

**CONNECTICUT DEPARTMENT OF ENERGY and ENVIRONMENTAL PROTECTION
PROPOSED REGULATION TO EXTEND A SLOW-NO-WAKE ZONE IN SQUANTZ COVE
CANDLEWOOD LAKE
HEARING OFFICER'S REPORT
SUMMARY OF PUBLIC COMMENTS
EXPLANATORY STATEMENT FOR FINAL REGULATIONS
May 27, 2015**

BOATING SAFETY

(Amendment of the Regulations of the Connecticut State Agencies Section 15-121-B15a)

Proposed: 9 October 2014

Public Hearing: 29 October 2014

Close of Comment: 28 November 2014

Background

Under Connecticut law the Commissioner of the Department of Energy and Environmental Protection (DEEP) has the duty to designate, and assist towns in designating, prohibited and restricted boating areas and waters limited to special boating purposes and prescribe uniform standards for the marking and regulation of such areas (Section 15-121 of the General Statutes). Additionally, authority is given to the Commissioner to adopt regulations respecting the operation of vessels on any waterbody which lies within the territorial limits of two or more towns when petitioned by a town legislature acting in concert with its citizenry, provided certain preconditions are met (Section 15-136 of the General Statutes).

DEEP Commissioner Robert Klee, through a duly delegated proxy, herein considers a proposal to amend Section 15-121-B15a(a) of the Regulations of the Connecticut State Agencies to extend by an additional 1,000 feet an existing 1,500 foot slow-no-wake zone in Squantz Cove on Candlewood Lake. The purpose of this regulation is to improve "safety on the waters of Squantz Cove and to minimize potential for damage to boats, docks and other property by excessive wakes... created by boats leaving and entering the State boat launch and using the confined waters of Squantz Cove at high speed..." (attachment to a letter to Robert Klee, DEEP Commissioner from Susan Chapman, First Selectman, New Fairfield, 16 June 2014, Appendix A). This amendment is being proposed under the authority granted to the Commissioner in Section 15-121(b)(11) of the Connecticut General Statutes (CGS) and its proposal is compelled by the 12 June 2014 vote of the Town of New Fairfield legislative body and petition of ten or more persons pursuant to CGS Section 15-136(b)(2) (Appendix A).

The proposed amendment under consideration reads as follows (new language is underlined and language to be removed is bracketed):

(a) On the waters of Candlewood Lake, including Squantz Pond, [no person shall operate a vessel in excess of the following speed limits] the following restrictions shall apply:

(1) [25] No person shall operate a vessel in excess of twenty-five (25) miles per hour from one half hour after sunset to one half hour before sunrise;

(2) [45] No person shall operate a vessel in excess of forty-five (45) miles per hour [daytime limit] from one half hour before sunrise to one half hour after sunset;

(3) Within the area of Lattins Cove, from the end northerly for two-thousand five-hundred (2,500) feet no person shall operate a vessel in excess of Slow-No-Wake. Said Slow-No-Wake area may at and by the sole discretion of the [commissioner] Commissioner, be otherwise [deliniated] delineated by regulatory marker(s).

(4) Within the area of Squantz Cove, from the causeway southeasterly for [one] two-thousand [five hundred] five-hundred (2,500) feet [shall be a] no person shall operate a vessel in excess of Slow-No-Wake [area]. Said Slow-No-Wake area [may at and by the sole discretion of the commissioner,] shall be otherwise [deliniated] delineated by one regulatory [marker(s)] marker in the vicinity of the State boat launch visible to all watercraft entering and leaving the State boat launch and one regulatory marker approximately two-thousand five-hundred (2,500) feet southeasterly of the causeway visible to all watercraft entering Squantz Cove.

It should be noted that the substantive change under consideration, as offered by the Town of New Fairfield (corrected for spelling and numbering convention), is found solely in subdivision (4). The DEEP was required to make the changes in subdivision (1), (2), and (3) prior to proposing the regulation as a matter of good practice and at the request of other reviewing agencies; these changes are not intended to alter the substance of the rules contained therein, but are meant to correct misspellings and to conform the entirety of this section to current regulation writing standards while the section is open for changes.

A Notice of Intent to Adopt Regulations was posted on the website of the Secretary of the State on 9 October 2014 and concurrently on the DEEP website (Appendix B). A draft Fiscal Estimate and draft Small Business Impact Statement were also prepared and published concurrently (Appendix B). As announced in the Notice of Intent, a public hearing (as required under CGS Section 15-136(b)(2)) was held on 29 October 2014 in the Town of New Fairfield. The hearing was advertised in a local newspaper (Appendix C). Eleanor Mariani, Boating Division Director, was designated by Commissioner Klee to hear the matter and render this opinion on behalf of his office (Appendix C). Comments regarding the matter were accepted from 29 September 2014 until 28 November 2014. In all, comments from 22 persons were received during the comment period. Written comments are presented in full and oral comments are presented in summary in Appendix D.

In this document the DEEP considers the arguments brought for and against the proposed measure, and the final recommendation of the Hearing Officer is rendered with respect to the viability of the proposed regulation in consideration of the discussion of arguments and her independent analysis of comments received during the comment period. Readers should note that what is being decided here is whether to recommend that Commissioner Klee advance the proposed regulation or an amended version for consideration by the legislature, or whether to recommend to end the initiative at this time.

During the comment period twenty-one persons supported the proposal and one person opposed the proposal (see Exhibits 1-22, Appendix D).

Support for the Proposal

Most of the twenty-one supporters were local residents. Arguments for the proposal had one theme in common: persons have been thrown off balance and injury, as a result of boat wakes in the Cove, has occurred. Mr. Loris Eminente, who testified to this in the public hearing, stated in an email dated 16 November 2014 (Appendix D, Exhibit 2):

“... I am writing to let you know that I am in favor with extending the no-wake zone in Squantz Cove. The current location of the no-wake zone creates a hazardous and dangerous environment for those of us who live on the cove and use the lake recreationally. I can tell you from personal experience that on September 27, 2014 I fell while on my dock when a boat drove by at high speed creating a wake that was large enough to propel me (220 pounds) in the air and causing me to land on my left arm. The dock where I fell is located diagonally across from the boat launch in Squantz Cove on Bogus Hill....”

Six other persons reported either being injured or knocked down (or nearly so) by a boat wake, or having seen a person injured or knocked down by such a wake (Appendix D, Exhibits 15, 16, 17, 18, 19, 21). We believe Mr. Eminente’s testimony sufficiently captures the sentiments of the twenty-one persons who supported this proposal.

Opposition to the Proposal

One person opposed the measure. In a wide-ranging email dated 24 November 2014 opposing the proposed expansion of the slow-no-wake area (Appendix D, Exhibit 22), Mr. Bob Zipps expressed as his primary opinion that dock-owners who were injured or knocked down by the wakes were themselves at fault, and additionally that extending the slow-no-wake zone as proposed unfairly burdens recreational boaters who must already adhere to a statewide slow-no-wake area for boats of 100 feet from shore (200 feet for personal watercraft), saying in part:

“The reality is that these people who made the wrong dock selection were not interested in safety at all. Instead of admitting their mistake in their dock selection, and correcting their problem by obtaining a dock of appropriate design, construction and size, the abutters are saying in essence that it is someone else’s fault. Instead of... obtaining a dock of suitable design, construction and size, i.e. a dock whose adequate structural supports rest on the bottom of the lake, and instead of using a suitable method of fastening a boat to a dock, i.e. mooring whips or using lines fastened from both the bow and the stern to position a boat diagonally from the dock to a point on shore, plus there are other suitable methods, the abutters want to have the innocent recreational boaters using state waters penalized by imposing a harsh and overly restrictive 6 mph speed limit. This is the same completely misguided thinking of a person who moves to a home that is close to Bradley Airport, and then subsequently exclaims that there are airplanes here, and we have to do something about that.”

Analysis

We consider the expansion of an existing 1,500 foot Slow-No-Wake zone to 2,500 feet, based on a proposal brought forth by the Town of New Fairfield in concert with a petition of its citizenry. The subject Slow-No-Wake zone is located in Squantz Cove, a narrow cove in the upper northwestern reach of Candlewood Lake (the state’s most popular lake). There is a state boat launch located in the northern end of Squantz Cove, one of only two state boat launches located on the lake, and the area is very popular with boaters. Given the relative narrowness of the cove, the presence of the state boat launch and the popularity of the cove for disparate user groups (paddlers, fishermen, water-skiers, etc.), the area can become very busy and residents have reported unsafe conditions due to vessel traffic and unchecked wakes associated with such traffic. From time to time the Slow-No-Wake markers have been repositioned in order to slow vessel traffic, which, while unauthorized, has reportedly resulted in improved conditions. This proposal seeks now to codify the unauthorized, but effective, expanded Slow-No-Wake zone.

Supporters of the proposal prefer to see the Slow-No-Wake area set to the proposed 2,500 foot mark rather than the existing 1,500 foot mark. Numerous commenters spoke to the problem with the existing Slow-No-Wake area (Exhibit 1B, 2B, 14, 19), with several commenters making note of the need to move the Slow-No-Wake markers back to their “original” location – having confused the unauthorized expanded Slow-No-Wake zone with the lawful one. The confusion has its origins in the periodic unauthorized repositioning of the Slow-No-Wake markers. In the most recent such episode DEEP staff were notified on 5 September 2012 that the Slow-No-Wake markers had been repositioned from their lawful station to a location marking an area approximating the 2,500 foot zone currently under consideration. DEEP staff ordered the markers back to their lawful position on 4 March 2013. It was this most recent restoration of position that drew the complaints that were eventually brought to the Town level and subsequently resulted in this proposal.

Opposition to this proposal focused on the idea that improper dock selection – not boater behavior – was responsible for the injury and damage noted in supporting testimony. We disagree. It is a precept of safe boating operation that the operator of a vessel is responsible for any damage done to persons or property that is attributable to the operation of that vessel. It is taught in safe boating classes, it is published in our annual Boater’s Guide, and it is expressed firmly and clearly in Connecticut law: first, in Section 15-140m of the Connecticut General Statutes (Reckless operation of a vessel in the second degree), which states, “A person commits the offense of reckless operation of a vessel in the second degree when he (1) operates a vessel at such speed or maneuvers a vessel in such a manner as to endanger the life, limb, or property of another person...”; and second, in Section 15-140k of the Connecticut General Statutes (Reckless operation of a vessel in the first degree) which states, “(a) A person commits the offense of reckless operation of a vessel in the first degree when he operates a vessel at such speed or maneuvers in such a manner as to result in (1) death or serious physical injury to another person...” These laws make damage to persons or property caused by a boat wake the exclusive responsibility of the boater, and not the responsibility of the person or property that is adversely affected by the wake produced by the boater, regardless of the status of that injured person or damaged property under the law. With that said, to assume that all boaters in this area are acting recklessly is without merit. By slowing vessel traffic down all boaters should be able to maneuver in a prudent manner.

