



TOWN OF WINCHESTER
BOARD OF SELECTMEN MEETING
Regular Meeting Agenda
October 4, 2021-7:00PM
P. Francis Hicks Room
Streamed live on YouTube and Channel 194

1. **CALL TO ORDER** (Turn your cell phones off)
2. **PLEDGE OF ALLEGIANCE**
3. **AGENDA REVIEW**
4. **APPROVAL OF MINUTES**
A) Minutes of Regular Meeting on September 20, 2021
5. **CITIZENS' COMMENTS**
The Board of Selectmen welcomes public comments, speakers will be limited to three (3) minutes or less and may speak only once. Please give your name and address.
6. **TOWN MANAGER'S REPORT**
7. **CORRESPONDENCE**
8. **BOARDS AND COMMISSIONS**
9. **UNFINISHED BUSINESS**
A) 21-57a Consider/Possibly Act on Proposed Amendments to Ordinance #180 "Anti-Blight Ordinance"
B) 21-58 a Consider/Possibly Act on Proposed Amendments to Ordinance #195 "Noise Regulation"
10. **NEW BUSINESS**
A) 21-68 Proposed Line-item Transfer (Town Manager Kelly)
B) 21-69 Refunds as Recommended by Collector of Revenues (Town Manager Kelly)
11. **CITIZENS' COMMENTS**
The Board of Selectmen welcomes public comments, speakers will be limited to three (3) minutes or less and may speak only once. Please give your name and address.
12. **SELECTMEN'S COMMENTS AND REPORTS**
13. **TOWN DEPARTMENT REPORTS**
14. **ADJOURNMENT**

FILED
TOWN CLERK'S OFFICE

OCT - 1 2021

SHEILA S. SEDLACK
TOWN OF WINCHESTER, CT

Winchester 250th Anniversary 1771-2021

Town of Winchester
Board of Selectmen
Regular Meeting
September 20, 2021

Item 1. Call To Order.

Meeting called to order at 7:00 p.m. by Mayor Perez.

Attendance: Sel. Arcelaschi, Sel. Bird, Sel. Bouchard, Sel. Bourque, Sel. Groppo, Sel. Perez, Sel. Sedlack. Town Manager, Josh Kelly and Finance Director, Bruce Stratford.

Item 2. Pledge of Allegiance.

The Pledge of Allegiance was recited by all.

Item 3. Agenda Review. NONE

Item 4. Approval of Minutes for the September 7, 2021, regular meeting.

Motion by Sel. Bouchard, seconded by Sel. Bird.

To approve the minutes of the September 7, 2021, regular meeting.

UNANIMOUS

Item 5. Citizens' Comments - William Lamoin

Item 6. Town Manager's Report

The Town Manager, Josh Kelly, read a summary of Town Hall activities including ARPA Advisory Group, update on Case Avenue, Economic Development, Housing Plan, Infrastructure – Long Range Planning Committee, Fall Newsletter, Willow Street, along with various meetings and upcoming events.

Item 7. Finance Director's Report.

Finance Director, Bruce Stratford, reviewed Revenue and Expenditures through August 31, 2021 with comparisons of last years revenue.

Item 8. Correspondence Status reports from the Police Department, Fire Marshall, Collector of Revenue and the Winchester Public Schools.

Item 9. Boards and Commissions

Sel. Sedlack placed into nomination the name of Joseph Ulevicus (R) as a permanent member of the Conservation Commission term to expire 5/2025.

UNANIMOUS

Item 10. Unfinished Business

- A). 21-57a Consider/Possibly Act on Proposed Amendments to Ordinance #180- “Anti blight Ordinance”

Motion by Sel. Bird, seconded by Sel. Sedlack

I move that the Board of Selectmen approve the noticing of amendments to ordinance Sec. 180.

UNANIMOUS

- B). 21-58A. Consider/Possibly Act on Proposed Amendments to Ordinance #195-“Noise Regulations.

“Leave under Unfinished Business”

Item 11. New Business

- A). 21-65 Refunds as recommended by Collector of Revenues (Town Manager Kelly

Motion by Sel. Bouchard, seconded by Sel. Groppo

To approve the refunds as recommended by the Collector of Revenues, Halaree Monnerat, in the amount of \$474.20.

UNANIMOUS

- B). 21-66 Proposed Line-Item Transfers (Town Manager Kelly).

Motion by Sel. Arcelaschi, seconded by Sel. Sedlack,

I move that the Board of Selectmen approve the line-item transfers from the Various Departments of \$3,000 Secretarial (110-193-0000), \$7,000 Medical Benefits (115-900-0002), \$4,000 Medical Benefits (117-900-0002), \$450,000 Administrative (148-190-0000), \$25,000 Medical Benefits (148-900-0002), \$15,000 Medical Benefits (211-900-0002), \$14,000 Demolition of Buildings (213-830-0001), \$3,000 Relocation Cots (213-830-0002), \$4,000 Medical Benefits (213-900-0002), \$5,000 General Labor \$5,000 (813-192-0000), Transfer to Various Departments including \$60,000 Overtime (210-197-0000), \$12,000 Secretarial (213-193-0000), \$3,000 Sick and Vacation Pay Accrual (911-202-0000), \$20,000 Police VEBA Contribution (918-939-0000), and \$30,000 Workers Comp Insurance (919-381-0001).

