

MINUTES OF THE REGULAR MONTHLY MEETING OF THE TOWN OF FAIRFIELD
AUGUST 28, 2023
[Stream Recording of Meeting Here](#)

The regular Monthly Meeting of the Town of Fairfield was held on Monday, August 28, 2023, at the Education Center, 501 Kings Highway East, Fairfield, CT and via Webex.

The meeting was called to order at 8:00 P.M. by Moderator Mark McDermott.

PRESENT: 37 ABSENT: 3 VACANCY: 0

PRESENT: Bateson, Longo, Ruggiero, Gerber, McCormack, Perham, Steele, Durrell, Galdenzi, Lambert, Pistilli, Karson, McCabe, Spolyar, Zezima, Barahona, Garskof, Siebert, Wolk, Berez, Graceffa, Havey, Kuhn, McDermott, Vergara, Wackerman, Ference, Meyers, Mirabile, Brown, Georgiadis, Horton, Scinto, Astarita, Britton, Sparacino, Tallman

ABSENT: Furey, Gale, Choniski

ITEM NO. 1 ON CALL: PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE

Moderator Mark McDermott led the Body in the Pledge of Allegiance and Moment of Silence.

ITEM NO. 2 ON CALL: APPROVAL OF MINUTES OF JUNE 26, 2023

The Moderator moved this item as distributed with the Call, duly seconded.

VOTE: The minutes of the June 26, 2023 meeting were approved by unanimous voice vote.

ITEM NO. 3 ON CALL: TO CONSIDER AND ACT UPON AMENDMENTS TO THE NOISE ORDINANCE, CHAPTER 78 OF THE CODE OF THE TOWN OF FAIRFIELD

The Moderator moved this item as distributed with the Call, duly seconded.

MOTION: Jill Vergara, District 7, moved to amend the proposed amendments in the following sections (see attached “red-line” amendments), duly seconded:

§78-4D; 78-5B; 78-6G; 78-6H; 78-7 E, O, R, S, T, U; and §78-8 A, B, C, D, E and F

VOTE: The motion to amend the proposed amendments to the Noise Ordinance as noted on the attached copy, marked “Clerk’s Copy,” was approved by unanimous voice vote.

Ed Bateson, District 1, said he appreciates the effort that went into the amendments. He has concerns about the language, “plainly audible,” especially during daytime hours and that it is too restrictive. Sharon Pistilli, District 3, said that the amendments make the ordinance easier to enforce.

Ken Astarita, District 10, said that the new language gives the Police Department appropriate discretion.

Jeff Steele, District 2, pointed out that the ordinance does not have to align with State statutes since the statute takes precedence. In his estimation the emails received were not overwhelmingly in support of the amendments.

Karen McCormack, District 2, said that the Police Chief has stated that the department does not need these amendments to do its job, and that 67 emails is not a mandate from the residents.

Speaking in support of the amendments were Michael Katz; Lucas Scholhamer; Alyssa Israel; Police Commission Chairman Peter Ambrose; Joe Feczko; Declan Maher; Erin Greenwald; and Mohsen Sheikh.

VOTE: Amendments to the Noise Ordinance, as amended, were approved with a vote of 27 in favor, 9 opposed and 1 abstention.

IN FAVOR: Gerber, Durrell, Galdenzi, Lambert, Pistilli, Karson, McCabe, Spolyar, Zezima, Barahona, Garskof, Siebert, Wolk, Berecz, Graceffa, Havey, Kuhn, McDermott, Vergara, Wackerman, Brown, Georgiadis, Horton, Scinto, Astarita, Britton, Sparacino

OPPOSED: Bateson, Longo, Ruggiero, McCormack, Steele, Ference, Meyers, Mirabile, Tallman

ABSTAINED: Perham

ITEM NO. 4 ON CALL: REFERRAL OF SAFE AND LIVABLE STREETS ORDINANCE TO THE LEGISLATION AND ADMINISTRATION COMMITTEE

The Moderator has referred a Safe and Livable Streets Ordinance to the L&A Committee for review.

OTHER BUSINESS

The Moderator reported that the appointment to the FairTV Commission which was postponed until this evening has withdrawn his name from consideration.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:57 PM.

