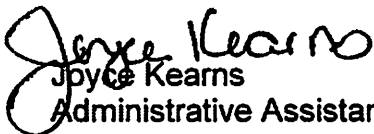
Mr. Parkin made the following motion:

"Be it resolved that the Kent Board of Selectmen oppose the 'Proposed Ordinance' to ban seaplanes from Lake Waramaug because the ordinance as drafted is ill conceived, overbroad, overreaching and does not consider practical alternatives to a complete ban of such activity."

Mr. Adams seconded the motion. After a brief discussion and consensus that the Board of Selectmen would consider a revised ordinance that would regulate the seaplanes and not prohibit them, the board approved the motion.

Mr. VanValkenburg made a motion to adjourn the meeting at 2:16 p.m. Mr. Parkin seconded the motion and the motion carried.

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KENT TOWN CLERK
2016 MAY -6 A 11:28
BY  TOWN CLERK


Joyce Kearns
Administrative Assistant

These are draft minutes and the Board of Selectmen at the subsequent meeting may make corrections. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

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**Lake Waramaug Authority
Bryan Town Hall
Washington, CT 06794**

December 23, 2015

Mark Lyon, First Selectman
Town of Washington
Bryan Town Hall
Washington Depot, CT 06794

Dear Mark,

On behalf of the Lake Waramaug Authority, I am pleased to enclose a proposed ordinance which would, except in emergencies, prohibit landings of Aircraft, as defined therein, on Lake Waramaug. The Lake Waramaug Authority respectfully requests that this ordinance be submitted to a vote of the citizens of the Town of Washington at the next town meeting to be scheduled during January 2016.

Pursuant to its enabling legislation passed by the Towns of Washington, Kent and Warren in whose jurisdiction Lake Waramaug falls, this Authority, which is made up of representatives of the three towns, has the responsibility, among other things, of providing for the regulation of the operation of Aircraft on the Lake.

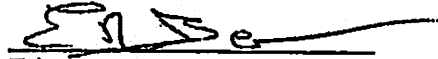
In the exercise of this responsibility, the Authority has determined that the landing of Aircraft on the Lake would endanger the public safety and risk contaminating the waters of the Lake by invasive organisms, as well as creating a public disturbance. The Authority therefore recommends that the enclosed ordinance be adopted by the citizens of the Towns of Washington, Warren and Kent in whose jurisdiction the waters of the lake falls.

The enclosed draft was prepared in consultation with Peter Ebersol, the attorney for the Town of Warren. His letter approving of the draft is also attached. If you believe it would be helpful, Mr. Ebersol is prepared to attend your coming meeting of the selectmen to answer any questions that may arise.

We wish to thank you for your cooperation.

Sincerely,

Lake Waramaug Authority

A handwritten signature in dark ink, appearing to read 'Edgar Berner', written over a horizontal line.

Edgar Berner,
Chairman

Cc: Peter Ebersol, Esq.

PROPOSED ORDINANCE

REGARDING PROHIBITION OF AIRCRAFT LANDINGS ON LAKE WARAMAUG

FOR ADOPTION BY THE TOWNS OF KENT, WARREN AND WASHINGTON

MINDFUL that the operation of Aircraft (as hereinafter defined) on the waters of Lake Waramaug would pose serious risks to other concurrent users of Lake Waramaug; and

COGNIZANT of the unavoidable danger of contamination of the Lake by Aircraft from other water bodies which would compromise the many year undertaking to preserve the quality of the water of Lake Waramaug from invasive species and other pollutants; and

CONCERNED that the operation of Aircraft on Lake Waramaug would create unduly noisy and congestive conditions inconsistent with the scenic beauty and tranquility of Lake Waramaug that are enjoyed by the general public;

BE IT RESOLVED THAT:

- 1. No person shall land any aircraft of any type, including but not limited to planes and helicopters ("Aircraft"), on Lake Waramaug, nor shall any Aircraft take off from Lake Waramaug, unless an unforeseeable emergency arises and the operator of such Aircraft cannot safely land the Aircraft at any alternative location.**
- 2. The landing of an Aircraft on Lake Waramaug shall be prima facie evidence of a violation of this ordinance and the violation of any provision of this ordinance shall be an infraction.**
- 3. Whenever a violation of this ordinance occurs, proof of the registration number of any Aircraft concerned shall be prima facie evidence that the owner was the operator thereof.**

