

Aye: Mr. Formica, Mr. Nickerson, Ms. Cheeseman, Mr. Seery, Ms. Hardy.

Nay: None.

Abstain: Mr. Wilson. Motion passed 5-0-1.

1e. Consent Calendar

MOTION (4)

Mr. Nickerson moved to approve the Consent Calendar in the amount of \$6112.42 for the meeting of April 3, 2013.

Seconded by Ms. Cheeseman. Motion passed 6-0.

Presentation – Darrow Pond Report – Chair Jack Hogan

Mr. Hogan was present and recognized several members of the committee who were in the audience. He reviewed a power point presentation regarding their report (identified as Attachment A).

Mr. Wilson was called out of the meeting at 7:35 p.m.

Mr. Formica thanked Mr. Hogan and his committee for a very comprehensive report. He extended the Board's thanks and noted he would be speaking to Attorney Wainwright to determine what the next steps would be.

Ms. Hardy suggested moving Item 3a. Noise Ordinance up and handling it before the other house keeping items that were on the agenda.

3a. Continued Discussion – Noise Ordinance

Attorney Kinnel passed out copies of Option A and Option B of the proposed ordinance. He said that the only difference was that Option B, Page 5, Section 8 regarding enforcement. He said that the fine had been lowered to \$90.00, since if the fine stayed \$90 or under, the officer could write a ticket and the person could pay the ticket and no court presence would be necessary.

Mr. Formica read a letter dated 4/3/13 from Resident Trooper Sgt. Blanchette noting that he endorsed Option B (identified as Attachment B). He showed the Board a decibel meter that is used by the Waterford Police Department and said that we could use theirs if we paid the annual calibration cost of \$291. He added that the decibel meter could be purchased for \$300.

Ms. Hardy noted that Option A had an appeal process which is not included on Option B. She said if someone is ticketed and pleads not guilty, the state statutes referenced would take over along with the court system. She said that the payment would then be sent to Hartford and the State would get the money. She added that the High School has a decibel meter for science experiments and perhaps the police could borrow it.

Mr. Seery said that this Ordinance would not stop everything but it does give the police one more option. He suggested that if the Board passes this ordinance, that we check back in one years time to see whether it has been used or not.

Mr. Nickerson said that he had done some investigation about decibel levels and noted that a normal ATV runs at a decibel level of 80, while a chain saw at 110 dcb and a vacuum at 70 dcb. He said that we might have set the decibel level too low because a lawn mower would not be in compliance as written. He said that he would be abstaining from voting since he was not convinced that the decibel levels in the ordinance were reasonable.

Attorney Kinnel said that Option B, Section 5 (identified as Attachment C) which covers exemptions from the ordinance includes lawnmowers, etc.

Ms. Cheeseman said that although she sympathizes, another ordinance will not stop someone who wants to make noise and she has decided to vote against the ordinance. She said that if it did pass, she was interested in having it revisited in a year's time.

Mr. Formica noted that he would be voting in favor of the ordinance since it offered the Police another level of control.

MOTION (5)

Mr. Seery moved the following:

RESOLVED, to enact the ordinance entitled "Town of East Lyme Noise Control Ordinance" in the form presented as Option B at the Board of Selectmen meeting on April 3, 2013. Pursuant to the Town Charter, the effective date of ordinance shall be May 15, 2013. Notice thereof shall be given by publication and by filing with the Town Clerk and its effective date shall be no sooner than ten (10) days after publication.

Seconded by Ms. Hardy.

Aye: Mr. Formica, Ms. Hardy, Mr. Seery.

Nay: Ms. Cheeseman.

Abstain: Mr. Nickerson. Motion carries 3-1-1.

2a. Discussion – Darrow Pond Report

Mr. Formica extended the Board's thanks and noted he would be speaking to Attorney Wainwright to determine what the next steps would be. He added when he had more information, he would place the item back on the agenda.

2b. Budget Transfer – Non-affiliated – salaries

MOTION (6)

Mr. Nickerson moved to approve a transfer in the amount of \$34,416 from account 3-01-01-120-100-500 (Town Payroll Pending PR Change) to various budget line items as itemized on the attached worksheet titled, "Town of East Lyme Unaffiliated COLA increases 7/1/12 - 6/30/13 additional Funding Required and forward to the Board of Finance for their approval.

Seconded by Mr. Seery. Motion passed 5-0.

