

**Morris Ordinance Committee
Agenda
Monday, February 07, 2022
9:30 a.m.
Community Hall**

**Join
Hybrid Meeting**

<https://us02web.zoom.us/j/84005310931?pwd=Y0RrT1IOYW9NOGVScDlnRVNaZVJPUT09>
Phone In (929) 205-6099

Meeting ID: 840 0531 0931
Passcode: 019721

Call to order

Minutes of January meeting

New Business

Cannabis Establishments as Land Use

Old Business

Proposed Noise Ordinance
Meeting with Planning and Zoning

Other Business

Public Comment

Received
Asst. Town Clerk
Susan J. Gleagore
FEB 03 2022
10:30 A.M.

XX

Received 9:03 AM
January 13, 2022
Susan J. Jeanfavre
Assistant Town Clerk

Morris Ordinance Committee
Hybrid Meeting
Regular Meeting Minutes
Monday, January 10, 2022
Morris Community Hall

Meeting called to order by Bridget Garrity at 4:30 p.m.

Motion by Bev Huntley to approve meeting minutes of November 01, 2021.
Seconded by Bridget Garrity. **Motion passed.**

Motion by Maureen **Doyle** to table "**Child Safety Zone**" until the February meeting. Second by Bev Huntley. **Motion passed.**

Motion by Maureen Doyle to forward pending approved ordinances to American Legal Publishing. Second by Bev Huntley. **Motion passed.**

Noise Ordinance

Bridget Garrity will contact David Wiig, Chairman Planning and Zoning Commission to set up possible joint meeting to discuss proposed ordinance.

Emails regarding proposed ordinance were referenced.

It was noted that prior to finalization of ordinance it must be approved by DEEP.

Public Comment

Deborah Weik had questions and comments about direction and process of proposed **Noise Ordinance**.

Motion by Bev Huntley to adjourn meeting at 4:56 p.m. Second by Laura Halloran. **Motion passed.**

Respectfully submitted,
Maureen Doyle, Secretary

Fwd: Conflict of interest on board
Lori <lindenmuthlori@gmail.com>

To: mmdoyle@optonline.net

11/30/2021 8:33 PM

1

Sent from my Galaxy

It is more than obvious that Ben Palesky poses a conflict of interest being allowed to remain on the board during these meetings. If this is allowed the board and its members have not taken the residents and home owners into consideration. We have been subject to the loss of our property in summer fall because of the licence given to Mr. Palesky. How many more times must the land owners be ignored in order for one person to benefit. Mr. Palesky needs to remove himself from any meetings involving this subject and this board should make sure it happens in the future.

C Curtin

From: Morris Resident morrisunitedforpeace@gmail.com
Subject: Fwd: Noise ordinances
Date: January 5, 2022 at 2:58 PM
To: Laurey laureyc@optonline.net

Not sure if this is different from the last statement?

----- Forwarded message -----

From: Catherine CURTIN <curtinc123@gmail.com>
Date: Wed, Jan 5, 2022 at 1:30 PM
Subject: Noise ordinances
To: Morris Resident <morrisunitedforpeace@gmail.com>

Let me first bring to the board that this meeting is an will be a waste of time and not a fair or meeting for the residents and all residents of Morris but for the benefit of south farms .The owner of the subject to be discussed is a board member who should recuse himself and the town supervisor n members insist he does . We as property owners have been subject to the noise from the farm last year including not being able to be outside during the summer not having any people to our homes ,open windows or doors ,windows n doors vibrating dogs that hide because of noise children that cry n the family with a special needs who tries to hide a woman who counted over 50 cars drive by her front door man who had to clean garbage up ,this is what you as board members are allowing .You we're put in office by the people to protect the rights n peace this town has known since I and my family members moved here in 1957 Think hard you will destroy this town for the benefit of south farms and other business who will follow suit and again Ben Palesky has no right continuing as a member of the board an this board has no moral rite to allow him to do so Traffic n police patrol is another subject that isn't existing now so how is it going to be expected to be ok then
C Curtin

