



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/99238425589>
Meeting ID: 939 1478 3566
one tap mobile:
+19292056099,,98276460139#US (New York)
+13017158592,,93914783566#US (Germantown)
Dial by your location: +1 929 205 6099 US (New York)

Thursday, August 27, 2020

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 Regular Meeting June 10, 2020
6. Budget Transfers
7. Personnel Report
8. Appointments

Old Business

9. Candlewood Lake Islands - update
10. STEAP Grant Resolution
11. Noise Ordinance

New Business

12. DEEP Municipal Waste Reduction Initiative
13. Public Comment
14. Tower Hill Lease Update
Executive Session Anticipated
15. Adjournment

AUG 26 2020

Received for Record

at 10:41 m A M and recorded by

Pamela J. Dohan, Town Clerk, New Fairfield, CT

Town of New Fairfield
Board of Selectmen
4 Brush Hill Road
New Fairfield, CT 06812

MINUTES
Board of Selectmen Regular Meeting
Thursday, August 13, 2020
7:30 PM
Virtual meeting via Zoom

Members present:

Pat Del Monaco, First Selectman
Khris Hall, Selectman
Kim Hanson, Selectman

Other Town Officials Present:

Paul Gouveia gave a brief overview of the rules and procedures for having a virtual meeting.

Call To Order First Selectman Pat Del Monaco called the meeting to order at 7:35pm.

Pledge of Allegiance- None

Public Comment- None

Correspondence and Announcements

Selectman Khris Hall thanked Registrars of Voters Donna Freeborn and Elaine Jordano as well as Town Clerk Pam Dohan and everyone involved in the smooth running of the primary elections held on Tuesday, Aug. 11. She noted that she was thankful for absentee and mail-in votes.

Approval of Minutes

Pat Del Monaco made a motion to approve the minutes of the July 23, 2020 regular meeting as presented. Kim Hanson seconded the motion. **Vote: 3-0-0 (Motion approved)**

Budget Transfers- None

Personnel Report

Pat Del Monaco made motion to approve the Personnel Report dated August 13, 2020 as presented. Khris Hall seconded the motion. **Vote: 3-0-0 (Motion approved)**

Appointments

Pat Del Monaco made a motion to reappoint Roberta Ilardo to the Commission on the Aging. Khris Hall seconded the motion. **Vote: 3-0-0 (Motion approved)**

The Board of Selectmen thanked Roberta Ilardo for her continued service to the Commission on the Aging.

NEW BUSINESS

Tropical Storm Isaias update

Pat Del Monaco spoke of her frustration on behalf of the Town regarding the response from Eversource with the power outages caused by Tropical Storm Isaias. She spoke of the lack of communication and the scarcity of "Make Safe" crews. She spoke of issues that were potentially life threatening. She noted that she sent a letter expressing concerns to the Governor's office and to State and Federal Representatives. She noted that she met with Senator Blumenthal on Tuesday, August 11 and will participate in a phone call to Governor Lamont's office on Friday, August 14.

There was a discussion among the Selectmen about the possibility of filing a lawsuit against Eversource or filing a complaint with PURA either as New Fairfield or jointly with surrounding towns.

The BOS thanked the many people and organizations that helped with storm clean up and the many other needs of the town due to the storm. These organizations included Civil Air Patrol, Republican Town Committee, Democratic Town Committee, Candlewood Lions Club, New Fairfield Lions Club, New Fairfield Service Club, High School Athletic teams, Public Works and First Responders. It was noted that the citizens of the town were very helpful and cooperative.

OLD BUSINESS

Candlewood Lake Isles

Pat Del Monaco noted that there has been an improvement with the problem of large parties and noise at the Candlewood Isles over the last weekend. It is hopeful that this improvement will continue that there will be enforcement from the State if necessary. Kim Hanson noted that the noise issue seems to have abated.

STEAP Grant update

Pat Del Monaco noted that the deadline for the STEAP Grant application has been extended due to Tropical Storm Isaias. She noted that Town Engineer Tony Iadarola is putting together proposals for a ventilation system with UV light sanitation for both Town Hall and the Annex. The new deadline for the application is August 24. It is possible that a special meeting of the BOS may be necessary to approve this application.

Public Comment- None

Adjournment

Pat Del Monaco made a motion to adjourn the meeting at 7:56 pm. Kim Hanson seconded the motion.