2c. Budget Transfer – AFSCME Local 1303-229 – wages

MOTION (7)

Mr. Nickerson moved to approve a transfer in the amount of \$55,762 from account 3-01-01-120-100-500 (Town Payroll Pending PR Change) to various budget line items as itemized on the attached worksheet titled, "Town of East Lyme Local 1303-229 of Council 4 AFSCME (Administrative/Maintenance) 2012/2013 Funding Agreement and forward to the Board of Finance for their approval.

Seconded by Ms. Hardy. Motion passed 5-0.

2d. Budget Transfer – AFSCME – Local 1303-436 – wages

MOTION (8)

Mr. Nickerson moved to transfer \$4,165 from account 3-01-01-120-100-500 (Contingency Pending PR Change) to the following accounts: \$3,869 to account 3-01-25-224-100-212 (Dispatchers), and \$296 to account 3-01-01-114-100-121 (FICA/Medicare) to fund Local 1303-436, Council 4 AFSCME (Dispatchers) agreement and forward to the Board of Finance for their approval.

Seconded by Mr. Seery. Motion passed 5-0.

2e. Budget Transfers – Within departmental budgets

MOTION (9)

Mr. Nickerson moved to ratify departmental transfers in the amount of \$40,240.11 processed for fiscal year end June 30, 2013 and to forward to the Board of Finance for approval.

Seconded by Mr. Seery. Motion passed 5-0.

2f. Special Appropriation - \$1000 Biodiversity Preservation Grant

MOTION (10)

Mr. Nickerson moved to approve a special appropriation in CNRE Fund 32 in the amount of \$1,000 Les Mehrhoff Plant Biodiversity Preservation Grant received from the Connecticut Association of Wetlands Scientists to implement the Clark Pond Riparian Area Restoration and Enhancement and move to the board of Finance for approval.

Seconded by Ms. Cheeseman.

Ms. Hardy asked if this was the extent of the money for this project.

Town Planner Gary Goeschel stated that the Friends of Oswegatchie were coming up with \$5000 in kind services and Dominion was funding \$2500...

Motion passed 5-0.

2g. Appointments – Zoning Alternate
MOTION (11)

Mr. Nickerson moved to appoint Peter Lukas of 5 Westend Avenue, Niantic, CT to serve on the Zoning Commission as an Alternate through December 2, 2013 (until the next municipal election).

Seconded by Mr. Seery. Motion passed 5-0.

Cable TV Advisory

Mr. Formica noted that after speaking with the Council, East Lyme is eligible to have two members representing the Town, 1 member representing the Board of Education and one member representing the Library. He noted that Mr. Place who is already a member would be the Board of Education representative and Mr. Vogel (already sitting) would be a Town representative. He added that this appointment would be another Town representative.

MOTION (12)

Mr. Nickerson moved to appoint Michael Meinz of 1 Goldfinch Terrace, East Lyme, CT to serve as a representative to the Cable TV Advisory through January 4, 2016.

Seconded by Mr. Seery. Motion passed 5-0.

5a. Ex-Officio

Mr. Seery noted that Chair O'Connor had notified him that the HS Athletic Field would be off line while they put down the track surface.

Ms. Hardy had no report.

Ms. Cheeseman noted she attended a brief Zoning meeting where there were several re-applications for outdoor dining.

Mr. Nickerson had no report.

5b. First Selectman's Report

Mr. Formica noted he had attended Council of Government and CT Council of Municipality meetings. He attended Greek Independence Day at the Greek Church and noted we were flying the organ donor flag honoring April as Organ Donor month. He said that Friday morning a few of our young artists are being honored in Hartford.

He said that a bill was passed by the House to take the pilot funds out of the ECS funding along with some other changes.

He noted that the Board of Finance had finished their budget departmental review and would begin deliberations next week.

6. Public Discussion

Bob Scheel of Upper Walnut Hill Road commended the town on preserving open space and urged them to continue to do so in the future. He thanked the Board for their efforts on the noise ordinance.

Bob Shultz of Lovers Lane said that in the past we had spent \$1.2 million dollars on communications and now we are going to spend another ¼ million for an upgrade for Simulcast for communications. He asked if the original purchase was not good enough or not working. He added that he was not sure we had anyone in house with the capability to make these communication decisions. He asked the Board of consider regionalizing the fire departments in the future to save money since we do not need all the duplication. He asked about the practice of overtime for dispatchers and asked if they are doing this for retirement purposes. He said the union contracts are getting out of hand. He said that the police reports are no longer on the web page and that there were two robberies on Boston Post Road and there was no note of it in the paper or on the website.

