

**BOARD OF SELECTMEN MEETING**

**JANUARY 10, 2001 7:00 PM**

**TOWN HALL LOWER LEVEL CONFERENCE ROOM**

**APPROVED**

These minutes are intended to be a summary of the meeting and not a verbatim recording. A transcript of the meeting is available on request for a fee.

In attendance: Mr. Marconi, Dr. Yanity, Mr. Heyman and Mr. Zemo.  
Absent: Ms. Manners

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**7:00 PM  
PUBLIC HEARING  
PROPOSED NOISE ORDINANCE**

Mr. Marconi called the Public Hearing meeting session to order at 7:00 PM.

Barbara Pokarack, 28 Wilton Road East, expressed her concerns on the proposed noise ordinance by inquiring why animals were not included in the ordinance. Ms. Pokarack's explained her current living situation is constantly disrupted by the noise of her neighbor's animals.

Dave Grogins, Town Counsel answered Ms. Pokarack's question by explaining that if the regulation of animals were included within the ordinance, the state would most likely reject it. The state's objections would be based on a comparison of the current state model ordinances and regulations, which do not include animals. Mr. Grogins's recommendation was to draft a separate provision for noise control of residents' animals, i.e. dog barking.

Michael Autuori, P&Z Commissioner, expressed his views on the proposed ordinance as reasonable and beneficial. Mr. Autuori addressed Ms. Pokarack's concerns by stating that the fact that the ordinance does not address animals is what is best for her situation due to the exclusions under the ordinance do not mention animals, therefore they are covered under the ordinance.

Mr. Autuori had other recommendations for language changes to the ordinance. They are as follows:

1. Section 7-19 Noise Levels and Guidelines - Page 3 sec. (b)  
The words "**and/or**" should be included after the *Emitter's Premises* and before *within the Receptor's*
2. sec. (c) Impulse Noise  
Change *70 dBA NIGHTIME* to "**45 dBA NIGHTIME**"
3. Section 7-20 Exclusions – Page 3-4  
Under (6) – at the end "*after sunset;*" add "**or 8 p.m. whichever is earlier.**

Under (9) – change "*6 a.m.*" to "**7 a.m.**"

Mr. Autuori also stated that the ordinance did not include penalties for violations and amounts.

Ralph Libby, 126 Round Lake Road expressed his concern about the restrictions and how long will the timetable last for the enforceability of these restrictions.

John Johnson, 38 Prospect Street, expressed his dilemma of his neighbor's air conditioning unit causing his living conditions to be unbearable to the point that he is considering selling his home.

Marjorie McKenna, 167 Silver Springs expressed her approval of this ordinance and stated that the ordinance was an example of democracy in action to protect the public. She stated her situation of the continuous noise emitting from the leaf blowers at the Silver Springs Golf and Country Club

A.J. DiMattia addressed the Selectmen with the question, "Do you agree with the concept that animals are not a natural phenomenon?"

Mr. Marconi stated that once this ordinance passes, the Board will look at other town's ordinances that address animal noise restrictions.

John Katz, Ridgebury Road expressed his views that in effect what is the attempt is to legislate the training of animals.

Mr. Autuori stated that it is a regulation of the dog owner, not the dog.

Mr. Marconi read a letter sent by Jose F. Helu, Jr. 356 Limestone Road and he requested it to be read into the minutes.

January 7, 2001

Dear Board of Selectmen:

I am glad that Ridgefield is finally considering the noise problem, but there is one aspect of this problem that would not be addressed by the regulations as proposed, and that is the incessant blare of leaf blowers in the fall. The problem with that noise made by leaf blowe4rs is that most of the sound energy is concentrated in a narrow frequency band. In other words, the sound emitted is pretty much a single tone, which therefore does not have to be very loud in order to be quite disturbing. This kind of noise is not easily masked by other ambient sounds, which have a wide frequency distribution and vary rapidly over time. It also carries for a far greater distance. It is an especially irritation form of noise which occurs mainly when people have their windows open and are trying to enjoy the out-of-doors, and would not be addressed adequately by simple decibel limits.