In consideration of all comments received and of the foregoing discussion, we conclude that the proposed extension of the Slow-No-Wake zone to 2,500 feet is a sensible solution to protect life, limb and property. However, DEEP chooses to modify the Town’s proposal because it is written so as to require DEEP to place markers both at the state boat launch and at the 2500 foot mark – a practice that we believe would confuse boaters. State convention uses “gates” created by marker sets to indicate the start and end of a regulated zone. Therefore, under state convention, only the 2,500 foot area should be marked, indicating that the entire cove area out to 2,500 feet is Slow-No-Wake. Additionally, while DEEP has always marked this area and will continue to do so, the regulation is better written so as not to tie enforcement of the zone to the location of the markers, but rather to the distance from a known shore point. That way, whether a marker is present at its prescribed location or not the Slow-No-Wake zone remains in effect as written, ensuring that even if the markers are repositioned the regulation remains enforceable.

In consideration of the foregoing, the Hearing Officer recommends that the Commissioner advance the following proposal to amend Section 15-121-B15a(a) of the regulations of the Connecticut State Agencies:

(a) On the waters of Candlewood Lake, including Squantz Pond, [no person shall operate a vessel in excess of the following speed limits] the following restrictions shall apply:

(1) [25] No person shall operate a vessel in excess of twenty-five (25) miles per hour from one half hour after sunset to one half hour before sunrise;

(2) [45] No person shall operate a vessel in excess of forty-five (45) miles per hour [daytime limit] from one half hour before sunrise to one half hour after sunset;

(3) Within the area of Lattins Cove, from the end northerly for two-thousand five-hundred (2,500) feet no person shall operate a vessel in excess of Slow-No-Wake. [Said Slow-No-Wake area may at and by the sole discretion of the commissioner, be otherwise deliniated by regulatory marker(s)].

(4) Within the area of Squantz Cove, from the causeway southeasterly for [one] two-thousand [five hundred] five-hundred (2,500) feet [shall be a] no person shall operate a vessel in excess of Slow-No-Wake [area. Said Slow-No-Wake area may at and by the sole discretion of the commissioner, be otherwise deliniated by regulatory marker(s)]

Note: "Slow-no-wake" is defined in Section 15-121-A1(j) of the Regulations of the Connecticut State Agencies, as follows

"(j) "Slow-No-Wake" means that a vessel shall not produce more than a minimum wake and shall not attain speeds greater than 6 miles per hour over the ground unless a higher minimum speed is necessary to maintain steerageway when traveling with a strong current. In no case shall the wake produced by the vessel be such that it creates a danger of injury to persons, or will damage vessels or structures of any kind".

Hearing Officer's Recommendations

The hearing officer has reviewed comments received at the 29 October 2014 public hearing and written comments received as of 4:00 p.m. on 28 November 2014. Responses to comments germane to the proposed regulations noticed on 9 October 2014 have been addressed to my satisfaction.

Based on review of the information and the aforementioned explanations, this hearing officer recommends that the Commissioner of Energy and Environmental Protection proceed with the proposed amendment to the regulations governing the boating safety, as amended herein.

5/27/15

Date

/s/ Eleanor C. Mariani

Eleanor C. Mariani
Designated Hearing Officer
Director, Boating Division

APPENDIX A
FOUNDATIONAL DOCUMENTS

STATUTORY BASIS (CGS Section 15-136)
NOTIFICATION OF TOWN OF NEW FAIRFIELD VOTE &
PETITION OF TEN OR MORE PERSONS

Section 15-136 of the Connecticut General Statutes

Sec. 15-136. Ordinances and regulations. (a) Any town, by ordinance, may make local regulations respecting the operation of vessels on any body of water within its territorial limits. Upon adoption, each such ordinance shall be submitted to the commissioner and, if not disapproved by him within sixty days thereafter, shall take effect as provided in subsection (c) of this section. The commissioner may disapprove any ordinance or part thereof which he finds to be arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with the policy of this part.

(b) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, respecting the operation of vessels on any body of water which lies within the territorial limits of two or more towns (1) when no local regulations exist or (2) when such action is required to establish uniformity in the boating regulations of the several towns. Any town, by vote of its legislative body, and any group of ten or more interested persons may petition the commissioner for the adoption, amendment or repeal of the regulations. The commissioner shall hold a public hearing on each such petition in the petitioning town or in one of the towns which will be affected, giving all interested persons an opportunity to present their views. Notice of such hearing, stating the date, time and place thereof and the substance of the proposed regulation, shall be published at least ten days prior thereto in a newspaper of general circulation in the town or towns which will be affected.

(c) All regulations adopted pursuant to the provisions of this section shall take effect upon their publication and posting as required by section 15-138.

(emphasis added)



Town Of New Fairfield

TOWN HALL
4 BRUSH HILL ROAD
NEW FAIRFIELD, CT 06812

(203) 312-5600

Selectmen's Office

June 16, 2014

Commissioner Rob Klee
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

Dear Commissioner Klee:

The Town of New Fairfield's residents have brought to my attention a request to extend the slow-no-wake area of Squantz Cove by 1,000 feet to the south. I understand their concerns and would appreciate you taking their request under serious consideration.

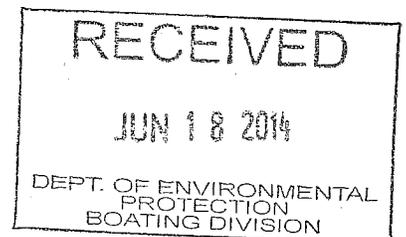
Enclosed please find their petition to amend the current state statute section 15-121-B15a (a)(4) of the Regulations of State Agencies of the State of Connecticut, which was approved by voice vote at a Town Meeting held on Thursday, June 12, 2014. In addition, I am enclosing various letters of support, as well as Meeting Minutes from the June 12th Town Meeting.

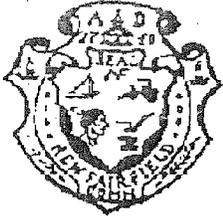
Thank you, in advance, for your consideration. Please don't hesitate to contact my office if there is anything we can do to assist in this matter.

Sincerely,


Susan Chapman
First Selectman

SC:ss
CC: Eleanor Mariani, DEP Director of Boating Division





Town Clerk's Office

TOWN HALL
4 BRUSH HILL ROAD
NEW FAIRFIELD, CT 06812

(203) 312-5616

PAMELA J. DOHAN
CERTIFIED TOWN CLERK

June 12, 2014

Special Town Meeting

The Special Town Meeting was called to order by First Selectman Susan Chapman at 7:00 p.m. After the Pledge of Allegiance was recited, the call of the meeting was read by Pamela Dohan, Town Clerk. Mike Gill made a motion to accept the call as read, seconded by Jim Knoblick, passed by voice vote.

Susan Chapman called for nominations for moderator. Kim Hanson nominated Michael Gill, seconded by Susan Chapman. Hearing no other nominations, Susan Chapman declared Michael Gill the Moderator.

Moderator Gill read the Resolution:

RESOLUTION

WHEREAS, Squantz Cove is a narrow inlet within Candlewood Lake that is wholly within the territorial limits of the Town of New Fairfield.

WHEREAS, the shores of Squantz Cove are occupied by private residences, many with boat docks, a State of Connecticut boat launch and a causeway.

WHEREAS, the State of Connecticut has established a Slow-No-Wake area within Squantz Cove extending from the causeway southeasterly for 1500 feet.

WHEREAS, outside of the existing Slow-No-Wake area, the day time speed limit on the waters of Squantz Cove is 45 mph.

WHEREAS, a 2009 survey of nearly 600 Candlewood Lake boaters conducted by the Connecticut Department of Energy and Environmental Protection found that most survey respondents accessed Candlewood Lake through the area that includes Squantz Cove and that the Squantz Cove area was among the three most popular boating areas of Candlewood Lake.

WHEREAS, the excessive wakes created by boats leaving and entering the State boat launch and using the confined waters of Squantz Cove at high speed pose a personal safety risk and have damaged docks and boats along the shoreline of Squantz Cove.

WHEREAS, the establishment of a Slow-No-Wake area for Squantz Cove extending from the causeway southeasterly for 2500 feet would improve safety on the waters of Squantz Cove and would reduce the potential for damage to boats, docks, and other property by excessive boat wakes.

WHEREAS, Section 15-136(b) of the General Statutes permits any town, by vote of its legislative body, to petition the Commissioner of the Connecticut Department of Energy and Environmental Protection for the adoption, amendment or repeal of any regulation respecting the operation of vessels on any body of water within its territorial limits.

NOW THEREFORE, BE IT

RESOLVED that the Town of New Fairfield shall petition the Commissioner of the State of Connecticut Department of Energy and Environmental Protection, pursuant to General Statutes Section 15-136(b), to amend § 15-121-B15a (a)(4) of the Regulations of State Agencies of the State of Connecticut, by deleting the current § 15-121-B15a (a)(4) and substituting the following therefore:

§ 15-121-B15a. Candlewood Lake special regulation

(a) On the waters of Candlewood Lake, including Squantz Pond, no person shall operate a vessel in excess of the following speed limits:

4) Within the area of Squantz Cove, from the causeway southeasterly for ~~one~~two thousand five hundred feet shall be a Slow-No-Wake area. Said Slow-No-Wake area ~~may at and by the sole discretion of the Commissioner,~~ shall be otherwise delineated by one regulatory marker in the vicinity of the State boat launch visible to all watercraft entering and leaving the State boat launch and one regulatory marker approximately two thousand five hundred feet southeasterly of the causeway visible to all watercraft entering Squantz Cove.

And authorizes the First Selectman to sign such petition on behalf of the Town of New Fairfield, to present said petition to the Commissioner of the Department of Energy and Environmental Protection and to take any and all action in furtherance of said petition and proposed amendment.

Carol Flynn made a motion to move the Resolution to the floor for discussion, seconded by Allan Deutcher. After discussion by Otto Deluke, Susan Chapman, Tom Dinon, Ed Kreinik, Jim Knoblick, Patrick Keogh, Kevin Holick, Patricia Johnson, William Johnson, Curtis Beck, Bruce Taylor, Donna Herter, Dave Sweeney, John Jonas, Frank Forster and Patricia Dinon and letters read from 108th District State Representative, Richard Smith and 24th District State Senator, Michael McLachlan, Moderator Gill called for a motion to close discussion. Motion made by Patrick Keogh, seconded by Alan Deutcher, passed by voice vote. Moderator Gill called for a vote on the Resolution. Resolution passed by voice vote.