Vote: 3-0-0 (Motion approved)

Respectfully submitted,

Suzanne Kloos

TOWN OF NEW FAIRFIELD
FISCAL 2020-2021
Intra-Department Transfer

<u>\$'S</u>	<u>TRANSFER FROM:</u>	<u>\$'S</u>	<u>TRANSFER TO:</u>
5,000.00	4160 / 260.00	5,000.00	4160 / 130.01
	Unclass. P&B-Workers Compensation		Unclass. P&B-Overtime Contingency
5,000.00		5,000.00	

To be submitted at the BOS meeting on 8/27/20

Municipal Certification of Resolution – STEAP 2020

I, Pam Dohan, Town Clerk of the Town of New Fairfield, a municipality organized and existing under the laws of the State of Connecticut, hereby certify that the following is a true copy of the resolution adopted at the Representative Town Meeting of said municipality at the Regular Monthly Meeting held on August 27, 2020.

“RESOLVED, that First Selectman Patricia Del Monaco be, and hereby is, authorized to accept on behalf of the Town of New Fairfield, a 2020 Connecticut STEAP Grant in the amount of \$128,205.00 for Town Hall and Annex HVAC improvements; and

FURTHER RESOLVED, that First Selectman Patricia Del Monaco is hereby authorized to enter into and execute any and all agreements, contracts and documents necessary to obtain said 2020 STEAP Grant with the State of Connecticut”.

AND I DO FURTHER CERTIFY that the above resolution has in no way been altered, amended or revoked, and is in full force and effect.

AND I DO FURTHER CERTIFY that Patricia Del Monaco is the first selectman of the town of New Fairfield, and has been since November 21, 2015.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the Town of New Fairfield this 27 day of August, 2020

Signature/Town Clerk

Town of _____

§ XX-1

Purpose.

It is the intention of this article 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 measurably 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 article.

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.

DAYTIME HOURS

Hours between 7:30 a.m. and 7:30 p.m., Monday through Saturday, and the hours between 10:00 a.m. and 7:30 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 article.

IMPULSE NOISE

Noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE

Those areas designated for industrial use in the Zoning Regulations of the Town of New Fairfield.

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.

LAWN CARE AND MAINTENANCE EQUIPMENT

All engine- or motor-powered garden or maintenance tools intended for occasional use in residential districts, typically capable of being used by a homeowner, including, but not limited to, lawn mowers, riding tractors, snowblowers, and including equipment intended for infrequent service work in inhabited areas, typically requiring skilled operators, including, but not limited to, chainsaws, log chippers or paving rollers.

MOTOR VEHICLE

Shall be given that meaning which is provided for by Connecticut General Statutes, § 14-1(a)(47).^[1]

VESSEL

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

MOTORBOAT

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

NIGHTTIME HOURS

The hours between 7:30 p.m. and 7:30 a.m., Sunday evening through Saturday morning, except that "nighttime hours" shall mean the hours between 7:30 p.m. Saturday and 10:00 a.m. on Sunday and 7:30 p.m. of the day preceding a recognized national holiday and 10:00 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.

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.

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 LEVEL METER

An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The sound level meter shall conform to the ANSI Specifications for Sound Level Meters, S1.4-1971.

[1]

Editor's Note: See now Connecticut General Statutes, § 14-1(53).

§ XX-3

Noise levels and guidelines.

A.

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. 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 unless specifically registered or otherwise permitted by the town of New Fairfield in excess of the noise levels established in this section. Measurements shall be taken at a point that is located approximately one foot beyond the boundary of the emitter's premises, vehicle, vessel, motorboat, or recreational gathering (unless such gathering is specifically registered or permitted by the Town of New Fairfield) within the receptor's premises. The emitter's premises includes 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

	Zone in Which Receptor is Located			Nightt (dBA)
	Industrial (dBA)	Commercial (dBA)	Residential Daytime Hours (dBA)	
Industrial	65	60	55	45
Commercial	60	60	55	45
Residential	55	55	55	45

B.

No person shall cause or allow the emission of impulse noise in excess of 80 decibels' peak sound pressure level during the night time to any residential zone. No person shall cause or allow the emission of impulse noise in excess of 100 decibels' peak sound pressure level at any time to any zone.

C.

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.

§ XX-4

High background noise areas.

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.

§ XX-5

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.

F.

Noise created by lawn care and maintenance equipment utilized during daytime hours, as that term is defined in this article, provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom,

G.

Activities specially licensed or under permit from the Town of New Fairfield.

H.

Noise from snow removal equipment, 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.

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

J.

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

K.

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.

§ XX-6

Motor vehicle noise and noise from watercraft.

A.

All motor vehicles operated within the limits of the Town of New Fairfield shall be subject to the noise standards and decibel levels act forth by Connecticut General Statutes, §§ 14-80 and 14-80a, and the regulations issued thereunder.

B.