Fwd: Conflict of interest on board

Lori <lindenmuthlori@gmail.com>

To: mmdoyle@optonline.net

11/30/2021 8:33 PM

1

Sent from my Galaxy

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C Curtin

11/30/2021

To: Morris Ordinance Committee

Re: Noise Ordinance To the Morris Ordinance Committee,

As I will not be able to be in attendance at the upcoming Dec meeting, I would like my letter concerning the proposed noise ordinance read into the minutes. I have had the opportunity to read the proposed Ordinance and would say that I am in favor of the concept, but not as stringent as written. I am hopeful that the Committee as well as the residents can reach some sort of middle ground through conversation, debate and some give and take from all. My bigger concern however is with one of the Committee members. Mr. Paletski has been involved with many noise complaints as of late and I feel it shows a conflict of interest for him to be involved with this proposed Ordinance, as well as being a Committee member during discussions on this proposed Ordinance, I feel he should recues himself as a Committee member on this issue. I would however encourage him as a local business owner and taxpayer, to voice his concerns and thoughts during a public hearing when and if that time comes.

Thank you,
Kevin DeRoehn
212 Watertown Rd
Morris CT 0676 3

From: Laurey Weiner laureyc@optonline.net
Subject: For Ordinance Committee
Date: January 7, 2022 at 9:30 AM
To: Townclerk@townofmorrisct.com



To the Commission:

Wikipedia description of "Conflict of Interest"

A **conflict of interest (COI)** is a situation in which a person or organization is involved in multiple interests, financial or otherwise, and serving one interest could involve working against another. Typically, this relates to situations in which the personal interest of an individual or organization might adversely affect a duty owed to make decisions for the benefit of a third party.

An "interest" is a commitment, obligation, duty or goal associated with a particular social role or practice.^[1] By definition, a "conflict of interest" occurs if, within a particular decision-making context, an individual is subject to two coexisting interests that are in direct conflict with each other. Such a matter is of importance because under such circumstances the decision-making process can be disrupted or compromised in a manner that affects the integrity or the reliability of the outcomes.

Mr. Paletsky should volunteer to recuse himself or be asked to recuse himself from the decision making of this committee.

Thank you,

Laurey Weiner

Fwd: Ordinance Meeting 12/06/2021

Lori <lindenmuthlori@gmail.com>

To: mmdoyle@optonline.net

11/30/2021 8:32 PM

1

Hello Maureen,

I am forwarding letter people are sending me?! Regarding the noise ordinance draft.

I'm not sure of proper protocol, looks like people can not be present but want to be heard?

Sent from my Galaxy

To Ordinance Chairman and Committee,

This letter is requesting to have Mr. Paletsky recuse himself from this committee's agenda for noise.

It is not unreasonable for us to ask for a safe, protected, healthy community environment in Morris when it comes to noise exposure by amplified concerts.

I have personally been effected by an outdoor concert at Coe Park in Torrington 2021, with the traumatic result of a 40db hearing loss and tinnitus due to the volume of the speakers!

Has anyone considered an expert opinion by a doctor of Audiology to explain the long term damage that can be done to hearing? Paying \$5000 for a hearing aid is just not worth the cost of any concert ticket. I hope the Performing Art arenas would at least have that respect for their patrons and provide reassurance for our safety.

Also, to provide proper ear/hearing protection at the arena.

Respectfully,
Claudia and James Lanouette
61 Lakeside Rd.
Morris, CT 06763

Sent from my iPad

Ordinance committee

Vin Aiello <4vaiello@optonline.net>

To: mmdoyle@optonline.net

12/05/2021 4:05 AM

1

I will be unable to attend Monday meeting. I would like to submit this email for the record. Ask that Mr. Palersky recuse himself from the committee as a business owner that stands to profit off his participation in this particular discussion. Thank you Vincent Aiello Sent from my iPhone