Moderator Gill called for a motion to adjourn. Susan Chapman made a motion to adjourn meeting, seconded by Kim Hanson; approved by voice vote. Meeting adjourned at 7:40 p.m.

47 registered voters and 13 visitors in attendance

Voice Votes

Taped

Respectfully Submitted,



Pamela J. Dohan
Town Clerk

PETITION FOR TOWN MEETING

TO THE SELECTMEN OF THE TOWN OF NEW FAIRFIELD:

We, the undersigned, being qualified electors of the Town of New Fairfield and/or eligible to vote in Town Meetings of the Town of New Fairfield, do hereby petition that the following item be part of the agenda for a called Town Meeting and be voted upon by the Town Meeting held in accordance with the provisions of Chapter 90, Title 7 (Town & Other Community Meetings) of the General Statutes of the State of Connecticut:

ITEM:

Insert Board of Selectman call for the Town Meeting here:

The Bogus Hill property owners and surrounding neighbors are looking for approval to move the "no wake" buoys in Squantz Cove on Candlewood Lake in the town of New Fairfield back to their traditional location (an additional 1500 feet south) due to SAFETY concerns. We are located at a very narrow part of the lake and wakes created there do not dissipate. The CT DEEP launch ramp is located in our cove and many boats come in and out thru this location at high speeds. Since the buoys have been moved to the current location, several people in our community have suffered injuries while walking on our community boat docks. The present location is causing damage to the docks and the boats slipped there as well as the numerous private docks and boats in the Bogus area. We ask that the buoys be restored to their farmerside

Please print name and address legibly below. This area.

	PRINT NAME	SIGNATURE	PRINTED ADDRESS (NO PO BOX #)
✓ 2	1 Steven Koef	<i>[Signature]</i>	6 Sunset Dr. New Fairfield CT
✓ 2	2 PATRICK KEOGH	<i>[Signature]</i>	12 BOGUS HILL RD NEWFAIRFIELD CT
✓ 2	3 Eddie Kreinik	<i>[Signature]</i>	14 Bogus Hill Rd, New Fairfield CT
✓ 2	4 Stacey Kreinik	<i>[Signature]</i>	14 Bogus Hill Rd New Fairfield CT
✓ 2	5 Matt Holick	<i>[Signature]</i>	18 Bogus Hill Road New Fairfield CT
✓	6 Kevin J. Holick	<i>[Signature]</i>	18 Bogus Hill Road N.F. CT
✓ 2	7 Judith M Keogh	<i>[Signature]</i>	12 Bogus Hill Rd N.F. CT
✓ 2	8 Panna Hertel	<i>[Signature]</i>	9 Bogus Hill
✓ 2	9 Brian Hertel	<i>[Signature]</i>	9 Bogus Hill
✓	10 Susan Knoblich	<i>[Signature]</i>	4 Bogus Hill Road
✓	11 James Knoblich	<i>[Signature]</i>	4 BOGUS Hill ROAD
✓	12 Robert James	<i>[Signature]</i>	4 Sunset Drive
✓	13 FRANK FORSTER	<i>[Signature]</i>	4 CECILIA LANE
✓	14 June Forster	<i>[Signature]</i>	4 CECILIA Lane
✓	15 Robert Farney	<i>[Signature]</i>	8 CECILIA LANE
✓	16 Debra Farney	<i>[Signature]</i>	8 Cecilia Lane
✓	17 Ann Forster	<i>[Signature]</i>	6 Cecilia Lane
✓	18 Brian Kurth	<i>[Signature]</i>	5 GREAT MEADOW RD NF
✓ 2	19 Patricia Reynolds	<i>[Signature]</i>	97 Rte 39, New Fairfield ct
X	20 Heather Lineberger	<i>[Signature]</i>	102 Candlewood Lake Rd. New Milford CT
X	21 KRISTIN HAWLEY	<i>[Signature]</i>	12 ROBLINE RD, DANBURY CT
✓	22 Anthony Falano	<i>[Signature]</i>	84 Gillotti Rd NF CT
✓	23 James Falano	<i>[Signature]</i>	84 Gillotti Rd. New Fairfield, CT
X 2	24 Sean Simonsen	<i>[Signature]</i>	43 Rt 37 NF. CT
✓ 2	25 Kristina Ebbesen	<i>[Signature]</i>	6 pondfield Rd NF ct
✓	26 Anthony Penna	<i>[Signature]</i>	11 Donnelly Drive NF CT
✓ 2	27 Jodi Penna	<i>[Signature]</i>	11 Donnelly Dr. NF CT
✓ 2	28 WILLIAM KURTH	<i>[Signature]</i>	5 GREAT MEADOW NF CT
✓	29 Jon Jonas	<i>[Signature]</i>	6 Bogus Hill Rd NF CT
✓	30 Gail Jonas	<i>[Signature]</i>	6 Bogus Hill Rd NF, CT

I, the circulator of this petition for the above town meeting, state under penalties of false statement, that my New Fairfield address is: 12 BOGUS HILL RD, that I am a resident of the Town of New Fairfield and/or am eligible to vote in the Town of New Fairfield; that each person whose name appears on this page signed the same in person in my presence; that I either know each signer or that each such signer satisfactorily identified himself/herself to me; and that all signatures shown on this page were obtained not earlier than six (6) months prior to the filing of this petition.

20 Received

DATE: 9/12/13

SIGNED BY: *[Signature]* X

	PRINT NAME	SIGNATURE	PRINTED ADDRESS (NO PO BOX #)
1	Alicia Gibson	<i>Alicia Gibson</i>	15 Sunset Dr New Fairfield Ct
2	Deji Gibson	<i>Deji Gibson</i>	15 Sunset Dr NF, CT
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APPENDIX B
DRAFT REGULATORY PROPOSAL

NOTICE OF INTENT
PROPOSED REGULATION / STATEMENT OF PURPOSE
MAP
DRAFT FISCAL ESTIMATE
DRAFT SMALL BUSINESS IMPACT STATEMENT



Notice of Intent to Amend the Boating Safety Regulations to Extend a Slow-No-Wake Zone in Squantz Cove (Candlewood Lake, New Fairfield)

In accordance with section 4-168 of the Connecticut General Statutes (CGS) the Commissioner of the Department of Energy and Environmental Protection (DEEP) hereby gives notice of his intent to amend Section 15-121-B15a of the Regulations of the Connecticut State Agencies to extend a Slow-No-Wake zone in Squantz Cove on Candlewood Lake. This amendment is being proposed under the authority granted to the Commissioner in CGS Section 15-121(b)(11) and pursuant to a vote of the town of New Fairfield legislative body and petition of ten or more persons requesting the subject action under CGS Section 15-136.

Description: Under this proposal an existing Slow-No-Wake zone will be extended from 1500 feet southeast from the Squantz Cove Causeway to 2500 feet. The purpose of the proposal is to “improve safety on the waters of Squantz Cove and to minimize potential for damage to boats, docks and other property by excessive wakes...created by boats leaving and entering the State boat launch and using the confined waters of Squantz Cove at high speed...” (letter to Robert Klee, DEEP Commissioner, from Susan Chapman, First Selectman, New Fairfield, 16 June 2014). The term “Slow-No-Wake” is defined in Section 15-121-A1 of the Regulations of the Connecticut State Agencies.

There is no anticipated fiscal impact to the municipality or to the State. There is no anticipated adverse impact to small business.

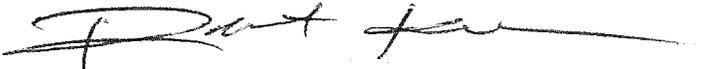
Written Comments: All interested persons are invited to submit comments regarding the proposed amendment to the DEEP-Marine Headquarters, Boating Division, P.O. Box 280, Old Lyme, CT 06371. All comments should be directed to the attention of Timothy Delgado and must be received between 8:00 AM on 29 September 2014 and 4:00 PM on 28 November 2014. Comments may be submitted by post, facsimile to (860) 434-3501 or by electronic mail to timothy.delgado@ct.gov. Only those written comments containing the name and address of the commenter will be considered.

Public Hearing: In addition to accepting written comments, DEEP will also hold the public hearing described below. The Commissioner requests that any person giving oral comment at the hearing also submit a written copy of such comments.

PUBLIC HEARING
29 October 2014
6:30 PM
New Fairfield Community Room
33 Route 37
New Fairfield, CT

Copies of the proposed amendment, the associated fiscal and small business impact statements, and statement required under 22a-6(h) are available for public inspection during normal business hours and may be obtained from Timothy Delgado at the DEEP Marine Headquarters located at 333 Ferry Road, Old Lyme, Connecticut, 06371. The same documents will be posted on DEEP's website.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact us at (860) 418-5910 or deep.accommodations@ct.gov if you: have a disability and need a communication aid or service; have limited proficiency in English and may need information in another language; or if you wish to file an ADA or Title VI discrimination complaint. Any person needing a hearing accommodation may call the State of Connecticut relay number - 711. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.