Respectfully submitted,

Elizabeth P. Browne, MMC, MCTC
Town Clerk

Minutes prepared by Ann E. Roche, CMC
Asst. Town Clerk

Town of Fairfield, CT / Part II General Legislation

Chapter 78 Noise

[HISTORY: Adopted by the Representative Town Meeting of the Town of Fairfield 6-25-1985. Amendments noted were applicable.]

GENERAL REFERENCES

Alarms producing exterior audible sound — See Ch. [45](#), § [45-5](#).

§ 78-1 Legislative intent.

§ 78-2 Definitions.

§ 78-3 Excessive noise prohibited.

§ 78-4 Noise level measurement procedures.

§ 78-5 Noise level standards.

§ 78-6 Administration, enforcement and penalties.

§ 78-7 Exceptions.

§ 78-8 Specific prohibitions.

§ 78-9 Variances.

§ 78-10 Conflict with other regulations.

§ 78-11 Severability.

§ 78-1 Legislative intent.

Government is instituted to protect life, liberty and property. Loud, excessive and unreasonable noise is an interference with a person's right to the use and enjoyment of his/her property, especially in residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. This chapter is enacted to protect, preserve and

promote the health, safety, welfare and quality of life in Fairfield through the reduction, control and prevention of noise.

§ 78-2 Definitions.

As used in this chapter, the following items shall have the meanings indicated:

BUSINESS DISTRICT

Any business district, including Business District No. 1, Business District No. 2, Business District No. 3, Designed Business District No. 1, Designed Business District No. 2, Designed Business District No. 3 and Designed Business District No. 4, as defined in the Zoning Regulations of the Town of Fairfield.

DAYTIME HOURS

The hours between 7:00 a.m. and 10:00 p.m., Monday through Friday; and the hours between 8:00 a.m. and 10:00 p.m. on Saturday, Sunday and during any state or national holiday.

DECIBEL

A logarithmic unit of measurement of the sound level. In this chapter, the decibel level is expressed in terms of dBA (A-weighted decibels).

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical or property damage which demands immediate action.

EMITTER

A person who creates, causes to be created or allows the noise.

IMPULSE NOISE

Sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

INDUSTRIAL DISTRICT

Any industrial district, including Industrial District No. 1, Industrial District No. 2, Designed Industrial District No. 1, Designed Industrial District No. 2 and Designed Research District, as defined in the Zoning Regulations of the Town of Fairfield.

MOTOR VEHICLE

Shall be defined as per Section 14-1(26) of the Connecticut General Statutes (Revision of 1958, as amended).[1]

NIGHTTIME HOURS [Amended 9-25-2017]

A. The hours between 10:00 p.m. and 7:00 a.m., Sunday night through Friday morning (weekday schedule); and the hours between 10:00 p.m. and 8:00 a.m., Friday night through Sunday morning (weekend schedule).

Weekday Schedule:

10:00 p.m. Sunday through 7:00 a.m. on Monday

10:00 p.m. Monday through 7:00 a.m. on Tuesday

10:00 p.m. Tuesday through 7:00 a.m. on Wednesday

10:00 p.m. Wednesday through 7:00 a.m. on Thursday

10:00 p.m. Thursday through 7:00 a.m. on Friday

Weekend Schedule:

10:00 p.m. Friday through 8:00 a.m. on Saturday

10:00 p.m. Saturday through 8:00 a.m. on Sunday

B.

During any state or national holiday, the weekend schedule will be in effect the night before the holiday through the morning of the holiday.

NOISE

Any sound, the intensity of which exceeds the standards set forth in § 78-5 of this chapter.

NOISE LEVEL

The sound pressure level, as measured with a sound level meter.

PERSON

Any individual, including the singular and plural, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political administrative subdivision of the state or on other legal entity of any kind.

PLAINLY AUDIBLE

Any sound produced by a SOUND PRODUCTION DEVICE that can be detected by a person using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification device, the enforcement officer need not determine the title, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. Only noise emitted by SOUND PRODUCTION DEVICES are subject to the PLAINLY AUDIBLE noise level standards provided for in § 78-5.

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. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way and waters of the state.

PROPERTY LINE

That real or imaginary line along the ground surface and its vertical extension which:

- A. Separates real property owned or controlled by another person; and
- B. Separates real property from the public right-of-way.

RECEPTOR

The person who receives the noise impact and initiates the noise complaint.

