



Town of New Fairfield

*Selectmen's Office
4 Brush Hill Road
New Fairfield, Connecticut*

**BOARD OF SELECTMEN
REGULAR MEETING
ZOOM MEETING**

Join Zoom Meeting

<https://zoom.us/j/93270125153>

Meeting ID: 932 7012 5153

Dial In: (929) 205-6099

Thursday, August 12, 2021

7:30 P.M.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comment & Participation
4. Correspondence & Announcements
5. Approve Minutes of Board of Selectmen Special Meeting July 28, 2021
6. Budget Transfers
7. Personnel Report
8. Appointments

New Business

9. Discuss and Possibly Vote to Approve Purchase of Police Body Cams and Dash Cams
10. COVID Update
11. Discuss and Possibly Vote to Adopt WestCOG Multi-Jurisdiction Hazard Mitigation Plan Update, 2021-2026
12. Discuss and Possibly Vote to Establish a Housing Opportunity Ad Hoc Committee

Old Business

13. American Rescue Plan Update
14. Discuss and Possibly Vote to Set Date for Town Meeting to Consider Noise Ordinance
15. Discuss and Possibly Vote to Approve and Recommend Purchase of 13 and 15 Route 37 to Board of Finance
16. Public Comment
17. State Police Contract

Executive Session Anticipated

18. Adjournment

**Received by email on 8/10/2021 @ 3:20 p.m.
By Holly Z Smith, Asst. Town Clerk, New Fairfield**

TOWN OF NEW FAIRFIELD
PERSONNEL REPORT
August 12, 2021

NEW HIRES:	LAST NAME	FIRST NAME	POSITION	LOCATION	PAY RATE	REASON	EFFECTIVE
1	CARTOSSA	JESSICA	LIFEGUARD	TOWN BEACH	\$13.00/HR.	RECREATION	8/13/2021
<i>CHANGE IN STATUS</i>							
<i>SEPARATION</i>							

Foertsch Holdings Inc
101 North Plains Industrial Rd
Bldg 2
Wallingford, CT 06492
(203) 284-5200

EXPIRATION DATE: 1/7/2021

Order Number: 0103649
Order Date: 12/8/2020
Salesperson: 0048/ Roseann Mayo
Salesperson Email:
Customer Number: 0010823

Sold To:	Ship To:
New Fairfield Resident Trooper 302 Ball Pond Rd. New Fairfield, CT 06812	New Fairfield Resident Trooper 302 Ball Pond Rd. New Fairfield, CT 06812

Confirm To:
Patty Mota

Customer P.O.	Ship VIA	F.O.B.	Terms
ARB BWC4000 and ICV solution	UPS GROUND		Net 30 Days

Item Code	Unit	Ordered	Price	Amount
ARB-BWC4-CAMERA Whse: 000	EA	10	825.00	8,250.00
BODY WORN CAMERA (BWC4000) - USB CABLE FOR CHARGER / BATTERY PK - INCLUDES KLICKFAST MOUNTING STUD - PANASONIC				
ARB-SOFBWC4OPBUN5 Whse: 000	EA	10	285.00	2,850.00
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Freight: 0.00

Sales Tax: 0.00

Order Total 105,057.55

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CERTIFICATE OF ADOPTION
TOWN OF NEW FAIRFIELD BOARD OF SELECTMEN

**A RESOLUTION ADOPTING THE WESTERN CONNECTICUT COUNCIL OF GOVERNMENTS
MULTI-JURISDICTION HAZARD MITIGATION PLAN UPDATE, 2021-2026**

WHEREAS, the Town of New Fairfield has historically experienced severe damage from natural hazards and it continues to be vulnerable to the effects of those natural hazards profiled in the plan (e.g. *flooding, high wind, thunderstorms, winter storms, earthquakes, droughts, dam failure, and wildfires*), resulting in loss of property and life, economic hardship, and threats to public health and safety; and

WHEREAS, the Town of New Fairfield Board of Selectmen approved the previous version of the Plan in 2016; and

WHEREAS, the Town of New Fairfield and Western Connecticut Council of Governments developed and received conditional approval from the Federal Emergency Management Agency (FEMA) for the Natural Hazard Mitigation Plan Update, 2021-2026 under the requirements of 44 CFR 201.6; and

WHEREAS, public and committee meetings were held and public input was sought in 2020 and 2021 regarding the development and review of the Natural Hazard Mitigation Plan Update, 2021-2026; and

WHEREAS, the Plan specifically addresses hazard mitigation strategies and Plan maintenance procedure for the Town of New Fairfield; and

WHEREAS, the Plan recommends several hazard mitigation actions/projects that will provide mitigation for specific natural hazards that impact the Town of New Fairfield, with the effect of protecting people and property from loss associated with those hazards; and

WHEREAS, adoption of this Plan will make the Town of New Fairfield eligible for funding to alleviate the impacts of future hazards; now therefore be it

RESOLVED by the Board of Selectmen:

1. The Plan is hereby adopted as an official plan of the Town of New Fairfield;
2. The respective officials identified in the mitigation strategy of the Plan are hereby directed to pursue implementation of the recommended actions assigned to them;
3. Future revisions and Plan maintenance required by 44 CFR 201.6 and FEMA are hereby adopted as a part of this resolution for a period of five (5) years from the date of this resolution.
4. An annual report on the progress of the implementation elements of the Plan shall be presented to the Board of Selectmen.