Robert Klee
Commissioner

Date 10/2/14

REGS-1 Rev. 09/2013
(Title page)

For permanent regulations
First NOTICED ON AND AFTER JULY 1, 2013

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For *emergency regulations*, use form REGS-1-E instead.
For *non-substantive technical amendments and repeals* proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY: Department of Energy and Environmental Protection

Concerning

SUBJECT MATTER OF REGULATION: Extension of Squantz Cove (Candlewood Lake) Slow-No-Wake Zone

Subsection (a) of Section 15-121-B15a of the Regulations of the Connecticut State Agencies is amended to read as follows:

(a) On the waters of Candlewood Lake, including Squantz Pond, [no person shall operate a vessel in excess of the following speed limits] the following restrictions shall apply:

- (1) [25] No person shall operate a vessel in excess of twenty-five (25) miles per hour from one half hour after sunset to one half hour before sunrise;
- (2) [45] No person shall operate a vessel in excess of forty-five (45) miles per hour [daytime limit] from one half hour before sunrise to one half hour after sunset;
- (3) Within the area of Lattins Cove, from the end northerly for two-thousand five-hundred (2,500) feet no person shall operate a vessel in excess of Slow-No-Wake. Said Slow-No-Wake area may at and by the sole discretion of the [commissioner] Commissioner, be otherwise [deliniated] delineated by regulatory marker(s).
- (4) Within the area of Squantz Cove, from the causeway southeasterly for [one] two- thousand [five hundred] five-hundred (2,500) feet [shall be a] no person shall operate a vessel in excess of Slow-No-Wake [area]. Said Slow-No-Wake area [may at and by the sole discretion of the commissioner,] shall be otherwise [deliniated] delineated by one regulatory [marker(s)] marker in the vicinity of the State boat launch visible to all watercraft entering and leaving the State boat launch and one regulatory marker approximately two-thousand five-hundred (2,500) feet southeasterly of the causeway visible to all watercraft entering Squantz Cove.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

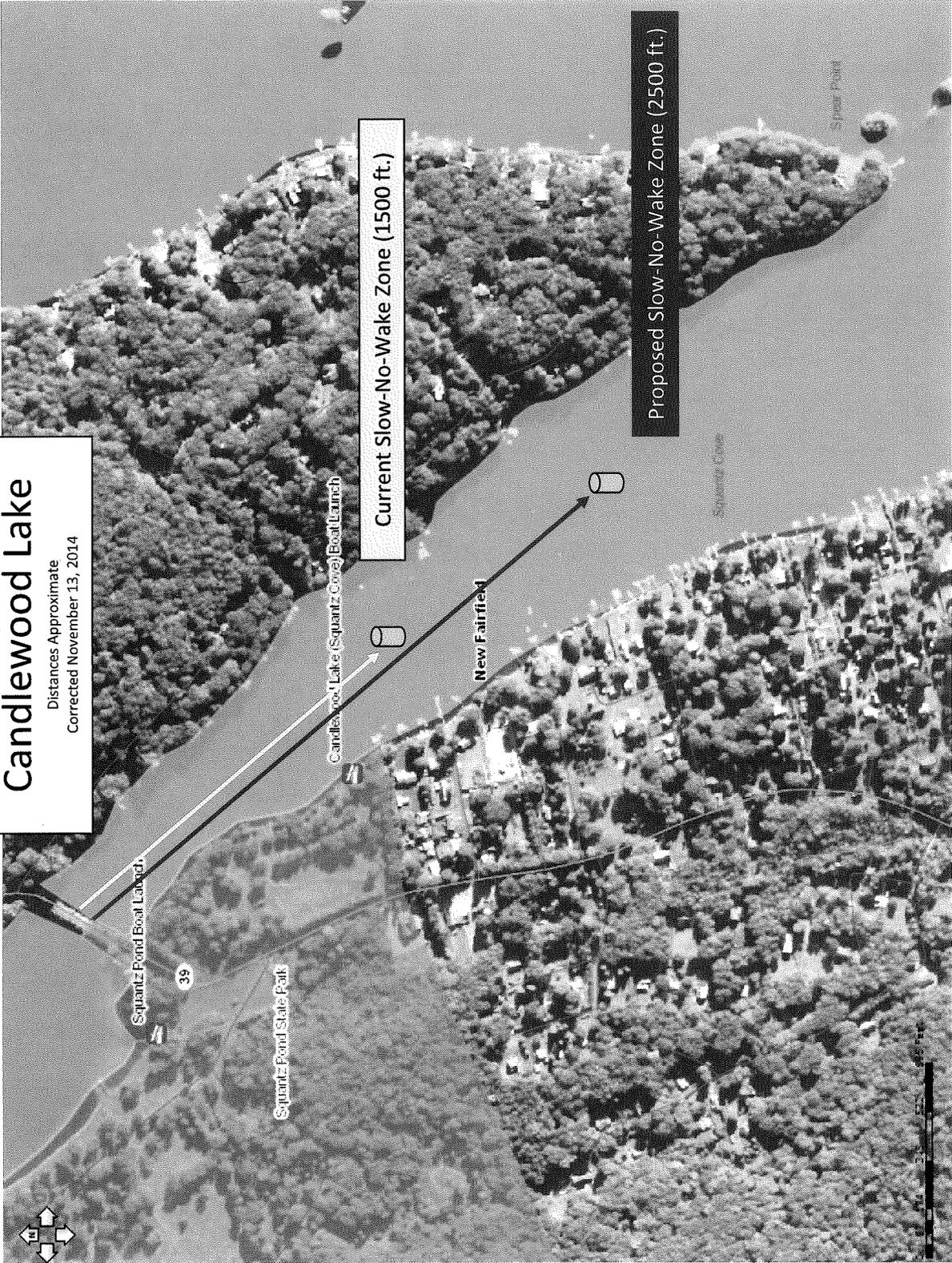
Under this proposal the boating safety regulations will be amended to extend an existing Slow-No-Wake zone in Squantz Cove, Candlewood Lake, in the Town of New Fairfield. The proposal of this amendment follows the 12 June 2014 vote of the Town of New Fairfield legislative body and petition of ten or more persons, as prescribed under Section 15-136(b)(2).

This proposal seeks to "improve safety on the waters of Squantz Cove and to minimize potential for damage to boats, docks and other property by excessive wakes...created by boats leaving and entering the State boat launch and using the confined waters of Squantz Cove at high speed..." (letter to Robert Klee, DEEP Commissioner, from Susan Chapman, First Selectman, New Fairfield, 16 June 2014). The term "Slow-No-Wake" is defined in Section 15-121-A1 of the Regulations of the Connecticut State Agencies.

There is no anticipated fiscal impact to the municipality or to the State. There is no anticipated adverse impact to small business.

This proposal is offered under the authority granted to the Commissioner in Section 15-121(b)(11) of the General Statutes.

**Squantz Cove
Candlewood Lake**
Distances Approximate
Corrected November 13, 2014



Current Slow-No-Wake Zone (1500 ft.)

Proposed Slow-No-Wake Zone (2500 ft.)

DRAFT AGENCY FISCAL ESTIMATE OF PROPOSED REGULATION

Agency Submitting Regulation: Department of Energy and Environmental Protection **Date:** 18 September 2014

Subject Matter of Regulation: Boating Safety – Extension of Squantz Cove (Candlewood Lake) Slow-No-Wake Zone

Regulation Section No.: Amendment of Section 15-121-B15a

Statutory Authority: CGS Section 15-121(b)(11), CGS Section 15-136(b)(2)

Other Agencies Effected: None

Effective Date Used In Cost Estimate: 18 September 2014

Estimate Prepared By: Eleanor C. Mariani, Director, Boating Division **Telephone No.:** 860-434-8638

ESTIMATE OF COST OR REVENUE IMPACT OF PROPOSED REGULATION

Agency: Energy and Environmental Protection **Fund Affected:** None

	First Year	Second Year	Full Operation
Number of Positions	0	0	0
Personal Services	0	0	0
Other Expenses	0	0	0
Equipment	0	0	0
Grants	0	0	0
Total State Cost	0	0	0
Estimated Revenue Gain	0	0	0
Total Net State Cost	0	0	0

Explanation of State Impact of Regulation:

No fiscal impact to the State is anticipated.

Explanation of Municipal Impact of Regulation:

No fiscal impact to the municipality is anticipated.

Explanation of Small Business Impact of Regulation:

No adverse impact to small business is anticipated.

Is a regulatory flexibility analysis required pursuant to C.G.S. 4-168a?

No regulatory flexibility analysis is required.

DRAFT SMALL BUSINESS IMPACT STATEMENT

18 September 2014

Subject matter of regulation:

Extension of Squantz Cove (Candlewood Lake) Slow-No-Wake Zone

Amendment of RCSA 15-121-B15a

Authority by CGS Section 15-121(b)(11) and Section 15-136(b)(2)

Revision Date: 18 September 2014

State Agency submitting proposed regulations:

Department of Energy and Environmental Protection

Boating Division

P.O. Box 280

Old Lyme, CT 06371

Eleanor C. Mariani, Boating Director (860) 434-8638

Robert LaFrance, Legislative Liaison, (860) 424-3401

Prior to adopting a new section or amendment to a regulation, Section 4-168a of the Connecticut General Statutes (C.G.S.) requires that each state agency consider the effect of such action on small businesses as defined in C.G.S. Section 4-168a. When such regulatory action may have an adverse effect on small businesses, C.G.S. Section 4-168a directs the agency to consider regulatory requirements that will minimize the adverse impacts on small businesses if the addition of such requirements (1) will not interfere with the intended objectives of the regulatory action and (2) will allow the new section or amendment to remain consistent with public health, safety and welfare.

Small Business Impact Statement:

In accordance with C.G.S. Section 4-168a, staff analyzed the effect on small businesses of the proposed regulations and determined the following:

The regulatory action will not have an effect on small businesses.

Because the proposed regulation will have no effect on small business, the Department of Economic and Community Development (DECD) is not required to be notified of the proposed action and no regulatory flexibility analysis is proffered. An agency fiscal estimate has been completed.

APPENDIX C
HEARING RELATED DOCUMENTS

NEWSPAPER NOTICE OF HEARING
HEARING OFFICER DESIGNATION
CGS Section 22a-6(h) STATEMENT
HEARING SIGN-UP SHEETS

PUBLIC HEARING
Proposed Regulation to Extend a Slow No Wake Zone in Squantz Cove
Candlewood Lake, New Fairfield

29 October 2014
6:30 PM
New Fairfield Community Room
33 Route 37
New Fairfield, CT

In accordance with section 15-136 of the Connecticut General Statutes (CGS) the Department of Energy and Environmental Protection (DEEP) hereby gives notice that it will be holding a public hearing to hear comments regarding its proposal to extend a Slow-No-Wake zone in Squantz Cove on Candlewood Lake from 1500 feet southeast from the Squantz Cove Causeway to 2500 feet. Details of the proposal and associated documentation are available through the "Laws and Regulations" link on the DEEP website (www.ct.gov/deep), or by contacting Tim Delgado at the DEEP Marine Headquarters (see contact information below).

All interested persons are invited to submit comments regarding the proposal. Oral comments will be accepted only at the public hearing. Written comments will be accepted until by 4:00 PM on 28 November 2014 and should be directed to: DEEP-Marine Headquarters, Boating Division, P.O. Box 280, Old Lyme, CT 06371, ATTN: Tim Delgado. Comments may also be submitted by facsimile to (860) 434-3501 or by electronic mail to timothy.delgado@ct.gov. Only those written comments containing the name and address of the commenter will be considered. The Commissioner requests that any person giving oral comment at the hearing also submit a written copy or summary of such comments. Questions can be directed to Tim Delgado at (860) 447-4354.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact us at (860) 418-5910 or deep.accommodations@ct.gov if you: have a disability and need a communication aid or service; have limited proficiency in English and may need information in another language; or if you wish to file an ADA or Title VI discrimination complaint. Any person needing a hearing accommodation may call the State of Connecticut relay number - 711. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.

