



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/96973528103>
Meeting ID: 969 7352 8103
Dial In: (929) 205 6099

**Thursday, October 22, 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 October 8, 2020
 6. Budget Transfers
 7. Personnel Report
 8. Appointments
- Old Business**
9. COVID-19 Update
 10. Noise Ordinance

New Business

11. Discuss and possibly vote to accept donations to Ball Pond Advisory
12. Public Comment
13. Adjournment

Received for Record

OCT 20 2020

at 3^h 43^m P.M. and recorded by

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

§ 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.

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 chapter.

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, snow blowers, 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).

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.

PUBLIC PLACES. Those areas within the jurisdiction of the Town of New Fairfield that are open for use by the public, including, but not limited to,

- (1) School grounds, town parks and other property owned by the Town of New Fairfield,
- (2) State Parks,
- (3) Recreational areas within the jurisdiction of New Fairfield associated with Candlewood Lake, Squantz Pond, and Ball Pond, whether privately or publicly owned, and
- (4) Retail spaces.

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.

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. The following activities shall be prohibited:

- (1) The use of Sound Reproductive Devices to broadcast sound, whether on land or on a waterbody within the jurisdiction of New Fairfield, in a manner that a reasonable person would conclude disturbs the right of residents and visitors to the peaceful enjoyment of their home and public places, except during events specifically sponsored or permitted by the Town of New Fairfield.
- (2) Permitting any animal, bird or fowl in one's possession or under one's control to make any frequent or continued noise beyond 15 minutes of such character or intensity that a reasonable person would conclude it disturbs the right of residents and visitors to the peaceful enjoyment of their home and public places.
- (3) Noise emitted repeatedly from a specific motor vehicle, including motorcycles and motorboats, that is not muffled to meet standard practices and is emitted in a manner that a reasonable person would conclude disturbs the right of residents and visitors to the peaceful enjoyment of their home and public places.

(4) Noise from lawn, garden, and tree trimming operations in a residential zone during the nighttime in a manner that a reasonable person would conclude disturbs the right of residents and visitors to the peaceful enjoyment of their home and public places.

B. 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 at a point that is located approximately one foot beyond the boundary of the emitter's premises, vehicle, vessel, motorboat, or recreational gathering. 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

	Residential			
	Industrial (dBA)	Commercial (dBA)	Daytime Hours (dBA)	Nighttime Hours (dBA)
Industrial	65	60	55	45
Commercial	60	60	55	45
Residential	55	55	55	45

(3) 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.

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, including, but not limited to, parades, sporting events, concerts, recreational activities, gun clubs 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. Shooting from the gun club may not run beyond the hours of 10:00AM-12:30 on Sunday mornings.

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-5

Motor vehicle noise.

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.

§ XX-6

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 may also enforce the requirements of this chapter.

B. Any person violating this chapter shall be fined two hundred fifty dollars per citation or the maximum dollar amount allowed by state statute.

§ XX-7

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.

22 Curtis Avenue
New Fairfield, CT 06812
H: 203.746.9563
C: 203.470.7016


29 September 2020

First Selectman Pat Del Monaco
Town Hall
4 Brush Hill Road
New Fairfield, CT. 06812

Dear Pat:

As you know, I am a member of the Ball Pond Advisory Committee. I would like to donate \$100 to the group to help defray costs of equipment purchases.

Check is enclosed.

Cordially,


James S. Mellett, PhD
j.s.mellett@gmail.com

TOWN OF NEW FAIRFIELD
PERSONNEL REPORT
October 22, 2020

	LAST NAME	FIRST NAME	POSITION	LOCATION	PAY RATE	REASON	EFFECTIVE
NEW HIRES							
1	VAN WART	DAVID	PER DIEM DISPATCHER	COMMUNICATION	\$21.54/HR.		10/23/2020
CHANGE IN STATUS							
2	FENNESSEY	CARA	HEALTH DEPARTMENT ADMINISTRATOR	HEALTH	\$30.05/HR	REPLACING JANE MCGOWAN	1/1/2020
SEPARATION							