**Adopted this ____ day of _____, 2021 by the Board of Selectmen of Town of New Fairfield,
Connecticut**

First Selectman

IN WITNESS WHEREOF, the undersigned has affixed his/her signature and the corporate seal of the Town of New Fairfield this ____ day of _____, 2021.

Town Clerk

August 9, 2021

Dear First Selectman Del Monaco, Selectmen Hall and Hanson:

As the chair of the Commission on Aging's Housing subcommittee I come before you to request the formation of a Housing Opportunity Committee. <https://portal.ct.gov> Affordable Housing Plan/Process Guidebook 12/2020

Statute 8-30j requires all towns to create an affordable housing plan by Spring of 2022, which must specify how the town intends to increase its housing opportunities. The statute recommends that the plan be a part of the POCD, which is required every ten years. I believe New Fairfield's POCD is due in 2023.

Specifically the guidebook's recommended features are summarized as follows:

1. Create an inclusive community engagement planning process along with communication strategies
2. Conduct a housing needs assessment with a gap analysis that shows the difference between available housing and what residents can pay
3. Evaluate local land use and zoning to identify barriers to affordable housing development
4. Provide a history of the town's housing opportunities
5. Create a community values statement
6. Understand the role of local and regional housing market conditions in financing housing opportunities
7. Develop plan principles, goals and actions, applying best practices to implement (inclusivity, predictability and efficiency) and streamlining development (application, review and approvals process)

Based on past experience, identifying potential locations for affordable housing development and potential pros and cons of such locations will be key to moving forward.

Please consider formation of a Housing Opportunity Committee who can begin the ambitious challenge of implementing the recommendations of the Affordable Housing Plan/Process Guidebook.

Potential members might represent a cross section of our town's population: youth, family, senior, civic leader, Planning Commission and/or Zoning Commission member, contractor/builder/public works, clergy, business owner, environmental engineer, architect, and financials/banker.

Wearing more than one "hat" would be welcome to keep the committee membership on the lean side.

Thank you for your consideration.

Sincerely,

Anita D. Brown
203-482-9969

§ XX-1

Purpose.

It is the intention of this chapter to carry out and effectuate the public policy of the State of Connecticut, the federal government and the Town of New Fairfield concerning the regulation of those activities causing excessive noise and noise disturbance within the Town of New Fairfield. It is recognized that excessive noise is a serious hazard to the health, welfare and quality of life of all citizens and that each person has a right to an environment free from noise that may jeopardize their health, safety or welfare.

§ XX-2

Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

ALL-TERRAIN VEHICLE. A self-propelled vehicle designed to travel over unimproved terrain that has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration under Connecticut General Statutes, Chapter 246.

BACKGROUND NOISE. Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

COMMERCIAL ZONE. Those areas designated for commercial use in the Zoning Regulations of the Town of New Fairfield.

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DAYTIME HOURS. Hours between 6:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours between 8:00 a.m. and 10:00 p.m. on Sundays and holidays.

DECIBEL. A unit of measurement of the sound level.

EMERGENCY. Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

EXCESSIVE NOISE. Any sound, the intensity of which exceeds the standard set forth in § XX-3 of this chapter.

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IMPULSE NOISE. Any sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

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INDUSTRIAL ZONE. Those areas designated for industrial or light industrial use in the Zoning Regulations of the Town of New Fairfield.

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INTRUSION ALARM. A device with an audible signal which, when activated, indicates intrusion by an unauthorized person. Such alarm may be attached to, or within, a building, structure, property or vehicle.

MOTOR VEHICLE. Shall be given that meaning which is provided for by Connecticut General Statutes, § 14-1(a)(5947).

MOTORBOAT. Shall be given that meaning which is provided for by Connecticut General Statutes, SS15-127.

NIGHTTIME HOURS. The hours between 10:00 p.m. and 6:00 a.m., Sunday evening through Saturday morning, except that "nighttime hours" shall mean the hours between 10:00 p.m. Saturday and 8:00 a.m. on Sunday and 10:00 p.m. of the day preceding a recognized national holiday and 8:00 a.m. on said holiday.