Published in the News-Times on October 14, 2014

THE NEWS-TIMES

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PUBLIC NOTICES

PUBLIC HEARING Proposed Regulation to Extend a Slow No Wake Zone in Squantz Cove... Candelwood Lake, New Fairfield

In accordance with section 15-136 of the Connecticut General Statutes (CGS) the Department of Energy and Environmental Protection (DEEP) hereby gives notice that it will be holding a public hearing to hear comments regarding its proposal to extend a Slow-No-Wake zone in Squantz Cove on Candelwood Lake from 1500 feet to 2000 feet.

All interested persons are invited to submit comments regarding the proposal. Oral comments will be accepted only at the public hearing. Written comments will be accepted until 4:00 PM on 28 November 2014 and should be directed to: DEEP-Marine Headquarters, Boating Division, P.O. Box 280, Old Lyme, CT 06377.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act.

LEGAL NOTICE

CITY OF DANBURY COMMUNITY DEVELOPMENT BLOCK GRANT COBA PROGRAM NOTICE OF AVAILABILITY... REPORT (CAPER) FY08 - AUGUST 1, 2013 TO JULY 31, 2014

At the end of each program year, the City is required to prepare a Comprehensive Annual Performance and Evaluation Report (CAPER), which contains three basic elements: (1) a summary of the program's activities and programmatic accomplishments; (2) the status of actions taken during the year to implement its overall strategy; and (3) a self-evaluation of the program's performance.

The City of Danbury has prepared its draft CAPER for Program Year 2013 (August 1, 2013 through July 31, 2014) and is making it available for public comment and review at City Hall, City of Danbury, 150 Deer Hill Avenue, Danbury, CT at the Finance Director's Office on the second floor Monday-Wednesday, 7:00 A.M. to 5:00 P.M. and Thursday, 7:30 A.M. to 5:30 P.M., beginning Tuesday, October 14, 2014 through Tuesday, October 28, 2014.

RFP The Housatonic Valley Council of Elected Officials (HVCEO) announces a Request for Proposals (RFP) for On-Call Emergency Shelter Medical Staffing.

RFP The Housatonic Valley Council of Elected Officials (HVCEO) announces a Request for Proposals (RFP) for On-Call Emergency Shelter Equipment and Supplies.

RFP The Housatonic Valley Council of Elected Officials (HVCEO) announces a Request for Proposals (RFP) for On-Call Emergency Shelter Medical Staffing.

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Hearing Officer Delegation

In accordance with the provisions of section 22a-2 of the Connecticut General Statutes, Eleanor C. Mariani, Director of the Boating Division of the Bureau of Outdoor Recreation, is hereby appointed as a hearing officer to allow said officer to conduct a public hearing on **29 October 2014** and to render a decision regarding the proposed amendment of Section 15-121-B15a of the Regulations of the Connecticut State Agencies, which provides for the following:

- Extension of an existing Slow-No-Wake zone in Squantz Cove on Candlewood Lake from 1500 feet southeast of the Squantz Cove Causeway to 2500 feet.

The purpose of this proposal is to “improve safety on the waters of Squantz Cove and to minimize potential for damage to boats, docks and other property by excessive wakes...created by boats leaving and entering the State boat launch and using the confined waters of Squantz Cove at high speed...” (letter to Robert Klee, DEEP Commissioner, from Susan Chapman, First Selectman, New Fairfield, 16 June 2014).

The amendment is being proposed under the authority granted to the Commissioner in CGS Section 15-121(b)(11) and pursuant to the 12 June 2014 vote of the Town of New Fairfield legislative body and petition of ten or more persons requesting the subject action under CGS Section 15-136.

Robert Klee
Commissioner

10/2/14
Date



22a-6(h) ANALYSIS

**Federal Standards Analysis Pursuant to Section 22a-6(h) of the General Statutes
Regarding the
Amendment of Section 15-121-B15a
of the
Regulations of Connecticut State Agencies**

In accordance with the requirements of section 22a-6(h) of the Connecticut General Statutes (CGS), in the matter of the proposed revision of section 15-121-B15a of the Regulations of Connecticut State Agencies (RCSA), the Department of Environmental Protection has performed a comparison with federal provisions, which is set out below.

- Regarding the proposed extension of an existing Slow-No-Wake zone in Squantz Cove on Candlewood Lake, there is no analogous federal standard for this activity.

10/3/14
Date

Eleanor C. Mariani
Eleanor C. Mariani/
Director, Boating Division

Controlling legal authority:

The commissioner may adopt regulations pertaining to activities for which the federal government has adopted standards or procedures.

All provisions of such regulations which differ from federal standards or procedures shall be clearly distinguishable from such standards or procedures either on the face of the proposed regulation or through supplemental documentation accompanying the proposed regulation at the time of the notice concerning such regulation required under section 4-168.

An explanation for all such provisions shall be included in the regulation-making record required under chapter 54 and shall be publicly available at the time of the notice concerning the regulation required under section 4-168.

This requirement shall apply to any regulation for which a notice of intent to adopt is published on and after July 1, 1999

Proposed Amendment to Extend a Slow-No-Wake Zone on Squantz Cove
RCSA Section 15-121-B15a

Public Hearing, New Fairfield Community Room
29-Oct-14

~~RESIDENT or LANDOWNER~~
PROVIDING TESTIMONY

✓	Name	Eddie Kreinik	For ✓
→	Address	14 Bogus Hill Rd.	Against
			Other
	email	eddie @ adspaceink.com	
✓	Name	LORIS EMINENTE	For ✓
	Address	10 Sunset DR. NF CT 06812	Against
			Other
	email	LEMINENTE@GMAIL.COM	
✓	Name	FRANK C. FORSTER	For ✓
	Address	4 and 6 CECELIA LANE NEW FAIRFIELD, CT 06819	Against
			Other
	email		
✓	Name	BOB ZIPPIS	For
	Address	182 BRENTMOOR RD. EAST HARTFORD, CT 06118-1708	Against
			Other
	email		
✓	Name	Emil Halas	For ✓
	Address	2 Bogus Hill Rd	Against
			Other
	email	emil.halas @ gmail.com	

1 of 4

Proposed Amendment to Extend a Slow-No-Wake Zone on Squantz Cove
RCSA Section 15-121-B15a

Public Hearing, New Fairfield Community Room
29-Oct-14

~~RESIDENT or LANDOWNER~~
PROVIDING TESTIMONY

Name	FREDRIK TESTOR	For <input checked="" type="checkbox"/>
Address	8 Penny Lane	Against
	N F	Other
email	TESTORSON @ AOL.COM	
Name		For
Address		Against
		Other
email		
Name		For
Address		Against
		Other
email		
Name		For
Address		Against
		Other
email		
Name		For
Address		Against
		Other
email		

2 of 4

Proposed Amendment to Extend a Slow-No-Wake Zone on Squantz Cove
RCSA Section 15-121-B15a

Public Hearing, New Fairfield Community Room
29-Oct-14

~~RESIDENT~~ or ~~LANDOWNER~~
PROVIDING TESTIMONY

Name	William Johnson	For
Address	Sherman Ln New Fairfield	Against
	BH Johnson > @ hotmail.com	Other
email		
Name	John Flynn	For
Address	30 Sunset Dr.	Against
	N.F., CT 06812	Other
email jflynn1@charter.net		
Name		For
Address		Against
		Other
email		
Name		For
Address		Against
		Other
email		
Name		For
Address		Against
		Other
email		

30/84

Proposed Amendment to Extend a Slow-No-Wake Zone on Squantz Cove
RCSA Section 15-121-B15a

Public Hearing, New Fairfield Community Room
29-Oct-14

NOT PROVIDING TESTIMONY BUT REQUESTING NOTIFICATION

Name	FREDRIK TESTOR	For
Address	8 PENNY LN	Against
	N FAIRFIELD CT	Other
email	TESTORSON@AOL.COM	
Name	KAREN LOVEQUIST	For <input checked="" type="checkbox"/>
Address	19 BOGUS Hill Road	Against
	New Fairfield, CT	Other
email	KarenLovequist@yahoo.com	
Name	CAROL FLYNN	For <input checked="" type="checkbox"/>
Address	30 SUNSET DR BOGUS HILL	Against
	NEW FAIRFIELD CT 06812	Other
email	CAROLUNIT47@CHARTER.NET	
Name	MARY PAT & ROBERT LAWRENCE	For <input checked="" type="checkbox"/>
Address	4 SUNSET DRIVE	Against
	NEW FAIRFIELD CT 06812	Other
email	natlrc@aol.com	
Name	COREY BENSON	For <input checked="" type="checkbox"/>
Address	38 BOGUS Hill Rd	Against
	New Fairfield, CT 06812	Other
email		

M

Proposed Amendment to Extend a Slow-No-Wake Zone on Squantz Cove
RCSA Section 15-121-B15a

Public Hearing, New Fairfield Community Room
29-Oct-14

NOT PROVIDING TESTIMONY BUT REQUESTING NOTIFICATION

Name	FRANK C. FORSTER	For <input checked="" type="checkbox"/>
Address	4 CECILIA LANE	Against
	NEW FAIRFIELD, CT 06812	Other
email	franklake@charter.net	
Name	JOHN W. MUSKUS	For <input checked="" type="checkbox"/>
Address	8 SUNSET DRIVE	Against
	NEW FAIRFIELD, CT, 06812	Other
email	JWMUSKUS@AMAIL.COM	
Name		For
Address		Against
		Other
email		
Name		For
Address		Against
		Other
email		
Name		For
Address		Against
		Other
email		

**APPENDIX D
COMMENTS**

COMMENT SUMMARY
COMMENTS

**Proposed Amendment to RCSA Section 15-121-B15a(a) to Extend a Slow-No-Wake
Zone in Squantz Cove, Candlewood Lake, New Fairfield, CT**

**HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index**

Exhibit 1-21 (21 For), 22 (1 Against)
Public Notice and Comment Opening 9 October 2014
Pubic Hearing 29 October 2014
Comment Closing 28 November 2014