TOWN OF BETHLEHEM

TOWN MEETING

, 2021

ORDINANCE PROHIBITING CANNABIS ESTABLISHMENTS AS LAND USE

Section 1. Authority

This ordinance is adopted pursuant to General Statutes Sections 7-148(c)(7)(A)(ii), 7-148(c)(7)(H), and 7-148(c)(10)(A), as amended by Public Act 21-1, Section 148 (June 2021 Special Session), which allows municipalities to regulate activities deemed harmful to public health. Said law permits municipalities to prohibit cannabis establishments within their jurisdictions by identifying such uses as a "Prohibited Use" in their respective local zoning regulations or land use ordinances. Section 148(b) of such law provides, in relevant part: "[a]ny municipality may, by amendment to such municipality's zoning regulations or by local ordinance, prohibit the establishment of a cannabis establishment...".

Section 2. Amendment to the Code of Ordinances

This ordinance hereby amends the Code of the Town of Bethlehem, "Chapter 58 Cannabis Use", to add the following:

"Article II. Cannabis Establishments and Similar Prohibited as Land Uses

§58-4 Definitions

The following definitions shall apply to this Article II:

Cannabis Establishment - A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana) of products containing cannabis; or a manufacturer, packager, delivery service, or transporter of products containing cannabis, including cannabis-infused food and beverage products.

Cannabis Producer - An individual or business that possesses a state or municipal license to grow, harvest, dry, trim, cure, and package cannabis.

Cannabis Cultivator - An individual or business producing cannabis flowers.

Cannabis Micro-Cultivator - An individual or business that produces cannabis flowers in a limited-sized grow space.

Cannabis Food and Beverage Manufacturer - An individual or business that produces cannabis-infused foods and beverages.

Cannabis Product Manufacturer - An individual or business that participates in any aspect of the cannabis extraction and infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Cannabis manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

Cannabis Product Packager - An individual or business that focuses on assisting the proper and accurate packaging of cannabis products into pre-weighed containers and pre-rolled joints.

Cannabis Dispensary Facility - Regulated locations in which a person can purchase cannabis and cannabis related items for medical or recreational use.

Cannabis Retailer - An individual or business that sells, supplies, or offers recreational cannabis products for sale directly to consumers.

Cannabis Hybrid Retailer - An individual or business that sells, supplies, or offers cannabis recreational and medical products for sale directly to consumers.

Cannabis Delivery Service or Transporter - Any number of companies or individuals that are involved in the distribution of cannabis by way of delivery. This could be either mail-order delivery, or hand delivery.

§58-5 Cannabis-related Land Use Prohibition

It shall be unlawful for any building, structure, or land anywhere within the Town of Bethlehem to be used as a cannabis establishment, cannabis producer, cannabis dispensary facility, cannabis cultivator, cannabis micro-cultivator, cannabis retailer, cannabis hybrid retailer, cannabis food and beverage manufacturer, cannabis product manufacturer, or cannabis product packager. Violation of this section shall be punishable by a fine of \$250.00 per offense. Each day in operation or each sale, whichever is greater, shall constitute a separate offense.

§58-6 Enforcement

The Town of Bethlehem Land Use Coordinator shall have authority to enforce this ordinance. In addition to fines, this Article II may be enforced by injunction, action for abatement, or other appropriate civil remedy.

§58-7 Severability

Should any provision of this Article be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Chapter as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and that the remainder shall be valid.”

Section 3.

This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes, §7-157(b).

Pursuant to Section 148 of Public Act 21-1 (June 2021 Special Session), the First Selectman shall report the land use changes made by this Ordinance, in writing, to the Secretary of the Office of Policy and Management and to the Connecticut Department of Consumer Protection not later than fourteen days after the adoption of this Ordinance.

Adopted by town meeting on _____, 2021.

Published in the _____, on _____, _____, 2021.

Effective date: _____, _____, 2021.

Recorded in the Bethlehem Town Records: Vol. _____, Pg. _____.

Draft Submitted to Ordinance Committee

08/25/21

1. Legislative intent.

The Residential Districts in the Town of Morris are intended to provide suitable areas primarily for residential uses and development appropriate to the environmental characteristics of the land and harmonious character of the neighborhood. 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 property, especially in residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. The purpose of this chapter is to provide an objective standard and procedure for enforcing property rights.