Barbara Johnston thanked the Board of passing the Noise Ordinance.

7. Selectmen's Response

Mr. Formica said that five years ago, we spent \$1.2 million on hardware for radios and the Simulcast System is for the connection of the antennae in the three areas of town.

He said that the Police reports should be on the website and he would look into it.

Ms. Hardy stated that the Board has not received any reports lately either. She said that the overtime does not count toward retirement.

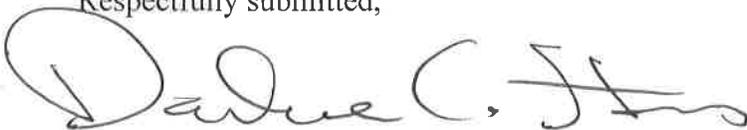
Mr. Formica said that due to school vacation, the next meeting date for the Selectmen of April 17th is unacceptable and there would not be a quorum. He said that the April 17th meeting would be cancelled and another rescheduled at a later date if needed.

MOTION (13)

Mr. Nickerson moved to adjourn the April 3, 2013 meeting of the East Lyme Board of Selectmen at 9:12 p.m.

Seconded by Mr. Seery. Motion passed 5-0.

Respectfully submitted,



Darlene C. Stevens, Recording Secretary

Attached A

**DARROW POND OPEN SPACE
COMMITTEE**





AGENDA

- COMMITTEE TASKING/MEMBERSHIP
- SITE MAP
- COMMITTEE EFFORTS
- PERMANENT EASEMENT RECOMMENDATIONS
- TOWN CONTROLLED RECOMMENDATIONS
- ISSUES/CONCERNS



TASKING

- As part of the purchase agreement for the Darrow Pond property, the Trust for Public Lands (TPL) required that a conservation easement placed over approximately 200 acres of the 300 acre parcel known as Darrow Pond located at 16 Mostowy Road. The purchase agreement also required the conservation easement to be recorded within 22 months from the time of purchase. As such, the Town established the Darrow Pond Open Space Committee and set a 21 month time frame to establish the permitted and prohibited uses and record the conservation easement.

- **PARTICIPATING COMMITTEE MEMBERS**

- CO-CHAIR JACK HOGAN AND BETH GROEBER*
- RUTH RELUGA
- DWIGHT STAUB*
- CAROL STRAFACI
- NORM BENDER
- ART CARLSON
- NANCY THIBEAULT *

* RESIGNED FOR PERSONAL REASONS (VOTES INCLUDED UNTIL RESIGNATION)



COMMITTEE EFFORTS

- In an effort to determine the types of uses that would be permitted or prohibited, the Darrow Pond Committee consulted with several environmental professionals.
 - Dick Raymond, Forester of the Connecticut DEEP, who spoke at the May 7, 2012 meeting of the committee on Invasive Species. He also spent 14 days on the site conducting a field inventory and presented his findings to the Committee on January 7, 2013.
 - An Environmental Review Team, Eastern Connecticut Resource Conservation and Development Area Inc., has conducted a comprehensive environmental review of the property and will issue a report to the BOS.
 - The East Lyme Agri-Business Subcommittee spoke at the May 7, 2012 meeting on agricultural uses on the property.
 - Maggie Jones, Executive Director, Denison Pequotsepos Nature Center, spoke to the Committee regarding her walk of the property at the August 8, 2012 meeting and discussed the various habitats on the property.
 - James Cowan, Environmental Planning Services, spoke at the December 3, 2012 meeting of the Committee regarding invasive species management.
 - In addition to meeting twice monthly, the Committee conducted several site walks throughout the year along with DEEP and Environmental Review Team representatives, and reviewed several conservation easement examples provided by TPL.
 - Conducted a Public Hearing to solicit input from the public.



PERMANENT EASEMENT RECOMMENDATIONS

YES/NO

- **HIKING/WALKING/SNOW SHOETING** **7/0**
- **BIKING/MOUNTAIN BIKING** **7/0**
 - On trails which are created and managed by the park/town, designed to handle the traffic and which will help prevent erosion.
- **PICNICKING** **1/6**
 - Defined as “at tables in designated areas which are installed and managed by the park/town”.



PERMANENT EASEMENT RECOMMENDATIONS

YES/NO

- **TRAIL BUILDING**
7/0
 - Trail building refers to the town activity of creating and managing trails for public use.
- **LIMITED CAMPING**
4/3
 - I.E. BOY/GIRL SCOUT BY REQUEST
- **CROSS COUNTRY SKIING/RUNNING**
7/0
- **EDUCATIONAL ACTIVITIES/OUTDOOR CLASSROOMS**
7/0
 - This is not intended to speak to the construction of “classrooms” or physical structures (covered elsewhere).