Exhibit	Commenter	Pull Quote	Type	Date
FOR				
1	Eddie Kreinik	"Local parents have elected to keep their children out of the lake during certain hours rather than risk injury to them. Damage to boats and docks continues to escalate."	Audio: Track 3 @ 8:00	29-Oct-14
			email	5-Nov-14
2	Loris Eminente	"I can tell you from personal experience that on September 27, 2014 I fell while on my dock when a boat drove by at high speed creating a wake that was large enough to propel me (220 pounds) in the air and causing me to land on my left arm. The dock where I fell is located diagonally across from the boat launch in Squantz Cove on Bogus Hill."	Audio: Track 4 @ 2:40	29-Oct-14
			email	16-Nov-14
3	Frank Forster	"The speed of the boats...there just is no regard for us...We don't even bother using a boat on the weekends because it's just so crazy out there"	Audio: Track 4 @ 4:50	29-Oct-14
4	Emil Halas	"...it's just not safe out there. People are scared. I definitely wouldn't want a kid out there in a canoe..."	Audio: Track 5 @ 4:52	29-Oct-14
5	Fredrik Testor	"We have seen a couple of docks break loose this year that have never in the fifteen years I've been there...It's the worst it's been in fifteen years."	Audio: Track 5 @ 7:24	29-Oct-14
6	William Johnson	"This cove...is a dangerous area for paddleboarders."	Audio: Track 6 @ 1:44	29-Oct-14
7	John Flynn	"Everybody...in favor of moving the buoys...is a ...waterfront resident on the cove and has experienced some damage due to the heavy wakes..."	Audio: Track 6 @ 3:44	29-Oct-14
8	Karen Lovequist	Did not testify but indicated support	Checkbox	29-Oct-14
9	Carol Flynn	Did not testify but indicated support	Checkbox	29-Oct-14
10	Robert Lauria	Did not testify but indicated support	Checkbox	29-Oct-14
11	Mary Pat Lauria	Did not testify but indicated support	Checkbox	29-Oct-14
12	Corey Benson	Did not testify but indicated support	Checkbox	29-Oct-14
13	John Muskus	Did not testify but indicated support	Checkbox	29-Oct-14

HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index

Exhibit 1-21 (21 For), 22 (1 Against)
 Public Notice and Comment Opening 9 October 2014
 Public Hearing 29 October 2014
 Comment Closing 28 November 2014

Exhibit	Commenter	Pull Quote	Type	Date
14	Jim Knoblich	"The movement of buoys for safety and other reasons is an issue of extreme importance to those Connecticut residents and others who are most impacted by the current placement."	Letter	22-Oct-14
15	Dr. Barry Freeman	"This action is long over due. We have both had near falls on the Bogus Hill Association boating dock, caused by speeding fishing boat waves I the area of the Boat Launching ramp."	Letter	19-Nov-14
16	Dr. Tamara Freeman			
17	Morton Povman	"Last year my wife Sandra and I were at the Bogus Hill docks setting up a sail on our sailboat when a passing motor boat made such a huge wave that both of us fell and were injured and required medical treatment at Danbury Hospital."	Letter	17-Nov-14
18	Susan Knoblich	"Numerous times I have been on my dock and nearly knocked off by the wakes of the boaters coming into the cove"	email	12-Nov-14
19	Robert Toms	"I have seen people at the Bogus Hill boat dock get knocked off their feet due to wakes created by high speed boat traffic this past summer."	email	5-Nov-14
20	Suzi Mitchell	"...moving the buoys is imperative for the safety of all."	email	5-Nov-14
21	Patrick Keogh	" There is also a danger to people who want to sit on their docks, due to speeding boats which can cause high waves and knock people into the water. This happened to my daughter..."	email	28-Oct-14

AGAINST

22	Bob Zipps	"And yet being safety conscious and knowing all of the above facts, there are those abutters who completely ignored the above facts and chose to install docks that were not suitable for the conditions that have existed on the lake for generations...All that the abutters would have to do is install unsuitable docks, and ask for that section of the lake to have a 6 mph. Where does it all end??? Before you know it, the entire lake would have a 6 mph limit."	Audio: Track 4 @6:35	29-Oct-14
			email	24-Nov-14

Notice of Audio Record

Provided By: E. KREINIK

Comment Provided at Public Hearing October 29, 2014*

Track	Time
3	8:00

FOR

AGAINST

OTHER

*The referenced audio record is available by written request through the DEEP Boating Division, P.O. Box 280, Old Lyme, CT 06371 or by email via timothy.delgado@ct.gov

Those requesting the audio record may be asked to provide digital recording media (e.g. a flash drive)

EXHIBIT 1A

Delgado, Timothy

From: Eddie Kreinik [eddie@magicinkinteractive.com]
Sent: Wednesday, November 05, 2014 10:08 AM
To: Delgado, Timothy
Subject: Squaz cove Buoy placement.

Tim,

I wanted to write you in reference to the buoy placement in Squaz cove.

At the New Fairfield public hearing, speaker after speaker shared their personal stories of injury, near injury and property damage caused by high speed boat traffic in the narrow Cove. In the interim since that meeting, yet another local resident was injured after having been knocked down by the large wakes generated while he was standing on his boat dock. Local parents have elected to keep their children out of the lake during certain hours rather than risk injury to them. Damage to boats and docks continues to escalate. Now the shoreline has begun to show the effects of the continuous impact of large wakes and is eroding at an alarming rate. This area of the lake is just too narrow to support the level of traffic that has been incurred by the public boat launch. Please consider moving the buoys out to where they belong.

Local residents are not alone in their concern and support of repositioning the buoys. Many fishermen, recreational boaters, out of state users and local representatives, including Senator Chris Murphy, Representative Richard Smith, State Senator Michael McLachlan, First Selectman Susan Chapman and Candlewood Lake Authority Executive Director Larry Marsicano have all recognized the seriousness of the problem and offered their support for the proposal.

As there is no material negative impact and as there is no monetary cost and as the movement of the buoys would result in the removal of a very real threat to lives and property, I respectfully request that the Department of Energy and Environmental Protection move the proposal into law.

Thanks for your consideration.

Please Note our New Address


Eddie Kreinik
President | P 212 244 4350 x 12 | F 212 244 3820 | M 917 359 1858 | 263 West 38th Street,
3rd Floor, New York, NY 10018 | magicinkinteractive.com

Notice of Audio Record

Provided By: L. EMINENTE

Comment Provided at Public Hearing October 29, 2014*

Track	Time
4	2:40

FOR

AGAINST

OTHER

*The referenced audio record is available by written request through the DEEP Boating Division, P.O. Box 280, Old Lyme, CT 06371 or by email via timothy.delgado@ct.gov

Those requesting the audio record may be asked to provide digital recording media (e.g. a flash drive)

EXHIBIT 2A

Delgado, Timothy

From: Loris Eminente [leminente@gmail.com]
Sent: Sunday, November 16, 2014 1:37 PM
To: Delgado, Timothy
Subject: Slow-No-Wake Zone in Squantz Cove

Dear Mr. Delgado – I am writing to let you know that I am in favor with extending the no-wake zone in Squantz Cove. The current location of the no-wake zone creates a hazardous and dangerous environment for those of us who live on the cove and use the lake recreationally. I can tell you from personal experience that on September 27, 2014 I fell while on my dock when a boat drove by at high speed creating a wake that was large enough to propel me (220 pounds) in the air and causing me to land on my left arm. The dock where I fell is located diagonally across from the boat launch in Squantz Cove on Bogus Hill. The pain from the fall was excruciating; I endured the pain until very early the next morning when I went to the emergency room at Danbury Hospital. I was examined by Dr. Andrew Webber and x-rays were taken of my arm but Dr. Webber said there were no broken bones and that the fall had caused a large contusion and hematoma in my upper left arm. Dr. Webber indicated that I should see an orthopedist if the pain or symptoms worsened.

The pain after my visit to the ER had not improved and I scheduled an appointment with Dr. Angelo Ciminiello of Danbury Orthopedics on October 15, 2014. After the initial examination there was enough concern to schedule an MRI that same afternoon. Dr. Ciminiello called me the next day to confirm that the fall on the dock had caused a complete tear of my rotator cuff and that I would need to schedule surgery to correct the injury. Dr. Ciminiello was able to schedule my surgery on October 23, 2014. The procedure went well but the recovery from rotator cuff surgery to date has been difficult because there is still a lot of pain and sleeping has been virtually impossible as one cannot sleep horizontally – sleeping in a seated or reclined position is recommended to minimize the pressure placed on the shoulder and repaired rotator cuff.

Dr. Ciminiello has told me that recovery from rotator cuff surgery takes anywhere from four to six months and that I would need to continue physical therapy three times per week during the entire time to complete my recovery. This ordeal has been very painful and unpleasant; it has impacted my work as I haven't been able to travel, and my out-of-pocket medical expenses not covered by my medical insurance have been in the thousands of dollars. Not to mention the remaining months of physical therapy ahead of me.

I know that several other people who were at the hearing on October 29th mentioned the other instances where other Bogus Hill residents fell on the docks due to large wakes as well as other personal accounts of close calls other people have had with speeding boats while on rafts, paddle boats, sail boats and jet skis. From a safety and security perspective, there is no

rationale for keeping the no-wake-zone in its current location; it would be irresponsible not to move their location as far south as possible.

Mr. Delgado, I am happy to provide you with medical records or any proof that you might need to support the above account. I appreciate your work to get the no-wake-zone moved. Please let me know if there is anything else that I can do to help in this effort.