2. Definitions.

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

DAYTIME HOURS: The hours between 7:00 a.m. and 8:00 p.m.

DECIBEL: A logarithmic unit of measure in measuring magnitudes of sound. The symbol is "dB."

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.

NOISE: Any sound, the intensity of which exceeds the standards set forth in Section 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.

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.

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.

3. Excessive noise prohibited.

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 Section 5, except in those incidences provided for in Section 8 and Section 9.

4. Noise level measurement procedures.

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.

5. Noise level standards.

No person shall emit noise exceeding 55 dB, except in those incidences provided for in Section 8 and Section 9 of this chapter

6. Administration and enforcement.

The Chief of Police 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. Upon receiving the first complaint, the police shall make the required sound level reading. If the sound level exceeds the standards enumerated in Section 5, a verbal warning shall be given to the emitter. If such noise does not cease, and upon receiving a second complaint, the police shall follow the procedures as set forth in Section 7. 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.

7. Penalties for offenses.

Any person found in violation of the provisions of this chapter shall be given an infraction notice which incorporates a fine of \$1000.00 for each offense. Each minute that the offender remains in violation of this chapter shall constitute a separate offense. Failure to pay the fine in the time prescribed in the infraction notice will result in the issuance of a summons to appear in Superior Court.

8. Exceptions.

The noise level standards defined in Section 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.³
- D. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

9. Exemptions.

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

- A. Noise created as a result of or relating to an emergency.
- B. Noise created by construction equipment, lawn care equipment, or snow-removal equipment during daytime hours, provided that noise discharged from exhaust is adequately muffled to prevent loud and/or explosive noises therefrom.
- C. Noise created by certificated aircraft operating under the control of the Federal Aviation Administration.
- D. Noise created as a result of or relating to maintenance and repairs conducted by public utilities.
- E. 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

From: Morris Resident morrisunitedforpeace@gmail.com
Subject: Fwd: Noise Ordinance Committee
Date: Dec 4, 2021 at 9:59:33 PM
To: Laurey laureyc@optonline.net

----- Forwarded message -----

From: renee normandin <reeneenormandin@sbcglobal.net>
Date: Sat, Dec 4, 2021 at 8:55 PM
Subject: Noise Ordinance Committee
To: Morris Resident <morrisunitedforpeace@gmail.com>
CC: Aneta Klusak <klusaka@brookfieldps.org>

Concerning the proposed noise ordinance and some comments from our elected and paid officials.

I find this Public comment on Facebook addressed specifically to me recently by a paid town employee disturbing.

From Eileen Narbutas Town of Morris ROV to me on Facebook:

Renee Normandin What exactly about me is crazy? The fact that I don't agree with a draconian noise ordinance, that I think whiners that don't contribute time to the town in the form of committees are a\$\$holes, or that I have a fake FB account because of my career- its not to deceive anyone?!?!

How about the fact that I will be working a minimum 16 hours on Election Day to ensure that the Residents of Morris have a fair and safe election? What will you be doing tomorrow? I doubt it will be to serve for the town. Anyone who doesn't like my opinion- I don't give a crap. Have a great day nonetheless and kiss my ass"

Now with this said please note I believe our election was fair. What I don't

understand is why this individual continues to have a paid position in our town and then misinforms residents with false information about a "proposed" noise ordinance along with her unprofessional representation of our town of Morris.

Our own Town Selectman Tom Weik posted:

"If the current edition of the proposed noise ordinance was to pass, say good bye to farming, religion and business in Morris. It would tear apart our Town and invite litigation like we have never seen, also, say good bye to backyard parties, birthday parties, graduation, weddings, and anything fun. Neighbor against neighbors. Not to mention fire sirens, Popey's intercom, prerecorded bells from the Congregational church (amplified music) and James Morris school recess."

Are we as a town seriously this naive... I think not. I do however, think there are some individuals including some elected & volunteer members in this town that are biased and may gain personally & financially by serving on and preventing any ordinances.