PERMANENT EASEMENT RECOMMENDATIONS

YES/NO

- GARDEN PLOTS/AGRICULTURAL ACTIVITIES 0/7
7/0
- AGRICULTURAL ACTIVITIES FOR HABITAT MAINTENANCE
– Ag activities for the purpose of maintaining the ecosystem/habitat where revenues were incidental. (i.e. logging to maintain the forest) 0/7
- AG ACTIVITIES FOR THE PURPOSE OF REVENUE GENERATION
– i.e. cultivation of fields for haying.



PERMANENT EASEMENT RECOMMENDATIONS

YES/NO

- HUNTING ONLY ALLOWED FOR RESOURCE MANAGEMENT AS RECOMMENDED BY THE DEEP (OR SUCCESSOR) 7/0
- BIRDING 5/0
- DOGS ON LEASH ONLY 4/1
- MOTORIZED WATERCRAFT 0/5
- MOTORIZED VEHICLES 0/5
 - Except for official vehicles and as approved in conjunction with authorized activities.



PERMANENT EASEMENT RECOMMENDATIONS

YES/NO

- **BUILDING CONSTRUCTION** **0/5**
 - Except for small rustic style structures that support allowed activities.
- **COMMERCIAL ACTIVITIES** **0/5**
 - Except as permitted under Ed and Ag activities on slides 7 & 8.
- **RECREATION FIELDS** **0/5**
 - Baseball/football/soccer/lacrosse/bocce courts/horseshoe pits/paintball activities/etc.
 - These could be on the town's 100+/- acres.



PERMANENT EASEMENT RECOMMENDATIONS

YES/NO

- **FERTILIZERS**
0/5
- In the town's 100+/- acres follow best practices
- none that shall be harmful to animals, soil or water in the entire Darrow pond area.
- **DOG PARKS**
0/5
- **OPEN FIRES**
1/4
- **PAVED PATHS**
0/5
- **SUBDIVIDING THE CONSERVATION AREA**
0/5



TOWN CONTROLLED RECOMMENDATIONS

YES/NO

- **FISHING** **6/1**
- **KAYAKING/CANOEING** **3/4**
 - Concerns are the introduction of invasive species by unclean water vehicles and current easement restrictions.
- **HORSEBACK RIDING** **7/0**
 - Horseback riding should be defined as on an event basis whereby the town has been contacted and permission is granted. i.e. a trail ride in designated areas.



TOWN CONTROLLED RECOMMENDATIONS

- | | <u>YES/NO</u> |
|------------------------------|---------------|
| • SWIMMING | 0/5 |
| • DOCKS | 1/4 |
| • ICE SKATING/ICE FISHING | 4/1 |
| • TOBACCO PRODUCTS & ALCOHOL | 0/5 |