I propose that he noise regulations include a provision which imposes much more stringent decibel limits on noise (other than music) which is emitted primarily in a narrow frequency and, especially those whose tone is fairly constant and in the mid to upper frequency range (the range most commonly emitted by leaf blowers). With appropriate parameters, this will be able to restrict the noise produced by leaf blowers and similar machinery without imposing draconian restrictions on other forms of noise.

Leaf blowers are not the only rapid way to remove leaves from one's lawn. Mechanical leaf sweepers which are pushed by hand are fairly effective and completely silent. Admittedly leaf blowers are a bit quicker, but there is more to life than assaulting one's neighbor's ears in the relentless pursuit of rapid *horticultural perfection*.

While it might be nice that Ridgefield sports bright green leaf-free lawns, it is far nicer that Ridgefield sport a relaxed country quiet. The sounds of squirrels, birds, and the breeze are very much a part

of Ridgefield's natural beauty, and the opportunity to protect this relaxing stillness from the assault of leaf blowers and similar noise should not be inadvertently foiled by legislation which inadequately addresses narrow-band noise.

Sincerely,

Jose F. Helu, Jr.

Norm Craig, 207 West Lane, asked the question, "Who will enforce the ordinance?"

Mr. Marconi answered, "The Police Department." Mr. Marconi also stated that the turn-around time for the ordinance's approval was two (2) to three (3) weeks. **Mr. Heyman made a motion to approve the adoption of the proposed noise ordinance with modifications; seconded by Mr. Zemo. By a vote of 4-0, the motion passed unanimously. A Town Meeting has been set for January 31, 2001.**

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## BOARD OF SELECTMEN MEETING

### AGENDA

1. Vendor Permit Renewal, Michael Foulds, Foulds' Freezer
2. Land Conservancy Taxes
3. Recycling Center Contract Discussion, Hudson Baylor Group (tabled)
4. Police Commission Request: Pedestrian Signal at Rte 35 & Grove Street
5. McKeon Farm parcel acquisition discussion, contracts
6. Building Projects Update
7. Approval of meeting minutes of 12/6, 12/13, 12/22
8. First Selectman's Report
9. Executive Session: Fire Chief contract

**Mr. Heyman made a motion to remove two items #2 and #3 on the agenda and add one item, approval for an easement to a sewer line located under the Adam Broderick Salon; seconded by Dr. Yanity. By a vote of 4-0, the motion passed unanimously.** The easement approval was placed as #1 on the agenda.

1. Adam Broderick, owner of Adam Broderick Salon and Spa was denied by his bank to refinance his loan due to sewer line under Mr. Broderick's building. The Selectmen consulted a CCA sketch of the building and based on this, **Mr. Zemo made a motion to approve the easement located under the Adam Broderick Salon for gaining access to the sewer line; seconded by Mr. Heyman. The approval is contingent upon WPCA's approval. By a vote of 4-0, the motion passed unanimously.**
2. **Mr. Zemo made a motion to approve the contract renewal for a vendor permit to Mr. Foulds; seconded by Mr. Heyman. By a vote of 4-0, the motion passed unanimously.** Mr. Foulds operates a Good Humor truck that serves five (5) pools and in May and June he serves baseball and soccer fields.
4. The Police Commission has requested the Selectmen to approve the funding for a pedestrian walk light to be installed on Route 35 and Grove Street. The signal equipment's expense would be \$75,000 of which the Town would be responsible for 10%. **Mr. Zemo made a motion to approve a \$7,500 expense for placing a crossing light for pedestrians at the intersection of Route 35 and Grove Street; seconded by Mr. Heyman. This approval is contingent upon Mr. Marconi's investigation into why the total cost of the project is \$75,000. By a vote of 4-0, the motion passed unanimously.** Mr. Heyman recommended that this light should be tied into the light on Main Street thereby reducing increased traffic flow.
5. The board agreed to set a public hearing on the possible purchase of a parcel of McKeon's Farm for January 17, 2001. A tentative closing date on the property is February 15, 2001. The contracts are contingent upon approvals from various commissions and funding. The Conservation Commission donated \$200,000 from the Acquisition of Open Space Fund. Mr. Marconi will ask the Board of Finance to financially contribute; other private contributions have been made as well for the full funding of the total purchase price which must be made by April 15, 2001.
6. Mr. Marconi distributed the letters of intent drafted by Tai Soo Kim, Architects, S/L/A/M and O&G Industries for the building

