

**SPECIAL MEETING MINUTES
COLUMBIA BOARD OF SELECTMEN
PUBLIC HEARING**

Tuesday, April 16, 2024 – 6:30 pm.
Adella G. Urban Conference Room & Virtual
323 Route 87, Columbia CT

Members Present: First Selectman, Steven M. Everett; Deputy Selectman Judy Ortiz; Selectman Lisa Napolitano; Selectman, William O'Brien; Selectman, Christopher Lent.

Also Present: Mark Walter, Town Administrator, Henry Beck, LMAC Member.

1. CALL TO ORDER: S. Everett called to order the Board of Selectmen Special Meeting to conduct a Public Hearing, Tuesday, April 16, 2024 at 6:30 pm to discuss the proposed changes to Article II Vessels on Columbia Lake, Article III Safety Regulations on Columbia Lake, and Article IV Conduct at Town Beach in Chapter 190 Town Ordinances – Lake and Beach Use, and to hear the citizens of the Town in regard to the proposed changes and to hear current Lake Management Advisory Commission Board recommendations. A Board of Selectmen Regular Meeting will be held immediately following the Public Hearing to deliberate and consider the public's comments and input.

2. NEW BUSINESS:

2.1 Public Hearing to adopt changes to Chapter 190 of Town Ordinances – Lake and Beach Use:

- Article II Vessels on Columbia Lake.
- Article III Safety Regulations on Columbia Lake.
- Article IV Conduct at Town Beach.

Audience discussion began on whether to ban jet skis on the lake. Mike Armstrong 95 Lake Rd. said years ago they tried to ban jet skis, but the state stepped in and said the town could not ban jet skis. S. Everett asked the audience for their input.

Sally Robinson, 26 Lake Rd., referred to Article II Vessels on Columbia Lake Section H and asked that the term vessel be replaced with powerboat. She said the town only registers powerboats and she has a scull that is 27.5 feet in length. She said that anything that is not powered does not need to be registered.

Carol O'Neill, 104 Route 87, asked for clarification on the DEEP license. H. Beck said the safe boating certificate is the same as the boating license.

Mark Vining, 252 Route 87 and 15 Sleepy Hollow Rd. spoke to the issue of jet skis. He said the proper terminology is personal watercraft, which is an inboard vessel which powers a jet drive as propulsion and is designed to be used by somebody that sits, stands or kneels on the vessel, as compared to a jet boat where you sit, stand or kneel inside the vessels. He said this question has come up before and there are those that are very responsible and those that are not. The

latter would become an enforcement issue. He said he does not know what the abilities of law enforcement are for Marine Patrol. He said he instructs the CT boating license class since 1987 and anything specific to the laws he could offer some insight.

S. Everett said jet skis can cause safety issues on the water and more potential for injury. He said that as the First Selectman, if there is no teeth behind the regulations, what good are they. S. Everett said that we are working closely with the State Police to find out exactly what we can do.

H. Beck, referred to page 5 190-7, Penalties for Offenses and said it has been greatly enhanced from a \$50 fine to \$200. Each violation is a separate violation for a separate penalty. If it continues, then the vessel can be taken off the lake. Each of the three statutes that are being reviewed have been made uniform and they've been significantly enhanced in order for them to be taken seriously.

Bob Powell, 6 Sunny Slopes said to supplement H. Beck's statement, Marine Patrol can also issue recommendations to the State Trooper for violations of boating laws as separate fines that are assessed.

Al Aleia, 172 Route 87 asked can the Marine Patrol Officer issue a citation. S. Everett said they can issue a warning or can recommend it to go to the State Police or a citation. Discussion ensued about Marine Patrol's ability to enforce the regulations.

Shirley King, 31 Woodland Terrace said that there is turnover of residency on the lake, and she would like to see more communication about the regulations. She would like to see not just an email or letter to residents, but a handout be put in everyone's mailbox that live on the lake and also handouts when people are launching their vessels.

Judy Preston, 5 Lakewood Lane said that there should be proper education about jet skis, and asked if the Marine Patrol will be sufficiently staffed and attempt enforcement. S. Everett said in the last few years we have added more mature and more experienced Marine Patrol officers. He said his job on the Board is to protect the people on the lake and the lake itself. He said he will be meeting with the State Trooper every week.

Joshua Hoffman 126 Route 87 said there was a proposal earlier about altering horsepower limits, but there is no change in the current proposal. He suggested to raise the outboard limit to either the same as what is the current inboard limit of 150 or to 115. He said that would be a nice step in protecting the lake, because what's available now at the lower horsepower limits is not absolute. He said lower horsepower gives you more power for stroke engine but it's much better for the environment and it's much quieter. Discussion ensued about horsepower engines.

Brent Biernat, 206 Route 87 said it's more environmentally friendly to lower the higher horsepower limits because what happens is you stress the motors used to pull a skier and are going full throttle and that's burning a lot more gas putting a lot more pollution into our lake. He said the real difference between an 80 and a 150 outboard given the same boat type, is 15 miles per hour, which is not a dramatic difference. He said it helps regulate the law better, and there

may be some folks who tweak their boats for faster horsepower which causes more damage to the lake.

Dave Vanderbilt, 13 Route 87, said manufactures will no longer be making four cylinder inboard/outboards because they have stopped making them and we will end up with pontoon or jet skis with nothing to waterski on.

Mike Armstrong, 95 Lake Rd. said that he paddleboards 5 days a week and his experience with the jet skis and with the erratic behavior, especially on the weekends, is for Marine Patrol to take down the hull number registration and issue the citation to the owner. Marine Patrol won't have to chase anyone down and once people know that they will receive a citation all of this will stop.