4. Any person violating this ordinance shall be fined two hundred and fifty dollars for each landing and each takeoff. Such fines shall be levied by law enforcement by citations in accordance with Connecticut General Statutes See Section 7-148 as the same may be amended from time to time.
5. In addition to any fines or penalties imposed in this section, this ordinance may be enforced by injunctive procedure in the Superior Court. The town may further recover from any violator any and all costs and fees, including reasonable attorney's fees, expended by the town in enforcing the provisions of this article.
6. This ordinance shall not preclude any additional enforcement action taken by any appropriate town, state or federal official conducted pursuant to any applicable ordinance, regulation or law of the town or state or the United States of America.
7. All remedies and penalties provided for in this ordinance shall be cumulative and independently available to the town, and the town shall be authorized to pursue any and all remedies set forth in this section to the fullest extent allowed by law.
8. This ordinance is adopted pursuant to Connecticut General Statutes §7-148.
9. This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes, §7-157(b).
10. The First Selectman is hereby authorized and directed to inform the Federal Aviation Authority and other competent Federal and State governmental authorities and all appropriate Aircraft pilots associations of the adoption of this ordinance and of any violations thereof that should occur in the future.
11. It is hereby declared to be the intention of the town that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unlawful by valid judgment or decree of the court of competent jurisdiction, such unlawfulness shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

EBERSOL, McCORMICK & STECK, LLC

**ATTORNEYS AT LAW
24 MASON STREET
P. O. BOX 598**

TORRINGTON, CONNECTICUT 06790-0598

TEL. (860) 482-8557

FAX (860) 482-8089

**CHARLES R. EBERSOL, JR.
pebersol@cmlawfirm.com**

**BRIAN McCORMICK
bmccormick@cmlawfirm.com**

**JAMES P. STECK
jsteck@cmlawfirm.com**

**OF COUNSEL
MICHAEL P. KEILTY**

December 22, 2015

**Mark Lyon, First Selectman
Town of Washington
2 Bryan Plaza
Washington Depot, CT 06794**

Re: Proposed Ordinance – Prohibition of Aircraft Landings – Lake Waramaug

Dear Mr. Lyon:

I represent The Lake Waramaug Authority with respect to its request to have aircraft landings prohibited on Lake Waramaug. Enclosed is a draft of a proposed ordinance that I have reviewed, find to be in proper form and is in accordance with Connecticut law.

The Lake Waramaug Authority respectfully requests that the Selectman place this proposed ordinance on the agenda for consideration and approval at the next town meeting scheduled for January. Please call me if you wish to discuss the proposed ordinance.

Thank you for your assistance.

Sincerely,



Charles R. Ebersol, Jr.

**CRE,Jr:std
Enc.**



Seaplane Pilots Association

4315 Highland Park Blvd • Suite C • Lakeland, Florida 33813 1639 • Phone (863) 701-7979 • Fax (863) 701-7588

April 15, 2003

Dear Member:

The Connecticut Department of Environmental Protection has designated Lake Waramaug, located 20 miles north of Danbury, as the first Heritage Lake pursuant to the Connecticut Heritage Lake Program Law.

One of the most significant aspects of this program is the preservation of Lake Waramaug as the only major lake in Connecticut free of invasive aquatic weeds, such as Eurasian Milfoil. These weeds grow from great depths and mat over a major portion of the surface of affected lakes, substantially curtailing public recreational uses.

Small fragments of these weeds, which may be carried from lake to lake by visiting motorboats and seaplanes, are sufficient to begin the process of invading the lake. Once in the lake, the weeds cannot be removed and may be controlled only temporarily and at exorbitant cost.

All motorboats entering Lake Waramaug at the existing town launch are inspected for such weeds and are prohibited from launching if weeds are found. Obviously, seaplanes, which may carry small fragments of aquatic weeds, particularly in the water rudder and amphibious gear mechanisms, cannot be inspected before landing in Lake Waramaug.

Considering these circumstances, the availability of suitable alternate landing areas, and the potential impact on seaplane regulations should seaplanes be implicated in the transmission of invasive species to this sensitive lake, please do not land on Lake Waramaug.

I appreciate your help in this matter, and encourage you to contact me with any questions or comments.

Sincerely,



**Michael Volk
President**



P.O. BOX 2272
NEW PRESTON, CONNECTICUT 06777

December 18, 2015

RECEIVED FOR RECORD
KENT TOWN CLERK
2016 MAY - 6 A 11:28
BY
PKN - TOWN CLERK

Bruce K. Adams
First Selectman, Kent CT
P.O. Box 678
Kent, CT 06757

Dear Mr. Adams,

Lake Waramaug Association is in full support of the proposed ordinance written and presented by Lake Waramaug Authority prohibiting the landing of aircraft on Lake Waramaug. We agree that aircraft landing on the Lake would present a danger to residents, boater and a possible avenue of contamination. Baring emergency situations as outlined in the Lake Waramaug Authority proposed ordinance, we whole heartedly agree that permission not be granted to land aircraft on the lake.

Sincerely,

Peter Bonachea,
President
Lake Waramaug Association

Cc: Lake Waramaug Authority