Regards,

Loris

Loris Eminente
10 Sunset Drive
New Fairfield, CT 06812
1-201-410-0751 (mobile)

Notice of Audio Record

Provided By: F. FORSTER

Comment Provided at Public Hearing October 29, 2014*

Track	Time
4	4:50

FOR

AGAINST

OTHER

*The referenced audio record is available by written request through the DEEP Boating Division, P.O. Box 280, Old Lyme, CT 06371 or by email via timothy.delgado@ct.gov

Those requesting the audio record may be asked to provide digital recording media (e.g. a flash drive)

EXHIBIT 3

Notice of Audio Record

Provided By: E HALAS

Comment Provided at Public Hearing October 29, 2014*

Track	Time
5	4:52

FOR

AGAINST

OTHER

*The referenced audio record is available by written request through the DEEP Boating Division, P.O. Box 280, Old Lyme, CT 06371 or by email via timothy.delgado@ct.gov

Those requesting the audio record may be asked to provide digital recording media (e.g. a flash drive)

EXHIBIT 4

Notice of Audio Record

Provided By: F. TESTOR

Comment Provided at Public Hearing October 29, 2014*

Track	Time
5	7:24

FOR

AGAINST

OTHER

*The referenced audio record is available by written request through the DEEP Boating Division, P.O. Box 280, Old Lyme, CT 06371 or by email via timothy.delgado@ct.gov

Those requesting the audio record may be asked to provide digital recording media (e.g. a flash drive)

EXHIBIT 5

Notice of Audio Record

Provided By: W. Johnson

Comment Provided at Public Hearing October 29, 2014*

Track	Time
6	1:44

FOR

AGAINST

OTHER

*The referenced audio record is available by written request through the DEEP Boating Division, P.O. Box 280, Old Lyme, CT 06371 or by email via timothy.delgado@ct.gov

Those requesting the audio record may be asked to provide digital recording media (e.g. a flash drive)

EXHIBIT 6

Notice of Audio Record

Provided By: J. FLYNN

Comment Provided at Public Hearing October 29, 2014*

Track	Time
6	3:44

FOR

AGAINST

OTHER

*The referenced audio record is available by written request through the DEEP Boating Division, P.O. Box 280, Old Lyme, CT 06371 or by email via timothy.delgado@ct.gov

Those requesting the audio record may be asked to provide digital recording media (e.g. a flash drive)

EXHIBIT 7

Proposed Amendment to Extend a Slow-No-Wake Zone on Squantz Cove
RCSA Section 15-121-B15a

Public Hearing, New Fairfield Community Room
29-Oct-14

NOT PROVIDING TESTIMONY BUT REQUESTING NOTIFICATION

Name	FREDRIK TESTOR	For
Address	3 PENNY LN N FAIRFIELD CT	Against
email	TESTORSON@AOL.COM	Other
Name	KAREN LOVEQUIST	For <input checked="" type="checkbox"/>
Address	19 BOGUS HILL ROAD New Fairfield, CT	Against
email	KarenLovequist@yahoo.com	Other
Ex. 8		
Name	CAROL FLINN	For <input checked="" type="checkbox"/>
Address	30 SUNSET DR BOGUS HILL New Fairfield, CT 06812	Against
email	CAROLUNIT47@CHARTER.NET	Other
Ex. 9		
Name	MARY PAT & ROBERT LAURIA	For <input checked="" type="checkbox"/>
Address	4 SUNSET DRIVE New Fairfield, CT 06812	Against
email	natlra@aol.com	Other
Ex's. 10, 11		
Name	Corey Benson	For <input checked="" type="checkbox"/>
Address	35 Bogus Hill Rd New Fairfield, CT 06812	Against
email		Other
Ex. 12		

Proposed Amendment to Extend a Slow-No-Wake Zone on Squantz Cove
RCSA Section 15-121-B15a

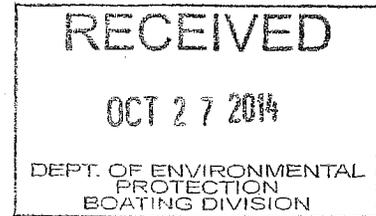
Public Hearing, New Fairfield Community Room
29-Oct-14

NOT PROVIDING TESTIMONY BUT REQUESTING NOTIFICATION

Name	FRANK C FORSTER	For <input checked="" type="checkbox"/>
Address	4 CECILIA LANE	Against
	NEW FAIRFIELD, CT 06812	Other
email	frankblake@charter.net	
Name	JOHN W. MUSKUS	For <input checked="" type="checkbox"/>
Address	8 SUNSET DRIVE	Against
	NEW FAIRFIELD, CT, 06812	Other
email	JWMUSKUS@AMAIL.COM	Ex. 13
Name		For
Address		Against
		Other
email		
Name		For
Address		Against
		Other
email		
Name		For
Address		Against
		Other
email		

Jim Knoblich
4 Bogus Hill Road
New Fairfield, CT 06812

Mr. Timothy Delgado
DEEP-Marine Headquarters
PO Box 280
Old Lyme, CT 06371



October 22, 2014

Dear Mr. Delgado;

As I will be unable to attend the public hearing concerning the buoy placement in Squantz Cove, New Fairfield, CT. scheduled for October 29, 2014 due to circumstances beyond my control and as the topic is one of extreme importance to my family, I want submit to you and for the record my comments concerning this very important safety issue.

As the extremely well attended public hearing held by the Town of New Fairfield June 12, 2014 demonstrated and as the nearly unanimous support for the proposal at that meeting also demonstrated, the movement of the buoys for safety and other reasons is an issue of extreme importance to those Connecticut residents and others who are most impacted by the current placement.

At the New Fairfield public hearing, speaker after speaker shared their personal stories of injury, near injury and property damage caused by high speed boat traffic in the narrow Cove. In the interim since that meeting, yet another local resident was injured after having been knocked down by the large wakes generated while he was standing on his boat dock. Local parents have elected to keep their children out of the lake during certain hours rather than risk injury to them. Damage to boats and docks continues to escalate. Now the shoreline has begun to show the effects of the continuous impact of large wakes and is eroding at an alarming rate.

Local residents are not alone in their concern and support of repositioning the buoys. Many fishermen, recreational boaters, out of state users and local representatives, including Senator Chris Murphy, Representative Richard Smith, State Senator Michael McLachlan, First Selectman Susan Chapman and Candlewood Lake Authority Executive Director Larry Marsicano have all recognized the seriousness of the problem and offered their support for the proposal.

As there is no material negative impact and as there is no monetary cost and as the movement of the buoys would result in the removal of a very real threat to lives and property, I respectfully request that the Department of Energy and Environmental Protection move the proposal into law.

Respectfully submitted,

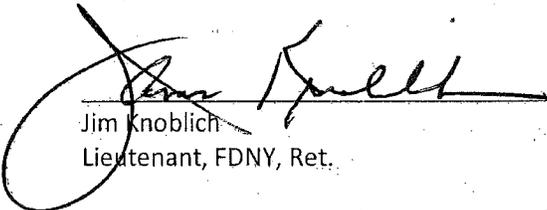

Jim Knoblich
Lieutenant, FDNY, Ret.

EXHIBIT 14



Dr. Barry Freeman, Ed.D.
Dr. Tamara R. Freeman, D.M.A.
6 Sunset Drive, New Fairfield, CT. 06812
Phone: 201 248-9336 E-mail: b-free@verizon.net

November 19, 2014

Mr. Timothy Delgado
DEEP-Marine Headquarters,
Boating Division.
P.O. Box 280
Old Lyme, CT 08371

RE: Slow-No-Wake Zone, Squantz Cove, Candlewood Lake

Dear Mr. Delgado,

We are new Fairfield, CT taxpayers who live on Bogus Hill located along Squantz Cove. We regret we could not personally appear at the public hearing held on 29 Oct 2014.

Big waves created in narrow, shallow Squantz Cove, in the area leading toward the Boat Launching ramp are a **serious hazard!** We strongly support the proposed action to extend the Slow-No-Wake Zone from 1500 feet to 2500 feet.

This action is long over due. We have both had near falls on the Bogus Hill Association boating dock, caused by speeding fishing boat waves in the area of the Boat Launching ramp.

We implore DEEP to prevent further bodily injury to residents of Squantz Cove by approving the extension of the Slow-No-Wake zone near the Boat Launching ramp to a full 2500 feet.

Thank you for your consideration,



Dr. Barry Freeman, Ed.D.



Dr. Tamara R. Freeman, D.M.A.

EXHIBIT 15, 16

MORTON POVMAN, P.C.

ATTORNEYS-AT-LAW

MORTON POVMAN
BRUCE S. POVMAN

108-18 QUEENS BOULEVARD
FOREST HILLS, NEW YORK 11375
(718) 268-3000

FACSIMILE
(718) 520-8175

November 17, 2014

Via Facsimile: 860-434-3501

Deep-Marine Headquarters
Boating Division
P.O. Box 280
Old Lyme, CT 06371
Attn.: Mr. Timothy Delgado

Dear Mr. Delgado:

My wife and I reside at 14 Sunset Drive (Bogus Hill) New Fairfield.

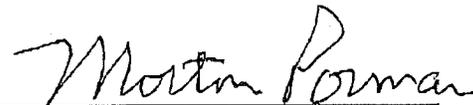
We fully support the proposal to extend the Slow- No-Wake zone from 1500 feet southeast from Squantz Cove Causeway to 2500 feet.

Last year my wife Sandra and I were at the Bogus Hill docks setting up a sail on our sailboat when a passing motor boat made such a huge wave that both of us fell and were injured and required medical treatment at Danbury Hospital.

Hopefully the proposed amendment will eliminate such conditions.

Thank you for your consideration.

Very truly yours,



MORTON POVMAN

MP/bm

EXHIBIT 17

Delgado, Timothy

From: Susan Knoblich [susantomsknoblich@yahoo.com]
Sent: Wednesday, November 12, 2014 9:31 AM
To: Delgado, Timothy
Subject: Squantz Cove

Dear Mr. Delgado,

I am writing regarding the buoys on Squantz Cove in New Fairfield. Numerous times I have been on my dock and nearly knocked off by the wakes of the boaters coming in to the cove. My big concern is that a few of my neighbors have been knocked off their feet by the waves and I am worried for my grandchildrens safety when they come to visit. The cove is very narrow and the effect of the boat wakes is damaging the boats and the docks. Thank you so much for your effort.
Sincerely,
Susan Knoblich

Delgado, Timothy

From: Toms, Robert [Robert.Toms@espn.com]
Sent: Wednesday, November 05, 2014 7:21 PM
To: Delgado, Timothy
Subject: Buoys in Squantz Cove

Mr. Tim Delgado
Department of Energy and Environmental Protection

Dear Mr. Delgado;

While I don't live in the towns that directly adjoin Candlewood Lake, I do spend a great deal of time at the lake with my in-laws who live adjacent to the lake in New Fairfield. I have personally witnessed extremely high wakes and dangerous conditions with the current placement of the buoys in Squantz Cove. I have seen people at the Bogus Hill boat dock get knocked off their feet due to the wakes created by the high speed boat traffic this past summer.

While not a local resident, I regularly kayak in Squantz Cove. But the current buoy placement has greatly minimized the area that paddlers like myself can feel safe to use. I strongly urge you and the Department of Energy and Environment Protection to address the issue to reposition the buoys and move it from proposal into law.

Respectfully,
Robert Toms
23 Winding Trail, Middlebury, CT 06762

Delgado, Timothy

From: suzi mitchell [mitchellinct@hotmail.com]
Sent: Wednesday, November 05, 2014 9:08 AM
To: Delgado, Timothy
Subject: RE: Moving the Squantz Pond buoys to a safer distance

Dear Mr. Delagdo,

Please also note that I am in complete support of the facts noted in Jim Knoblich's letter and implore you to move the Squantz ponds buoys to a safer distance.

I live on Bogus Hill and have grandchildren swimming as well as a boat at our marina... and moving the buoys is imperative for the safety of all.