S. Everett said we will look into changing the language referring to vessels to powerboats. He said he was not going to make any changes to the horsepower issue at this time but would review this later. H. Beck suggested we can deal with the vessel issue now and the horsepower issue could be under further study. H. Beck said we could proceed with the other important changes in Article II, Vessels on the Lake, and we can say that we're going to continue to study the horsepower issue. H. Beck said that we need to take action tonight because we need CTDEEP to review the BOS actions within 60 days so the ordinances can be enforced this summer.

Article III Safety Regulations on Columbia Lake

David Vanderbilt, 13 Route 87 said in Article 13 it says on October 1st they change the hours that people can use their boats with a two-week period for the drawdown and he's not sure we need to change the hours. He said we can't go out on the lake after 6:00 pm. B. Powell, 6 Sunny Slopes, said the lake drawdown is from October 15th and November 1st depending on whether it's an even year or an odd year. H. Beck said this is because it gets darker.

Sally Robinson, 26 Lake Rd., said there are no quiet hours on the lake and no consideration for boats that are not powerboats. She said that she has to get out on the lake by 5:00 am to row and she can't row in the dark. She said when we have the drawdown that allows her to get out and row.

Al Aleia, 172 Route 87 said he agreed with S. Robinson's comment. He said he had a general observation regarding Section 190-14 which allows up to 3 skiers, but we are limiting the amount of horsepower. S. Everett said it is mainly for tubing. H. Beck said the CTDEEP and CT boating regulations classify a tuber as a water-skier and we have to use the CTDEEP definition; that's why it doesn't say three tubers and two water skiers because CTDEEP would throw this out. He said CTDEEP has 60 days to review the changes in the ordinances.

Al Aleia, 172 Route 87 said in any situation you often have scope creep and that is the evolution of how regulations morph. Non-powered users on the lake are at a huge disadvantage. He said we weren't worrying about 150 horsepower outboards or multiple skiers generations ago. He said the regulations have morphed for people who want to use the lake for swimming, rowing,

kayaking, or quiet enjoyment and they are at a disadvantage. He urged the Board to keep in mind that the lake is for everybody.

Judy Preston, 5 Lakewood Lane asked what are the expectations of CTDEEP and can we not insert water-skier and or tubers. H. Beck said that CTDEEP can be helpful, but is also bureaucratic. He said the terminology is taught in the boating class that tubers are water-skiers. CTDEEP does not want to have two definitions.

J. Hoffman, 126 Route 87 said are we increasing the number we are allowing or limiting for water-skiers. H. Beck said that we are increasing it by one to allow for the likelihood for three people on the tube.

Article IV – Conduct At The Town Beach

There were no comments from the board or the audience.

S. Everett asked if anyone would like to make any further comments.

Mike Armstrong, 95 Lake Rd. said he doesn't know where all this extreme boat traffic's coming from. He said he is out on the lake mornings, afternoon, and evenings and compared to when he was a teenager there's no boat traffic anymore. He said there are six or seven boats maybe at the max on Sunday and there is no extreme boat traffic anywhere on this lake.

Karen Lewis, 214 Route 87 also agreed with the previous comments.

Sally Robinson, 26 Lake Rd., said she applauds the efforts to create language that is comprehensive and user friendly. She said for many years there was distinct clarification on how far out your rafts or buoys can be. She said that self-propelled vessels are supposed to be able to navigate within 100 feet of the shore. She said in Article III there is language for marking devices and these devices can be approved by CTDEEP or Board of Selectmen. She said, but the truth is that there are marking devices on every property owners home. It says you can have one raft or two mooring, for a total of two items. She said what we have are territorial marking device and now those are vertical, including at the town beach. She said if she hits them with her scull she will flip.

H. Beck said it has come to the attention of LMAC and that is one of the reasons this definitions is put in the ordinance. He said there will be activity this summer to call out the fact that you are entitled to whatever you're allowed under the permit. If anything else is in the water and it is not permitted and not covered by the ordinance they will be removed.

Corrine Lewis, 214 Route 87 said she noticed that there are some buoys that mark where rocks are located. She said that they put out their own buoy to mark where a rock is located. H. Beck said it would be covered by this ordinance. He said that they would have to get the permission of the Selectmen and State approval for a buoy that marks a safety hazard.

M. Armstrong, 95 Lake Rd, said that we should get rid of the traffic cones and put-up legitimate hazard buoys. H. Beck said those traffic cones are grandfathered and if we changed them we would have to get the State's permission.

M. Gnazzo, 19 Woodland Terrace said that everyone should see what a CTDEEP Hazard Marking looks like because it is substantial.

B. Powell, 6 Sunny Slopes Rd. said that the permitting of buoys are done through the lake construction permitting process and once LMAC receives an application they review it and then make recommendations to the Board of Selectmen for approval. He said that supplemental buoys could use the same process.

Judy Preston, 5 Lakewood Lane said that she commends the folks who labored over this effort and to clarify the ordinances.

S. Everett said that the proposed revisions to the ordinances will be discussed in the Board of Selectmen's meeting following the Public Hearing and if the Board of Selectmen can come to common ground they will vote on passing those changes. He said that he has heard what has been discussed tonight regarding the horsepower but at this time he does not have enough information to make a decision on that tonight.

M. Gnazzo, 19 Woodland Terrace in respect to the horsepower limits they were addressed 15 to 20 years ago. He said it's really its own process and own meeting.

3. ADJOURNMENT: S. Everett MOVED to ADJOURN at 8:43 PM. MOTION PASSED UNANIMOUSLY.

Respectfully submitted by Jennifer C. LaVoie