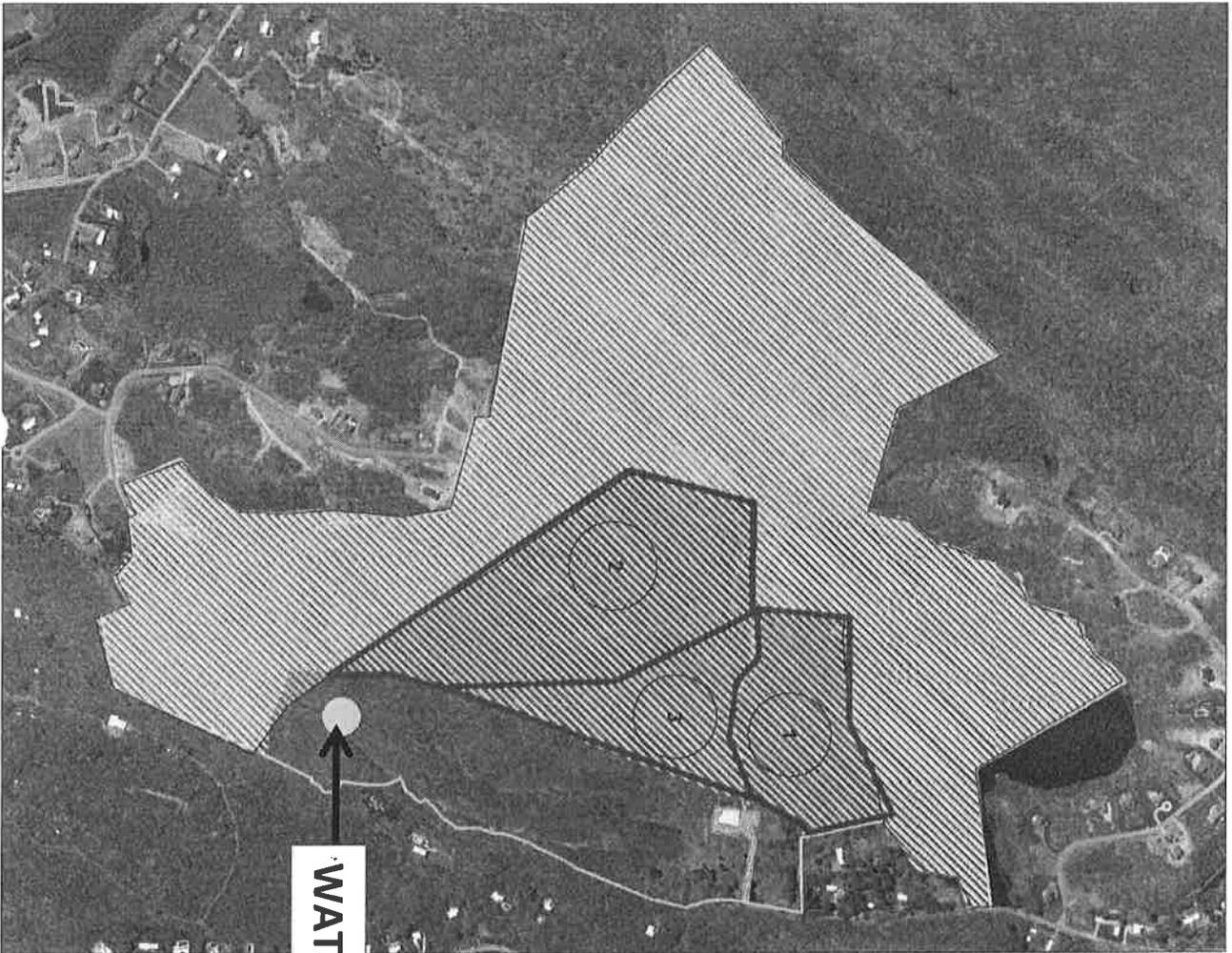
ISSUES/CONCERNS

- **Recommendations in the professional reports being prepared by the DEEP and Environmental Review Team (ERT) should be a primary consideration in determining usage and development in the entire 300+/- acres.**
- **Activity/development in the Town 100+/- acres should not negatively impact the conservation area.**



ISSUES/CONCERNS

- **Utmost consideration should be made to keep large contiguous undeveloped areas for watershed protection, the promotion of migration of wildlife and maintenance of habitats for the various species.**
 - **Within the town 100+- acres we recommend that three areas be allowed to remain pristine to support this objective. (See map on next slide)**
 - **Area 1 (+/-14 Acres) – Run off goes directly into the pond.**
 - **Area 2 (+/- 33 Acres) – watershed that supplies 3 wells.**
 - **Area 3 (+/- 15 Acres) – grass land supporting bird habitat and water run off to the 3 wells.**



WATER TOWER



ISSUES/CONCERNS

- **CONTROL OF INVASIVE PLANT SPECIES**
 - Town should follow advice of the DEEP and pursue an aggressive program to eradicate and control invasive plant species on the entire property.
- **CURRENT EASEMENT RESTRICTIONS**
 - In applying these recommendations the town consider current land use restrictions.