The original proposed Draft is exactly what it is "A Draft"

So these are the individuals that are supposed to run, create & make decisions for the town residents. ALL THE TOWN RESIDENTS.. RIGHT?

These statements are ridiculous. I have no problem mentioning the elephant in the room "The concert series from 2020". At town meetings

we "the public" are told this is an old issue, it is in the past, or we are picking on and targeting South Farms. Not me, I simply do not want to go thru what my family and many others went thru in 2020. I have not heard South Farms or the town assure me or others that these concerts will not occur again. So am I to believe and trust that the owner of South

farms who serves on the noise ordinance committee, has mine or all the towns best interest in mind, I struggle with that. Or that South Farms has no possible future financial gain in addressing and/or squashing a noise ordinance unless it caters to their agenda. Mr Peletsky was noted as saying -Our goal as volunteers to the ordinance commission is to ensure that ordinances address a defined problem, are fair and reasonable to the entire community, positively benefit the overall community.

So what exactly is the defined problem? I am pretty sure it is not lawn mowers, children playing at recess, or a back yard picnic. So is it the the entire community or the overall community?

I understand that not every person will share the same opinion of any outcome. And let me be VERY CLEAR this is in no way a personal attack on Mr Peletsky, South Farms or any other businesses, so please let's not try and turn it into one.

To have our elected, paid town officials (and volunteers) tell the town that we will never be able to have parties, listen to music in our yard, school recess will have to cease, no more fun ever. Seriously this is disheartening. I might add that my sons (recess) playing outside at his own home did not happen in 2020 nor did quiet evenings inside our home.

This summer/fall we enjoyed sitting on the deck, cookouts, listening to the birds, hearing my neighbors working in their yards, farming, tractors hearing their children laughing & playing, horses going by, it was beautiful.

Oh and yes even music. Being able to watch my son, who has special needs, play basketball outside again....PRICELESS. And certainly no one heard my coffee percolating, ...unbelievable.

Finally, with this said any businesses or anyone who would have some type of

financial gain by serving on the noise ordinance committee
whether thru South Farms, other businesses or means should be made to recuse
themselves from the noise ordinance committee.

Thank you for taking the time to read my email and hopefully address my
concerns.

Respectively

Renee Normandin

From: Morris Resident morrisunitedforpeace@gmail.com
Subject: Fwd: By tonight - letters regarding noise ordinance
Date: Dec 6, 2021 at 7:56:06 AM
To: Laurey laureyc@optonline.net, Lori lindenmuthlori@gmail.com

----- Forwarded message -----

From: deak thoma <dk_thoma@yahoo.com>
Date: Sun, Dec 5, 2021 at 8:16 PM
Subject: Re: By tonight - letters regarding noise ordinance
To: Morris Resident <morrisunitedforpeace@gmail.com>

Mr. Paletsky must excuse himself from all noise ordinance discussions and votes based solely on Webster's Universal College Dictionary definition of **conflict of interest**: *N; the circumstance of a public officeholder, corporate officer, etc. whose personal interests might benefit from his or her official actions or influence.*

Based completely on the word "might" leaves the possibility for a future endeavor to compromise the tranquility of our town be it personal or business related. There is a reasonable expectation that there will be noise from mowers, chainsaws, houses of religion, and all other domestic related situations. Making a profit from an event that puts a burden on neighbors and entire neighborhoods is an unacceptable practice and expectation.

People move to a town such as Morris to enjoy a simple, quiet life away from the burdens of the city so noise is a huge factor in keeping this lifestyle in place.

Thank you,
Kris Thoma

Thank you for reading this to the board in my absence.
Kris

On Sunday, December 5, 2021, 06:59:17 PM EST, Morris Resident <morrisunitedforpeace@gmail.com> wrote:

Residents attending the Ordinance Committee meeting tomorrow are still accepting letters to read aloud if you cannot attend. If you have a moment, please consider sending over a BRIEF statement about your concerns regarding Mr. Paletsky's participation in discussions around a noise ordinance.

Thank you!
-Morris United for Peace