RESIDENTIAL DISTRICT

Any residential district, including Residential Districts AAA, AA, R-3, R-2, A, B, C, Designed Residence District No. 1 and Designed Residence District No. 2, as defined in the Zoning Regulations of the Town of Fairfield, and all uses permitted therewith either as a right or as a special use.

SOUND

The 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 the air, evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.

SOUND LEVEL METER

An instrument used to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for sound level meters (TYPE s2A).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound and is electronically amplified, including, but not limited to, any loudspeaker, radio, vehicle stereo, vehicle muffler, television, digital or analog music player, public address system or sound-amplifying equipment.

[1]

Editor's Note: See now C.G.S. § 14-1(54).

§ 78-3 Excessive noise prohibited.

[Amended 9-25-2017]

It shall be unlawful for any person to emit or cause to be emitted any noise from such person's property beyond the boundaries of his property lines in excess of the noise levels set forth in § 78-5 during daytime or nighttime hours as defined in § 78-2, except in those incidences provided for in §§ 78-7 and 78-8.

§ 78-4 Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

When measuring with a sound level meter:

- A. Instruments used to determine noise levels shall conform, as a minimum, to the operational specifications of the American National Standards Institute for sound level meters (Type s2A), maintained in calibration and good working order, and instrument manufacturer's instructions for use of the instruments shall be followed.
- B. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.
- C. Measurements shall be taken at a point that is located at least one foot beyond the boundary of the emitter's property line within the premises of the complaining receptor. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

When measuring Sound Production Devices that are plainly audible:

- D. Noise produced by Sound Production Devices are plainly audible by a person with normal hearing when such noise can be heard at the distances enumerated in § 78-5. Distances may be measured by approximation from the source of the noise. and determination of a violation is solely within the enforcement agent's discretion.

§ 78-5 Noise level standards.

- A. No person shall emit noise exceeding the levels stated herein, except in those incidences provided for in §§ 78-7 and 78-8 of this chapter:

Property Use:	Noise Measured by Sound Level Meter (Applicable to all noise): <i>Measured in A-Weighted Decibels (dBA)</i>		Plainly Audible Noise (Applicable only to noise produced by Sound Production Devices):
Receptor	Time	Sound Level dBA	Plainly Audible at:
Residential	Nighttime	45 dBA	100 feet
Residential	Daytime	55 dBA	150 feet
Business	At all times	60 dBA	200 feet
Industrial	At all times	65 dBA	250 feet

- B. All motor vehicles operated within the limits of the Town of Fairfield 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, Sections 14-80a-1a through 14-80a-10a, Maximum Permissible Noise Levels for Vehicles.[1] [1]

Editor's Note: See now C.G.S. § 14-80a, Maximum noise levels.

§ 78-6 Administration, enforcement and penalties.

- A. The Police Department shall be responsible for enforcing the provisions of this chapter upon the complaint of any person and shall, upon such complaint, carry out the intent of this chapter as specified in § 78-3. Upon receiving the first complaint, the police shall make the required sound level reading or plainly audible determination as specified in § 78-5.
- B. If the sound level exceeds the standards enumerated in § 78-5, or is specifically prohibited under § 78-8, a verbal warning shall be given to the emitter for the first offense; a citation notice of \$100 may be given for the second offense; and a citation notice of \$250 may be given for each subsequent offense within one yearsix (6) months of the last offense.
- C. Each violation shall constitute a separate offense.
- D. Refusing, hindering or interfering with enforcement of any provision in this chapter is a separate offense.
- E. Failure to pay the fine in the time prescribed in the citation notice will result in the issuance of a summons to appear in Superior Court.
- F. Notwithstanding that enforcement of this chapter shall be initiated by such complaint, no signed complaint shall be required by the Police Department to enforce or administer any of the provisions of this chapter.
- G. Nothing in this chapter shall prevent the Police Department, because of the perceived nature of the offense, from proceeding not under the terms of this chapter but under the provisions of C.G.S. §§ 53a-182, which sections relate generally to breach of peace and public disturbance.
- H. The Chief of Police, or his/her designee, will report annually to the Representative Town Meeting at its January meeting on the full list of all noise complaints received including location, date and the disposition of all noise complaints processed.

§ 78-7 Exceptions.

The noise level standards defined in § 78-5 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 systems used in emergency situations; provided, however, that burglar or fire alarms not terminating within 30 minutes after being activated shall be unlawful.[1] [1]

Editor's Note: See Ch. 45, Alarms.