DARROW POND ALLOW - NOT ALLOW MATRIX

FINAL 4/01/2013

FUNCTION	RUTH RELUGA		DWIGHT STAUB		CAROL STRAFACI		NORM BENDER		JACK HOGAN		BETH GROEBER		ART CARLSON	
	ALLOW	NOT ALLOW	ALLOW	NOT ALLOW	ALLOW	NOT ALLOW	ALLOW	NOT ALLOW	ALLOW	NOT ALLOW	ALLOW	NOT ALLOW	ALLOW	NOT ALLOW
200 ACRE CONSERVATION AREA PERMANENT EASEMENT RECOMMENDATIONS														
1 HIKING/WALKING/SNOW SHOEING	YY		YY		YY		YY		YY		YY		YY	
2 CROSS COUNTRY SKIING/RUNNING	YY		YY		YY		YY		YY		YY		YY	
3 BIRDING	YY				YY		YY		YY				YY	
4 LIMITED CAMPING I.E. BOY/GIRL SCOUT BY REQUEST		NN	YY			NN		NN	YY		YY		YY	
5 BIKING/MOUNTAIN BIKING (See NOTE A)	YY		YY		YY		YY		YY		YY		YY	
6 PICNICKING (See NOTE B)		NN	YY			NN		NN		NN		NN		NN
7 TRAIL BUILDING (See NOTE C)	YY		YY		YY		YY		YY		YY		YY	
8 EDUCATIONAL ACTIVITIES/OUTDOOR CLASSROOM (See NOTE D)	YY		YY		YY		YY		YY		YY		YY	
9 GARDEN PLOTS/ AGRICULTURAL ACTIVITIES		NN		NN		NN		NN		NN		NN		NN
10 AGRICULTURAL ACTIVITIES FOR HABITAT MAINTENANCE (See NOTE E)	YY		YY		YY		YY		YY		YY		YY	
11 AGRICULTURAL ACTIVITIES FOR THE PURPOSE OF REVENUE GENERATION (See NOTE F)		NN		NN		NN		NN		NN		NN		NN
12 HUNTING ONLY ALLOWED FOR RESOURCE MANAGEMENT AS RECOMMENDED BY THE DEEP (OR SUCCESSOR)	YY				YY		YY		YY				YY	
13 DOGS ON LEASH ONLY		NN			YY		YY		YY				YY	
14 MOTORIZED WATERCRAFT		NN				NN		NN		NN				NN
15 MOTORIZED VEHICLES (See Note G)		NN				NN		NN		NN				NN
16 BUILDING CONSTRUCTION (See Note H)		NN				NN		NN		NN				NN
17 COMMERCIAL ACTIVITIES (See Note I)		NN				NN		NN		NN				NN
18 RECREATION FIELDS (BASEBALL/FOOTBALL/SOCCER/LACROSSE/BOCCE COURTS /HORSESHOE PITS/PAINTBALL ACTIVITIES/ETC.)(See Note J)		NN				NN		NN		NN				NN
19 FERTILIZERS (See Note K)		NN				NN		NN		NN				NN
20 DOG PARKS		NN				NN		NN		NN				NN
21 OPEN FIRES		NN				NN		NN		NN			YY	
22 PAVED PATHS		NN				NN		NN		NN				NN
23 SUBDIVIDING THE CONSERVATION AREA		NN				NN		NN		NN				NN

DARROW POND ALLOW - NOT ALLOW MATRIX

200 ACRE CONSERVATION AREA TOWN CONTROLLED RECOMMENDATIONS													
1 FISHING	YY		YY			NN	YY		YY		YY		YY
2 KAYAKING/CANOEING (See NOTE L)		NN		NN		NN	YY		YY			NN	YY
3 HORSEBACK RIDING (See NOTE M)	YY		YY										
4 SWIMMING		NN				NN		NN		NN			NN
5 DOCKS		NN				NN		NN		NN			YY
6 ICE SKATING/ICE FISHING	YY					NN	YY		YY				YY
7 TOBACCO PRODUCTS & ALCOHOL		NN				NN		NN		NN			NN

NOTES	
	<p>NOTE A: Allowed on trails which are created and managed by the park/town, designed to handle the traffic and which will help prevent erosion.</p> <p>NOTE B: Picnicking is defined as "at tables in designated areas which are installed and managed by the park/town.</p> <p>NOTE C: Trail Building refers to the town activity of creating and managing trails for public use.</p> <p>NOTE D: This is not intended to speak to the construction of "classrooms" or physical structures (covered elsewhere).</p> <p>NOTE E: Ag activities for the purpose of maintaining the ecosystem/habitat where revenues are incidental (i.e. logging to maintain the forest would be acceptable).</p> <p>NOTE F: Any new commercial activities for the purpose of revenue generation (i.e. the establishment or cultivation of fields for haying).</p> <p>NOTE G: Except for official vehicles and as approved in conjunction with authorized activities</p> <p>NOTE H: Except for small rustic style structures that support allowed activities</p> <p>NOTE I: Except as permitted under items 8 and 10</p> <p>NOTE J: These could be on the town 100 +/- acre area</p> <p>NOTE K: Within the town 100+/- acres recommend following best practices - none that shall be harmful to animals, soil or water within the entire Darrow Pond area.</p> <p>NOTE L: Per James Cowen of All Habitat Services, invasives can definitely be introduced by any water vehicle, including water fowl/wildlife.</p> <p>NOTE M: Horseback riding is defined as on an event basis whereby the town has been contacted and permission is granted. i.e. a trail ride in designated area.</p>