UNANIMOUS

- C). 21-67 Proposed Line-Item Transfers (Town Manager Kelly).

Motion by Sel. Bird, seconded by Bouchard

I move that the Board of Selectmen approve the line-item transfers from \$20,000 Contracted Labor (127-831-0000), to \$20,000 Custodian Position-Part time (127-192-0001).

UNANIMOUS

Item 12. Citizens’ Comments - William Lamoin

Item 13. Selectmen's Comments and Reports.

Sel. Arcelaschi stated his concerns regarding public safety and crime, warned everyone to be vigilant, when you see something say something.

Item 14. Adjournment

Motion by Sel. Sedlack seconded by Sel. Arcelaschi

To adjourn the meeting at 8:05 p.m.

UNANIMOUS

ATTEST:

Sheila S. Sedlack, CCTC, CMC



TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

TO: Board of Selectmen
FROM: Josh Kelly, Town Manager
SUBJECT: Manager's Report – October 4, 2021
DATE: October 4, 2021

Here are few updates on the past two weeks in Town Hall:

- **508 Main Street:** An RFP to redevelop the site at 508 Main Street has been drafted and shared with members of the 508 Main Street Advisory Committee for their input.
- **Blight:** the staff blight committee has met several times in the past two weeks. While the Blight program has moved slowly during this COVID period, the courts are acting on cases again.
- **Build Back Better:** the NWH Council of Governments is considering applying for a Build Back Better grant to support manufacturing in this corner of the state. The Build Back Better grant gives between \$25 million - \$100 million to regions to help support economic development initiatives.
- **COVID-19:** Masking remains strictly required in all Town-owned buildings. That policy will continue to be reviewed as conditions change.
- **Director of Finance Search:** The Director of Finance position has been posted and is being advertised widely. The application process is open until October 15th.
- **Economic Development:** Last Thursday, I had the chance to meet with various restaurant owners at a roundtable, hosted by the Economic Development Commission, and we talked about all the different ways in which the town could be of more help to their sector. The number one request that was heard from that group was for the Town to do more to market itself to draw in a larger crowd of residents and visitors that will become patrons of our restaurants. The event was a success, and I do think there are many ways that we can work to help that sector going forward.
- **Gilbert High School:** Candy and I had the opportunity to speak with Gilbert juniors and seniors enrolled in a Civics class this semester, and it was great to hear everything they have to say about the Town, including both what they like and what they dislike. I am hopeful that this passionate group will yield some bright and dedicated Town volunteers both in the immediate and distant future.
- **Housing Plan:** A contract has been executed with the Council of Governments to have their staff work with us to develop a comprehensive Housing Plan with the grant we received from the State. A small committee will convene in a couple weeks to kick that process off.
- **Unions:** Negotiations are ongoing on the Supervisors and Clerical union contracts.

Winchester 250th Anniversary 1771-2021

- **Other:** In addition to the items listed above, I also had several scheduled meetings with members of the public regarding property issues and several impromptu meetings with members of the public. The Town staff's Leadership Team met, I met with a representative from CCM, the Finance Director, Treasurer, and I met with financial advisors, and I had a meeting with our new Grants Manager about the upcoming application opportunities that we have at our disposal.

Here are a few upcoming events to mark on your calendars:

- Saturday, October 9: Household Hazardous Waste Collection Day
- Monday, October 18: Board of Selectmen Meeting & Special Town Meeting
- Saturday, November 13: Winchester 250 Opening Ceremony & *Winchester/Winsted: A Town of Resilience* Performance

Respectfully submitted,



Joshua Steele Kelly

Town Manager

CC: Terry Hall, Administrative Assistant

Winchester 250th Anniversary 1771-2021

Boards & Commissions

NOMINATIONS

Date	Name	Board/Commission	Party Affiliation	Permanent/Alternate	Term Dates	Appointing Authority
10/04/2021	Leeanne Marvin	IWWC	D	Permanent	4/2024	BOS
10/04/2021	Sandra Griswold	Zoning Board of Appeals	D	Alternate	12/2026	BOS

APPOINTMENTS

Date	Name	Board/Commission	Party Affiliation	Permanent/Alternate	Term Dates	Appointing Authority
10/04/2021	Joseph Ulevicus	Conservation Commission	R	Permanent	05/2025	BOS

RE-APPOINTMENTS

Date	Name	Board/Commission	Party Affiliation	Permanent/Alternate	Next Term Exp	Appointing Authority

RESIGNATION

Date	Name	Board/Commission	Party Affiliation	Permanent/Alternate	Next Term Exp	Appointing Authority
10/04/2021	Sean McGlynn	Recreation Board	D	Permanent	4/2027	BOS

APPLICATION FOR APPOINTMENT TO A BOARD/COMMISSION
WINCHESTER, CONNECTICUT

338 Main St. Winsted CT 06098 860 379-2713
www.townofwinchester.org

If you are interested in the well-being and betterment of our community and are willing to put in the time to review appropriate material and attend meetings, this is an opportunity for you to apply to become a member of one of our Boards or Commissions. This application will be reviewed by the Board of Selectmen. The Board of Selectmen is responsible for making appointments for Board/Commission vacancies.