- D. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

- E. Noise created as a result of or relating to an emergency, including but not limited to, home and commercial generators during periods of lost power. F. Noise created by snow-removal equipment.
- G. Noise created by certificated aircraft operating under the control of the Federal Aviation Administration.
- H. Noise created as a result of or relating to maintenance and repairs conducted by public utilities.
- I. Noise generated from swimming pool pumps, air-conditioning systems and heating systems which are in good working order and which meet the specifications accepted by federal, state and Town agencies designated to govern their installation and standards of performance.
- J. Noise created by public celebrations and on-site recreational or sporting activities which are sanctioned by the State of Connecticut or the Town of Fairfield, including, but not limited to, parades, sporting events, concerts, and block parties. This exception does not apply to private rentals of town-owned buildings.
- K. Agricultural activities, when all internal combustion engines are equipped with a properly functioning muffler.
- L. The unamplified sounding of the human voice.
- M. Noise created by public school construction.
- N. Noise created by road maintenance activities of the Department of Public Works and the Water Pollution Control Agency.
- O. Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours between the hours of 6:00 a.m. and 8:00 p.m. on weekdays.
- P. Permitted fireworks conducted after sunset and completed by 10:00~~30~~ p.m. Fireworks conducted by the Town of Fairfield or its designee(s) for the Independence celebration are fully excluded from these noise regulations at all times.
- Q. Noise created by public demonstrations and/or protests, provided that the activity is conducted during daytime hours.
- R. Construction, demolition, power tools and home maintenance tools operated shall not be operated between the hours of 7:00 a.m. p.m. and 7:00 p.m. a.m. on weekdays, and between 9:00 a.m. 5:00 p.m. and 5:00 p.m. 9:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, these activities shall be subject to the nighttime noise level standards specified in § 78-5 does not apply.
- S. Blasting authorized by the State of Connecticut or the Town of Fairfield shall not be conducted between 8:00 a.m. 5:00 p.m. and 5:00 p.m. 8:00 a.m. At all other times, § 78-5 does not apply, provided that a permit for such blasting has been obtained from the Town.
- T. Landscaping and/or yard maintenance equipment operated between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, and between 8:00 a.m. and 8:00 p.m. on weekends or state/federal holidays. At all other times, these activities shall be subject to the nighttime noise level standards specified in § 78-5.
- U. Maintenance of town playing fields and public and private golf courses shall not be subject to this prohibition.
- V. Any person who owns or operates any stationary noise source granted a variance pursuant to Section 22a-69-7.1 of the Regulations of Connecticut State Agencies shall be exempt from

provisions of this chapter by said variance. Any person seeking a variance pursuant to Section 22a-69-7.1 of the Regulations of Connecticut State Agencies shall not be subject to the provisions of this chapter while the variance application is pending.

§ 78-8. Specific Prohibitions.

The following shall be specifically prohibited:

- ~~A. Construction, demolition, power tools and home maintenance tools shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and between 5:00 p.m. and 9:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply.~~
- ~~B. A. Blasting shall not be conducted between the hours of 5:00 p.m. and 8:00 a.m. Blasting shall not be conducted between 5:00 p.m. and 8:00 a.m. At all other times, § 78-5 does not apply, provided that a permit for such blasting has been obtained from the Town.~~
- ~~C. Landscaping and/or yard maintenance equipment shall not be operated between the hours of 8:30 p.m. and 7:00 a.m. on weekdays, and between 8:00 p.m. and 8:00 a.m. on weekends or state/federal holidays, unless such activities can meet the limits set forth for nighttime hours in § 78-5. At all other times, § 78-5 does not apply. Maintenance of town playing fields shall not be subject to this prohibition.~~
- D. B. Impulse noise such as vehicle backfiring, engine racing, and unnecessary vehicular horn blowing that annoys or disturbs the quiet, comfort or repose of persons. No impulse noise from any source may exceed 80 dBA during nighttime hours. No impulse noise may exceed 100 dBA at any time.
- E. C. Igniting fireworks after 10:30-00 p.m., except by the Town of Fairfield or its designee(s) for the Independence Day celebration. Special permits must be obtained to ignite fireworks in the Town of Fairfield. See CGS § 29-357.
- F. D. Refusing, hindering or interfering with enforcement of any provision in this chapter.