No sound-amplifying devices on or within motor vehicles or watercraft shall emit noise in excess of the noise levels as specified in § XX-3 hereof.

§ XX-7

Penalties for offenses.

Any person in violation of any of the provisions of this article shall be fined in the amount of \$25 for his or her first violation; \$50 for a subsequent violation occurring within 30 days of his or her first violation; and \$75 for any subsequent violation occurring within 30 days of any previous violations, not including his or her first violation occurring pursuant to this section. Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a separate violation. Notification of violation shall be given at the time of the occurrence of the noise or shortly thereafter in the form of a written notice of violation.

§XX-8

Enforcement.

The Town of New Fairfield Police Department shall enforce the provisions of this article pertaining to the measurement of noise levels and the issuance of notices of violation. The

State Department of Energy and Environmental Protection and the Candlewood Lake Marine Patrol shall have the authority to enforce the noise standards provided in this act within the jurisdiction of New Fairfield on Candlewood Lake.

§ XX-9

Variances.

Any person living or doing business within the Town of New Fairfield may apply for a variance from one or more of the provisions of this article in accordance with the procedures established by this chapter. No variance shall be issued unless it has been demonstrated that the proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations as set forth in Connecticut General Statutes, § 22a-69 et seq.

DEEP-MUNICIPAL WASTE REDUCTION INITIATIVE

The residents and businesses of Connecticut deserve a waste system that: provides reliable disposal options at an affordable and predictable cost; advances our state's leadership on sustainability; reduces adverse environmental impacts and disproportionate burden on certain communities in our state. As State and Municipal leaders, we share a vision of an equitable, sustainable, affordable waste system, and are committed to advancing innovative solutions and supporting critical services needed to achieve that goal.

Four decades ago, state and municipal leaders faced a waste system that was at a critical juncture. State and municipal leaders came together to secure investment in six waste-to-energy (WTE) facilities, which provided adequate in-state capacity to maintain our disposal self-sufficiency. Through these investments in municipal solid waste (MSW) disposal infrastructure, the state was able to close in-state MSW landfills. Since that time, Connecticut municipalities have been leaders in promoting new, innovative mechanisms for MSW disposal that advance the state's waste hierarchy—from designating recyclable items, to hosting the first commercial-scale anaerobic digester, to unit-based pricing for disposal or pay as you throw programs.

In spite of this progress, Connecticut's waste sector is once again at a critical point. In 2016 approximately 100,000 tons per year of MSW were being sent for out of state disposal. In 2018, that tonnage increased to approximately 400,000 tons. In-state WTE facilities are aging and in need of expensive upgrades and more extensive maintenance, and are generating lower revenues from electricity sales—a combination of factors that has increased tip fees at WTE facilities significantly. The closure of the Wallingford WTE facility, and now potentially the MIRA WTE facility, presents the real possibility that Connecticut will take a backward step towards increased reliance on out-of-state landfills to manage our MSW. This will put our state at the mercy of other states to accept our MSW, with negative consequences for the environment and greater volatility in disposal costs over the long term.

We believe that now is the time to take a step forward, harnessing State and Municipal innovation and collaboration to spur action and investment in new programs and services that will achieve a more affordable, equitable, and sustainable waste system for our citizens. Our collective vision is that this system will:

- Make substantial progress towards reducing several hundred thousand tons of generated MSW statewide by 2027;
- Promote opportunities for innovation, investment, and employment in Connecticut;
- Provide for predictable and (long-term) cost-effective options;
- Seek to minimize and mitigate impacts of waste infrastructure on overburdened communities.

To advance that future, we commit to working together in this initiative to accomplish the following:

1. Share experiences and lessons learned from various efforts to adopt effective waste reduction strategies;
2. Engage market participants and local stakeholders to solicit input and proposed waste reduction solutions;
3. Seek creative means to fund solutions that further our collective goal;
4. Identify and evaluate a menu of options that municipalities and the state can adopt that will help us to collectively make progress towards our goal;
5. By January 1, 2021, report on our progress and announce commitments to action in furtherance of our waste reduction vision.

We recognize that by working together, we have the potential to achieve economies of scale and send a strong signal for private investment and sector transformation. At the same time, we respect the unique needs and policy preferences of each participating jurisdiction, and the importance of flexible approaches. We recognize that each municipality can contribute in different ways, through different measures, to achieve our shared goals.

We welcome all municipal partners that would like to join us in this endeavor.

Participating Entities, as of August 11, 2020:

Town of Bethel – Matt Knickerbocker, First Selectman

Town of Durham – Laura Francis, First Selectman

CT Department of Energy & Environmental Protection – Katie Dykes, Commissioner