PERSON. Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the State or other legal entity of any kind.

PLAINLY AUDIBLE. Any sound that can be detected by a person using his or her unaided hearing faculties. For example, but not limited to, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

PREMISES. Any building, structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements owned or controlled by a person.

PROPERTY LINE. That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right-of-way.

PROPERTY MAINTENANCE EQUIPMENT. All powered or manually operated tools and equipment used in the repair and upkeep of property, including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, and leaf blowers.

RESIDENTIAL ZONE. Those areas designated for residential use in the Zoning Regulations of the Town of New Fairfield.

SOUND. A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND REPRODUCTIVE DEVICES. May include but is not limited to speakers, megaphones, horns, or other device that broadcasts and magnifies sound.

VESSEL. Shall be given that meaning which is provided for by Connecticut General Statutes, SS15-127.

XX-3 Prohibited Activities and Noise Levels.

A. Standards. No person shall make, continue and/or permit on property owned and/or controlled by such person any excessive, unnecessary, unreasonably loud noise or disturbance, or any noise or disturbance which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace, or safety of others within the vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts shall be deemed a violation of this chapter.

B. Motor vehicle noise in excess of state limits. All motor vehicles and motorcycles operating within the limits of the Town of New Fairfield on public highways, streets, drives, boulevards, lanes and avenues and private highways, including streets, drives, boulevards, lanes and avenues generally open to the public, shall be subject to the noise standards and decibel levels

as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, § 14-80a, entitled "Maximum Permissible Noise Levels For Vehicles."

C. Off-road motorcycle noise in excess of EPA limits. No person shall transport or operate an off-road motorcycle manufactured after December 31, 1985, not equipped with an exhaust muffler bearing the federal EPA required labeling applicable to the motorcycle's model year, stating that the exhaust system meets the 82 dBA standard at 50 feet, as set out in Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.

D. Noise from all-terrain vehicle. No person shall operate an all-terrain vehicle that it is plainly audible at a distance of 500 feet or more in any direction from the vehicle, except for purposes of snow removal.

E. Noise from Sound Reproductive Devices on or in a motor vehicle or a motor boat. No person shall operate a sound reproductive device or devices on or within a motor vehicle or motor boat that are plainly audible at a distance of 100 feet or more in any direction from such vehicle or boat for a duration of more than 15 minutes in any 24 hour period.

F. Noise from personal Sound Reproductive Devices, whether on land or on a waterbody. No person shall operate personal sound reproduction device or devices that are plainly audible at 100 feet or more in any direction from the operator on water or 100 feet from the property line on land for a duration of more than 15 minutes in any 24 hour period. Provided, however, that music played through a Sound Reproductive Device located at a commercial entity located within the business/commercial zone or having approved nonconforming status as a commercial entity between the hours of 5:00 p.m. and 10:00 pm on Sunday through Thursday or 5:00 p.m. and 11:00 pm on Friday or Saturday nights is allowed if the volume of such music is not unreasonably loud.

G. Construction noise during nighttime hours. No person, firm, corporation or other entity shall operate or permit the operation of electric or fuel-powered equipment, including but not limited to pile drivers, backhoes, pneumatic hammers, derricks, trucks of more than 10,000 pounds gross vehicle weight (GVW) on a construction site and hoists required for construction, repair of demolition work during nighttime hours.

H. Property maintenance during nighttime hours. No person shall cause construction or maintenance noise that is plainly audible at 100 feet or more during nighttime hours.

I. Frequent or continued noise from any animal. No person shall allow the frequent or continued noise from any animal that is plainly audible for more than 15 minutes at a time within 100 feet of its owner's property line.

J. Exceeding the noise levels specified in this section shall be prohibited.

(1) Noise zones within the Town of New Fairfield shall be classified according to the zoning applicable to the parcel or tract of land from which noise is emitted and the surrounding parcels or tracts on which noise is received, provided that any parcel whose use is lawfully nonconforming to its zone at the time this article is enacted shall be classified for noise emission purposes according to the zone appropriate for the nonconforming use.

(2) It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises, vehicle, vessel, motorboat, or recreational gathering in excess of the noise levels established in this section. Measurements shall be taken either on the property from which the excessive noise has been heard or at a point that is located at least ten feet beyond the boundary of the emitter's premises, vehicle, vessel, motorboat, or recreational gathering. The emitter's premises include his/her individual unit of land or ground or contiguous parcels under the same ownership, as indicated by the public land records.

Zone In Which Emitter

Is Located

Zone in Which Receptor is Located

	<u>Residential</u>			
	<u>Industrial (dBA)</u>	<u>Commercial (dBA)</u>	<u>Daytime Hours (dBA)</u>	<u>Nighttime Hours (dBA)</u>
<u>Industrial</u>	65	60	55	45
<u>Commercial</u>	60	60	55	45
<u>Residential/Recreational</u>	55	55	55	45

(3) Impulse noise in excess of 80 db during night time hours is prohibited.