projects approved by the recently passed referendum. Mr. Marconi stated that A.I.A. documents will be used and he will be having a meeting with O&G on Friday to review the various reports generated for these projects.

Mr. Marconi stated that to date, he has received ten (10) responses for the vacancies on the new Building Committee. He will distribute each applicant's resume to the Selectmen before the January 17<sup>th</sup> meeting for review. The agenda for this meeting will include the interviews for these vacancies as well as interviews for the Golf Committee vacancies. **Mr. Heyman made a motion; seconded by Mr. Zemo to sign the letters of intent in order for the building projects to go forward and thereby final contracts can be reviewed. By a vote of 4-0, the motion passed unanimously.**

7. Approval for Minutes:

*12/6/00* – Tabled due to Ms. Manners absence.

*12/13/00* – **Mr. Heyman made a motion to approve the minutes contingent upon a minor change to be made; seconded by Mr. Zemo. By a vote of 4-0, the motion passed unanimously.**

*12/22/00* – **Mr. Zemo made a motion to approve the minutes; seconded by Mr. Heyman. By a vote of 3-0-1, with Dr. Yanity abstaining due to his absence at the meeting, the motion passed.**

8. First Selectman's Report -

a. Mamasasco Improvement Fund – Walt McNamara and Dave Grogins were in attendance to discuss the status of the clean up and the collection of the area's run off. Mr. McNamara explained the Grid system and the priority grid and the estimated costs of each. He explained that the project has a lot of Public Works aspects to it which include catch basins along Mamasasco Road. Mr. McNamara submitted the costs for the first phase of the project, Priority Grid 1, which will be broken out to be completed in three (3) years. Mr. McNamara submitted a cost breakdown for this phase which totaled \$71,000 which includes and EPA grant of \$43,065 and the remainder of the funds from the Mamasasco Improvement fund and funds already in the Town's budget for this year. The contract has gone through the

appropriate state and federal departments and has now gone back to the Town for final approvals. **Mr. Heyman made a motion to approve the resolution authorizing the Town to enter into the contract and for Mr. Marconi to sign on behalf of the Town; seconded by Mr. Zemo. By a vote of 4-0, the motion passed unanimously.**

b. Mr. Marconi distributed the Police Department budget's for the Selectmen to review.

c. Mr. Marconi gave an update on the Van Summeran Group's assessment of Town Hall's roof and oil burner and the Old High School's air conditioning unit as well as looking at other Town owned buildings.

Mr. Zemo raised a concern that he found at the Branchville Railroad Station. The area that was used as a waiting room for railroad patrons has now been converted to an antique room and there is no sitting area. Mr. Marconi will look into this due to this was not the original intention of this area of which is under the direction of the Selectmen.

Mr. Zemo also mentioned that Mr. McNamara is retiring and Mr. Zemo would like to "pass the baton to Mr. Marconi" to attend the Mamasasco Committee monthly meetings. Mr. Heyman volunteered to attend after March. Mr. Zemo will attend the meetings for January and February.

**Dr. Yanity made a motion to adjourn the regular meeting; seconded by Mr. Zemo. By a vote of 4-0, the motion passed unanimously.** The meeting adjourned at 9:25 PM.

The Board moved into Executive Session at 9:30 PM. **Mr. Zemo made a motion to adjourn the Executive Session; seconded by Mr. Heyman.** The meeting adjourned at 9:40 PM.

Respectfully submitted,

Jill Lord  
Recording Secretary