Commanding Officer
Sgt. Wilfred Blanchette III



W. Blanchette III



Executive Officer
Sgt. Joseph San Juan
Patrol Supervisors
Sgt. Terry Saffioti
Sgt. Bruce Babcock
Sgt. Paul Renshaw
Sgt. Michael Macek

Resident State Troopers Office
Town of East Lyme Police Department

PO Box 519
Niantic, CT 06357
(860) 739-5900
FAX (860) 739-0337

Hon. Paul M. Formica
First Selectman
Town of East Lyme

04/03/2013

Sir,

After a careful review of the documents provided as well as conversations with the Town Attorneys, I feel confident in endorsing "Draft 3/28/13 – OPTION B – infraction provision" as my preferred choice of enforcement for the proposed Noise Ordinance. Please let me know if I can be of further assistance in this matter.

Very Respectfully,

Sgt. Wilfred J. Blanchette III
Resident State Trooper
East Lyme Police Department



Town of East Lyme
Noise Control Ordinance

I. PURPOSE: Pursuant to the general authority of Connecticut General Statutes § 7-148 and the specific authority of Connecticut General Statute § 22a-73(c) it is hereby resolved that to preserve and promote the health, safety and general welfare of the citizens of the Town of East Lyme (the “Town”), it is in the common interest to enact a reasonable regulation pertaining to the reduction, control and/or prevention of noise as to promote a general environment free from excessive noise and vibration.

This ordinance is enacted to preserve, protect and promote the public health, safety, convenience, general welfare, peace, quality of life, and property values for the citizens of East Lyme, and to facilitate the enjoyment of natural resources and tranquility of the town, through the reduction, control and prevention of excessive noise and vibration.

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

AMBIENT NOISE OR BACKGROUND NOISE - Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BOARD OF SELECTMEN - The Board of Selectmen of the Town of East Lyme or a duly authorized officer.

COMMERCIAL ZONE - As set forth in the East Lyme Zoning Regulations and all associated therewith either permitted as a right or as a special use.

CONSTRUCTION - Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.

CONSTRUCTION EQUIPMENT - Any equipment or device operated by any fuel or electric power used in construction or demolition work.

DAYTIME HOURS - The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

DECIBEL - A logarithmic unit of measure in measuring magnitudes or sound. The symbol of dB.

DEMOLITION - any dismantling, intentional destruction or removal of structures, utilities, public or private right-or-way surfaces or similar properties.

DOMESTIC POWER EQUIPMENT - Including but not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in

residential areas by a homeowner.

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

EMERGENCY VEHICLE - Any motor vehicle authorized by the State of Connecticut to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency. (14-283)

EMERGENCY WORK - Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure of imminent danger.

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

INDUSTRIAL ZONE - As set forth in the East Lyme Zoning Regulations and all uses associated therewith, either permitted as a right or as a special use.

MOTOR VEHICLE - Per Section 14-1 of the Connecticut General Statutes.

MUFFLER - A device for abating sounds such as escaping gases.

NIGHTTIME HOURS - The hours between 10:00 p.m. and 7 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 10 p.m. Saturday and 9:00 a.m. Sunday.

NOISE - Any sound, the intensity of which exceeds the standards set forth on Page 3.

NOISE LEVEL - The sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designed db(A) or dBA.

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 building or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-or-way, all road right-or-ways and waters of the state.

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 RIGHT-OF-WAY - Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RECREATIONAL MOTORIZED VEHICLE – Any motorized vehicle, whether or not duly licensed and registered, including but not limited to commercial or non-commercial racing vehicles, motorcycles, dirt bikes, go-carts, ATV’s, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats or aircraft.

RESIDENTIAL ZONE - Those residential districts as defined and set forth in the East Lyme Zoning Regulations and all uses associated therewith either permitted as a right or as a special use.

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 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 S1.4 - 1971. (Type S2A)

SOUND PRESSURE LEVEL - Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter and is expressed in decibels (dB).