(4) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation. Instruments used to determine sound level measurements shall be sound level meters as defined by this article.

(4) In those individual cases where the Background Noise levels caused by sources not subject to this article exceed the standards contained herein, a source shall be considered to cause Excessive Noise if the noise emitted by such source exceeds the background noise level by five dBA, provided that no source subject to the provisions of § XX-3 shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels set forth in any other section of this article.

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§ XX-4

Exclusions. Maximum noise levels established pursuant to § **XX-3** hereof shall not apply to any noise emitted by or related to:

A. Natural phenomena.

B. Any bell or chime from any building clock, school or church.

C. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation. This exclusion does not include, however, intrusion alarms attached to any building, structure, or property not terminating within 30 minutes after being activated or any intrusion alarm attached to a vehicle not terminating within 10 minutes after being activated. The repetition of activation of the audible signal of an intrusion alarm due to

malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.

D. Warning devices required by OSHA or other state or federal safety regulations.

E. Noise created as a result of an emergency, including, but not limited to, the use of emergency generators.

G. Activities sponsored by or specially licensed or under permit from the Town of New Fairfield or the New Fairfield Public Schools, including, but not limited to, parades, sporting events, concerts, recreational activities, the Hahlawah Rifle and Pistol Club, the New Fairfield/Sherman Animal Welfare Society and firework displays. This exclusion applies only if noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noise therefrom.

Moreover, patriotic or public celebrations may not extend longer than one calendar day.

H. ~~Subject to Connecticut General Statute 22a-74a, s~~ Shooting from the Hahlawah Rifle and Pistol Club may not run beyond the hours of 10:00 AM-12:30 PM on Sunday mornings.

I. ~~H.~~ Noise from snow removal equipment, including All-Terrain Vehicles in use for snow removal, provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

I. ~~J.~~ Noise created by refuse and solid waste collection and processing, provided that such activity is conducted during daytime hours and further provided that such collection and processing equipment is maintained in good repair so as to minimize noise. Noise discharged from exhausts shall be muffled to prevent loud and/or explosive noises therefrom.

J. ~~K.~~ Utility maintenance, including, but not limited to, the removal of fallen trees and the installation and repair of utility wires and poles.

L. ~~K.~~ Town of New Fairfield construction, road repair, and tree removal operations or tree removal operations under an Emergency Declaration.

M. ~~L.~~ Activities conducted by the Town of New Fairfield in a governmental capacity or by the State of Connecticut or by the government of the United States.

N. ~~Noise from aircraft is regulated under 14 CFR Part 36.~~

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§ XX-5

Administration and Penalties for offenses.

A. Enforcement of this chapter rests with the Chief of Police or his/her delegate. In the case of Candlewood Lake or Squantz Pond State Park, the Connecticut Department of Energy and Environmental Protection or their delegate may also enforce the requirements of this chapter.

B. The first violation of any of the provisions of this chapter shall be punished by a fine not to exceed \$100. Each day any such violation shall continue or each act in violation of this chapter shall constitute a separate offense. The second violation by any person or entity of any provision of this chapter shall be punished by a fine of \$150. Subsequent violations of any provision of this chapter shall be punished by a fine of \$250 per day of violation.

§ XX-6

Variations.

- A. Any person living or doing business within the Town of New Fairfield may apply to the Director of Health for a variance from one or more of the provisions of this article, provided that the applicant, at least 60 days prior to the date of said activity, provides the Director of Health with a written request containing all of the following information:
- (1) The location and nature of activity;
 - (2) The time period and hours of operation of said activity;
 - (3) The nature and intensity of the noise that will be generated;
 - (4) Description of interim noise control measures to minimize noise and its impact;
 - (5) Specific schedule of best practical noise control measures or statement of the estimated length of time variance will be required; and
 - (6) Any other information required by the Town Manager.
- B. No variance from this chapter shall be issued unless it has been demonstrated that:
- (1) The proposed activity will not violate any provisions of the Connecticut Department of Energy and Environmental Protection regulations;
 - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 - (3) Compliance with this chapter constitutes an unreasonable hardship on the applicant, provided that such hardship is not the result of the applicant's own actions or inaction.
- C. Approval of such variances shall not be unreasonably denied and the Director of Health may impose reasonable conditions on the granting of any variance within his/her sole discretion. Denial of a variance may be appealed to the Board of Selectmen.

§ XX-7

Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this Ordinance which can be given effect without the invalid provisions or application; and to this end, the provisions of this Ordinance, and the various applications thereof are declared to be severable.

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