§ 78-9 Variances.

- A. Any person living or doing business in the Town of Fairfield may apply to the Chief of Police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:
1. The location and nature of the activity.
 2. The time period and hours of operation of said activity.

3. The nature and intensity of noise that will be generated.
- B. No variance from this chapter shall be granted 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.
- C. The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- D. Failure to rule on an application within the designated time shall constitute approval of the variance.

§ 78-10 Conflict with other regulations.

In the event that any standards in this chapter conflict with regulations or standards set by the Town of Fairfield and/or the State of Connecticut Department of Environmental Protection, the stricter standard shall apply.

§ 78-11 Severability.

If any section, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this chapter or any part thereof.

RTM Ed & Rec Committee Meeting
Board of Education Building, Kings Highway, Fairfield and via WebEx
August 21, 2023
Minutes

1. Call to Order

Meeting Called to Order at 8:57 pm.

2. Roll Call

Present: Mark A. McDermott, District 7; Marcy Spolyar, District 4; Margaret Horton, District 9; Steve M. Berez, District 6; Brooke Sparacino, District 10.

Absent: Lisa Havey, District 6; Kelly Scinto, District 9; Cameron Choniski, District 8

3. To consider and act upon amendments to the Noise Ordinance, Chapter 78 of the Code of the Town of Fairfield, sponsored by Jeff Galdenzi, District 3; Jay Wolk, District 5; Andrew Graceffa, District 6; Jill Vergara, District 7; and Dru Georgiadis District 9.

A motion to approve was made by Representative Horton, seconded by Representative Berez. Motion carried 4-0-1.

Discussion: Rep. Horton spoke about how this is a very important issue both for the town, and particularly in her district, and shared how a recent constituent email expressed how passage of these revisions to the existing noise ordinance would be “life-changing” in terms of improving quality of life for residents, and that she would be voting to approve. Rep. Sparacino asked questions for clarification of the proposed revisions regarding how the issue of excessive noise is currently addressed by the police. Rep. Berez expressed that the revisions hopefully make it easier for the police to respond to noise complaints without criminalizing offenders, often college students.

No other matters were presented.

4. Adjournment

A motion to adjourn was made by Representative Horton, and seconded by Representative McDermott . Motion passed unanimously.

The meeting was adjourned at 9:07 pm.

Respectfully submitted by:

Margaret Horton
Secretary, Ed & Rec Committee
August 23, 2023

The Finance Committee of the RTM 8/21/23 had no quorum. Thanks. - Sharon

Public Health & Safety Committee August 21 2023

4 of 8 of us were in attendance

Hank Ferrence
Jeff Galdenzi
Cindy Perham
Jennifer Barahone

No vote could be taken.

Thank you,

Cindy Perham
Member of the PHS committee

Public Works and Planning Committee

Meeting Minutes - DRAFT

August 21, 2023

I. Call to order

The regular meeting of the Public Works and Planning Committee was called to order by Chairman Wolk at 9:01pm on Monday, August 21, 2023 at the Board of Education building, 501 Kings Highway East.

II. Roll call

Representative Brown conducted the roll call. The following persons were present:

Jay Wolk - Chair

Andrew Graceffa

Christine Brown

Michelle McCabe

Ken Astarita

Karen McCormack - online

Peter Britton - online

Alex Durrell was absent.

III. Approval of minutes from last meeting

The committee did not have a quorum and did not meet on 6/20/23; therefore there were no minutes to circulate from that date. The minutes from the May 15, 2023 meeting were approved as drafted.

IV. Items on the Call

1. To consider and act upon amendments to the Noise Ordinance, Chapter 78 of the Code of the Town of Fairfield, sponsored by Jeff Galdenzi, District 3; Jay Wolk, District 5; Andrew Graceffa, District 6; Jill Vergara, District 7; and Dru Georgiadis District 9.

Rep. McCabe moved to approve this resolution, duly seconded.

VOTE: The motion passed with 4 members voting yes (Wolk, Brown, Graceffa, McCabe) and 3 abstentions (Astarita, Britton, McCormack).

V. New Business

There was no new business.

VI. Adjournment

A motion to adjourn the meeting was made by Rep. Astarita, duly seconded and unanimously approved. The meeting was adjourned at 9:06 pm.

Respectfully submitted,

Christine Brown, Secretary