III. NOISE LEVELS: No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her premises in excess of the following Noise Levels:

Property Use Emitter	Property Use Receptor			
	Residential:		Non Residential:	
	Day	Night	Day	Night
Residential Zone Emitter	55 dBA	45 dBA	55 dBA	45dBA
Non-residential Zone Emitter	55 dBA	45 dBA	52dBA	45dBA

Measurements shall be taken at a point on the property line of the emitter closest to the receptor and/or at the property line at any neighboring property (that may or may not be contiguous) with a more restrictive decibel allowance. In cases where the emitter is located on jointly owned property, such as industrial parks and condominiums, the noise measuring equipment (i.e. microphone) shall be placed at a fifty foot (50’) distance from the noise source. The microphone shall be placed no closer than five feet from any wall and not less than three feet above ground

that is located about one foot (1') beyond the boundary of the emitter's premises within the receptors premises. The emitter's premises include his/her individual unit of land or group of contiguous parcels under same ownership as indicted by public land records.

A. No person shall cause or allow the emission of impulse noise in excess of eighty (80) dBA peak sound pressure level during the night time to any residential noise zone.

B. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dBA peak sound pressure level at any time to any zone.

C. In those individual cases where the background noise levels caused by sources not subject to this ordinance 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 5 dBA, provided that no source subject to the provisions of the Noise Levels section (Page 3 Sec. III), shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of the other sections of this ordinance.

IV. EXCLUSIONS: These levels shall not apply to 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; provided however, that burglar alarms not terminating in thirty minutes after being activated shall be unlawful.

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

E. Farming equipment or farming activity.

F. Train horns and signals.

V. EXEMPTIONS: The following shall be exempt from these regulations subject to special conditions as spelled out:

A. Noise generated by any construction equipment which is operated during daytime hours. Noise generated by construction equipment during nighttime hours shall not exceed the maximum noise levels as specified on Page 3 Sec. III.

B. Noise created as a result of or relating to an emergency.

C. Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.

D. Noise from snow removal equipment.

E. Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.

F. Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.

- G. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town or State of Connecticut, including but not limited to parades, sporting events, concerts and firework displays.
- H. Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting is obtained from local authorities.
- I. Noise generated by the police and other established shooting facilities as permitted by Connecticut Firearms laws Sec. 22a-74a.

VI. REFUSE COLLECTION NOISE

All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term “refuse collectors” shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

VII. MOTOR VEHICLE NOISE:

- A. All motor vehicles as defined in Section 14-1 of Chapter 246 of the Connecticut General Statutes, operated within the limits of the Town of East Lyme shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the Noise Levels section (Page 3 Sec. III).
- C. No person shall operate or cause to be operated any Recreational Motorized Vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in Section III, Noise Levels.

VIII. ENFORCEMENT AND PENALTIES FOR OFFENSES

- A. The East Lyme Police Department (the “Police Department”) shall be responsible for investigating and documenting, through acoustic measurements, violations of this ordinance.
- B. Any person or entity violating any provision of this ordinance shall be fined ninety (\$90.00) dollars and each additional violation shall constitute a separate offense. Any certified law enforcement agent with jurisdiction in the town of East Lyme is hereby authorized to issue infraction ticket(s) pursuant to Connecticut General Statutes § 51-164p(a), § 51-164m and §51-164n.
- C. The provisions of this ordinance are in addition to, and not in lieu of, any other remedies available to the Town of East Lyme under the Connecticut General Statutes and other sections of the Town Charter. The issuance of infraction tickets under this ordinance shall not preclude the exercise of such other remedies. In addition, the Town of East Lyme may seek injunctive relief for continued or repeated violations.

IX. VARIANCES

- A. Any person living or doing business in East Lyme may apply to the Town's Board of Selectman for a variance from one (1) or more of the provisions of the ordinance which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplied all of the following information to the Board of Selectmen at least twenty (20) days prior to the start of said activity.
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 the noise that will be generated.
 4. Any other information required by the Board of Selectmen.
- B. No variance from these regulations shall be allowed unless it has been demonstrated that:
1. The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
 2. The noise levels generated by the proposed activity will not constitute a danger to the public health.
 3. Compliance with the regulations constitutes an unreasonable hardship on the applicant.
- C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- D. Failure to rule on the application in the designated time shall constitute approval of the variance.

X. SEVERABILITY

A. If any term or provision, or any portion thereof, of this Ordinance, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Ordinance, or the application of such term or provision to persons or circumstances, other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Ordinance shall be valid and be enforced to the fullest extent permitted by law. Should a court of competent jurisdiction find any provision or part of a provision unenforceable as written the court may reform such provision or part of a provision to render it enforceable consistent with the general intent of the remaining portion of such provision and/or this Ordinance.