Sincerely,
Susan Mitchell

From: Timothy.Delgado@ct.gov
To: mitchellinct@hotmail.com
Date: Wed, 5 Nov 2014 08:57:40 -0500
Subject: RE: Moving the Squantz Pond buoys to a safer distance

Thank you. Mr. Knoblich's letter has already been received and entered into the record.

Tim

From: Susan Mitchel [<mailto:mitchellinct@hotmail.com>]
Sent: Wednesday, November 05, 2014 8:53 AM
To: Delgado, Timothy
Subject: Moving the Squantz Pond buoys to a safer distance

Delgado, Timothy

From: Pat Keogh [pjknaples@gmail.com]
Sent: Tuesday, October 28, 2014 4:37 PM
To: Delgado, Timothy
Subject: Buoys in Squantz cove

Dear Mr. Delgado,

I own a house on Candlewood Lake at 12 Bogus Hill Rd, New Fairfield CT 06812 for the past 8 years, diagonally across from the Public Boating Access Ramp, which is the highest boat traffic area of the entire lake. Since the buoys have been moved to the present location, which by the way is the narrowest part of the lake, has become an extreme hazard to the occupants of this section.

It is a severe safety risk to swimmers, kayakers, and fishermen. There is also a danger to individuals who want to sit on their docks, due to speeding boats which cause high waves to shake the docks and can knock people into the water. This happened to my daughter and she is young, what might happen to an older person, who may not be able to swim. This leaves Candlewood Lake, Deep and the State of CT open to suits for damages if someone is seriously injured as a result of speeding boats in Squantz Cove.

This can all be avoided by simply moving the Buoys an additional one thousand feet to where the cove widens to over 800 ft., almost double the width of the current location.

I respectfully ask for your support to change the current statute before someone is seriously injured. Thank you in advance for your consideration.

Sincerely, Patrick Keogh

Notice of Audio Record

Provided By: B. ZIPPS

Comment Provided at Public Hearing October 29, 2014*

Track	Time
4	6:35

FOR

AGAINST

OTHER

*The referenced audio record is available by written request through the
DEEP Boating Division, P.O. Box 280, Old Lyme, CT 06371
or by email via timothy.delgado@ct.gov

Those requesting the audio record may be asked to provide digital recording media (e.g. a flash drive)

EXHIBIT 22A

Delgado, Timothy

From: OutboardBob@aol.com
Sent: Monday, November 24, 2014 8:12 PM
To: Delgado, Timothy
Cc: Mariani, Eleanor; Whalen, Susan; gaeton@optonline.net; gwilk@aol.com; jcraine@optonline.net; Lundin, Eric; Powe, Mirafior; ccsct@comcast.net; pierog.sandra@gmail.com; jmc51@aol.com; Steven.GM.Biro.USCG.Aux@gmail.com; Thomas@reynolds1859.com; Klee, Robert; Lambert, Michael; Payton, Mike; lotec@optonline.net; wefish2@att.net; northernlights1@sbcglobal.net; transomstand@sbcglobal.net; OutboardBob@aol.com
Subject: Comments: Proposal for Slow-No-Wake Area on Candlewood Lake

Having attended the Public Hearing on the Proposal for a No Wake Speed Zone for Candlewood Lake that was held at the Community Center in New Fairfield, Connecticut on Wednesday, October 29, 2014, I am taking this opportunity to submit additional comments.

Nearly all of the speakers who spoke in favor of the Proposal at the Public Hearing were either abutters to the area covered by the Proposal or live very close to that area. One of the last speakers at the Public Hearing emphasized over and over again that all of the speakers in favor of the Proposal were interested in safety.

Previous speakers in favor of the Proposal related stories of how wakes affected the docks located within the area affected by the Proposal, and also how wakes affected the boats tied to the docks within the area affected by the Proposal. One speaker told of an adult with a grandchild that was standing on a dock, and who nearly fell off the dock when a wake reached the dock. Another speaker had his arm in a sling. While he described the injury to his shoulder, it was not clear whether his being on a dock was a factor in the cause of his injury; however, he spoke in favor of the Proposal.

1) Since, as was stated above, one of the last speakers emphasized repeatedly that all of the speakers in favor of the Proposal were interested in safety, the following facts show clearly that it was actually the reverse, and as some of the abutters with docks ignored safety:

- When the abutters to the lake who are so safety conscious, decided they wanted to have a dock, they must have realized that it is a fact that Candlewood Lake is the largest lake in Connecticut.
- The abutters to the lake who are so safety conscious must have also realized that it is a fact that the area affected by the Proposal has open water beyond the 100 foot zone from shore, and that it is a fact that the 100 foot zone abutting their property is limited to 6 mph.
- The abutters to the lake who are so safety conscious must also have realized that it is a fact that the area affected by the Proposal is 650 feet wide at its narrowest point, and that it is a fact that deducting the 100 foot

zone from each facing shoreline leaves one and one half football fields wide (450 feet) of open water at its narrowest end.

- The abutters to the lake who are so safety conscious must also have realized that it is a fact that the area affected by the Proposal is 800 feet wide at its widest point, and that it is a fact that deducting the 100 foot zone from each facing shoreline leaves two football fields wide (600 feet) of open water at its widest end.
- The abutters to the lake that are so safety conscious must also have realized:
 - A) that it is a fact that both inboard boats and outboard boats that are capable of operating on-plane are not something new,
 - B) that it is a fact that both inboard boats and outboard boats that are capable of operating on-plane have been in general use for generations, and
 - C) that it is a fact that both inboard boats and outboard boats that are capable of operating on-plane have been in general use since before Candlewood Lake had been filled for the first time on September 29, 1928.
- And yet being safety conscious and knowing all of the above facts, there are those abutters who completely ignored the above facts and chose to install docks that were not suitable for the conditions that have existed on the Lake for generations.
- The reality is that these people who made the wrong dock selection were not interested in safety at all.
- Instead of admitting their mistake in their dock selection, and correcting their problem by obtaining a dock of appropriate design, construction and size, the abutters are saying in essence that it is someone else's fault. Instead of rather than obtaining a dock of suitable design, construction and size, i.e. a dock whose adequate structural supports rest on the bottom of the lake, and instead of using a suitable method of fastening a boat to a dock, i.e. mooring whips or using lines fastened from both the bow and the stern to position a boat diagonally from the dock to a point on shore, plus there are other suitable methods, the abutters want to have the innocent recreational boaters using state waters penalized by imposing a harsh and overly restrictive 6 mph speed limit. This is the same completely misguided thinking of a person who moves to a home that is close to Bradley Airport, and then subsequently exclaims that there are airplanes here, and we have to do something about that.

Adopting this proposal couldn't be more wrong. It would set an absolutely terrible precedent for this and other lakes across the State of Connecticut. What about the area that is just beyond the area of this Proposal? All that the abutters there would have to do is to install unsuitable docks, and ask for an extension of the 6 mph area, and then another extension, and then another extension. What about the various areas within the broad section of the lake? All that the abutters would have to do is install unsuitable docks, and ask for that section of the lake to have a 6 mph. Where does it all end??? Before you know it, the entire lake would have a 6 mph limit. Adopting this proposal couldn't be more wrong.

2) One of the problems that was obvious during the Public Hearing is that most if not all of those speaking in favor of the Proposal apparently did not realize that there is a 100 foot wide zone around the entire perimeter of the lake where boats are limited to 6 mph. If fact, when I spoke about the zone and gave a

comparison as to how wide the 100-foot wide 6 mph zone is by indicating that its width was about the length of two 18-wheel trailer trucks positioned end to end, some of the speakers in favor of the Proposal seemed baffled by this comparison. I can only attribute their inability to grasp this comparison in that they were totally unaware and that they had no understanding of the existing 100-foot wide 6 mph zone.

One speaker said that a boater drove by "5 feet" from his dock. While speakers are not under oath, this seems to be an incredible situation if it was a boat that was on-plane. However, assuming that the boater was traveling at greater than 6 mph, then this was an obvious violation of the existing 100-foot wide 6 mph zone, which should have been reported to Law Enforcement Authorities. This single incident is absolutely no reason for adopting this Proposal, which would penalize all power boaters beyond the 100-foot wide 6 mph zone.

After the close of the hearing, I asked Eleanor Mariani to please determine if Law Enforcement Authorities were/are enforcing the existing 100-foot wide 6 mph Speed Limit Zone, and she agreed.

3) One speaker in favor of the Proposal complained that during a Fishing Tournament, Competitive Fishing Boats were returning seemingly all at once and at high speed, at a pre-designated hour. These Tournament participants are complying with their governing body rules that require the Competitive Fishing Boats to return to the starting point at predetermined hour when their fishing must cease. Those participants that return late are penalized.

These Fishing Tournaments happen only occasionally, and without a doubt, there are various solutions to this situation that can be worked out between the DEEP and the Bass Boat representatives without having to adopt this Proposal. All recreational boaters should not be penalized with the 6 mph speed limit 7 days a week from ice out to when the lake freezes over because of this isolated occasional situation. Since there is a Connecticut Bass Federation Member that is a Member of the Boating Advisory Council, out of respect to a fellow Council Member, I will leave any proposed solutions to him.

For many, many years in the past, the DEP (now DEEP) and the advocates of Small Recreational Boaters have worked together harmoniously to avoid overly restrictive boating regulations. Unfortunately, the Culture at the DEEP has completely changed to one of Intolerance to small recreational powerboats, which has resulted in an adversarial situation that now exists between the DEEP and recreational boaters.

Hopefully, those at DEEP who have a part in the making of the decision on this Proposal at Candlewood Lake will think outside the box; consider the above facts and use new ideas, and therefore, will not use the same stagnated thinking that has ignored the facts, dismissed all rational logic, and that has resulted in DEEP's completely wrong decision for a previous 6 mph Proposal at Lake Waramaug and other inland locations.

When I was in the Military, there was a large framed message that was on the wall in the boss's office that could not be missed being seen. It stated: "Are you

Working on the Solution or are You part of the Problem?" As a life long boater, I know that I have been Working on the Solution as hard as possible for decades. Absolutely no one is more safety conscious about boating than I am, and there is no doubt that adoption of this Proposal could not be more wrong!!!

4) There was another deeply troubling fundamental issue that rose to the surface during the hearing by the speakers in favor of the Proposal that created significant turmoil. I will address this issue by separate E-mail. This issue, I believe, must be addressed and requires action by the DEEP Management.

Respectfully Submitted,

Bob Zipps
Member Connecticut Boating Advisory Council

My address that is required to accompany written comments is as follows:
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At the end of each day
what can you say
that you have done
to make boating more fun?