LIST THE BOARD/COMMISSION YOU ARE INTERESTED IN SERVING:

Inland and Wetlands

NAME: Leeane Marvin

ADDRESS: 126 Walnut St. Winsted CT

HOME PHONE #: _____ **CELL PHONE #:** 860-205-4402 **E-MAIL:** leeane.marvin@uconn.edu

ARE YOU A REGISTERED VOTER IN THE TOWN OF WINCHESTER? Yes

PRIOR CIVIC INVOLVEMENT: N/A

SHORT SYNOPSIS OF EXPERTISE AND/OR INTEREST: I am very interested in volunteering for the inland/wetland commission board position. I would love the opportunity to continue learning about our natural resources in Winchester, and to also become more involved in my community. I would like to apply what I have learned in school while making a positive impact on the environment. Thank you very much for your time and consideration.

Have you contacted any current members or attended any meetings on the Board/Commission that interests you? Wetlands **Name:** Pam Colombie

Signature: Leeane Marvin **Date:** 9/21/2021

Please note that all Board/Commission members are subject to the Town of Winchester's Conflict of Interest Policy

Please Return To:
Town Manager
338 Main St.
Winsted CT 06098
townmanager@townofwinchester.org

Leeane C. Marvin

126 Walnut St, Winsted, CT 06098

Cell: 860-205-4402 leane.marvin@uconn.edu

OBJECTIVE

To obtain a position that works towards protecting and advocating for the natural resources, soils, forests and wetlands of Connecticut .

EDUCATION AND TRAINING

University of Connecticut

Spring 2019- 2021

Bachelor of Science

Natural Resources and the Environment

College of Agriculture, Health and Natural Resources- Sustainable Forest Resources Concentration

Northwestern CT Community College

Spring 2014 - 2018

Associate in Science – Environmental Science

Animal Behavior College

Graduated 2009 with honors, Professional Dog Trainer Certificate

Continuing Education Courses:

Training Shelter Dogs – September 7, 2011

The Art of Selling and Teaching Private Lessons – October 12, 2011

Academic Awards

- Epsilon Pi Tau Honor Society (2016-present)
- The Alison Varian Memorial Award (2017) - honoring advocate for the preservation of waterways and marine life.
- Regina M. Duffy Scholarship (2018)
- Connecticut Tree Protective Association Arborist Scholarship (1/16/2020)

PROFESSIONAL EXPERIENCE

Department of Energy and Protection - Pleasant Valley, Connecticut

Seasonal Forestry Assistant – Western District

5/7/21- Present

- Forest inventory and assessment
- Boundary line delineation
- Invasive species removal
- Monitoring and sample collections of southern pine beetle trap
- Participated in biological control – release of beneficiary beetles to combat Hemlock wooly adelgid
- Completed seasonal fire training
- GPS data collection and GIS application
- Monitoring the public's use of Connecticut's forests
- Assisting in timber sale planning and monitoring timber harvest
- Completed an Avenza mapping workshop

**Great Mountain Forest – Norfolk, Connecticut
Forestry Internship**

6/2020- 9/2020

- Moose census trail camera project
- Red Spruce plots- indicator species
- Dendrology and silviculture instruction
- Boundary line delineation
- Trail and road maintenance
- GPS data collection and GIS application

**Farmington River Coordinating Committee
Assistant River Steward**

6/1/2019- 8/25/2019

- Community outreach and education
- Extensive river clean up
- Advocated for the health and well – being of the Farmington River

**Northwestern CT Community College
9/18-11/18**

Educational Assistant - Ecology

- Assist with outdoor labs and fieldtrips.

Deeply Rooted Farms, Harwinton, CT

4/2014 – 9/2019

Farm Supervisor

- Responsible for managing the Farm Stand
- Field work supervisor
- Assisting with Farmers Markets
- Planting annual crops – Christmas trees and strawberries
- Harvesting crops – strawberries, raspberries, pumpkins, and Christmas trees

Holcomb Farm, Granby

9/2013 – 11/2013

- Field work
- Harvesting Crops

K-9 Solutions, Canton, CT

9/2010 – 2/2014

Dog Trainer

- Teaching and assisting all training classes including: Puppy, Basic 101 and 102Agility, Mix It Up, and Therapy Dog Class.
- C.G.C. Evaluator, AKC STAR Puppy test, and play session evaluator.

Marketing Office Elmendorf AFB, Anchorage, AK

3/2006 – 11/2007

Marketing Distributer

- Distributing marketing brochures and advertisements
- Running Office Machinery
- Completing Marketing Orders
- Customer Service

VOLUNTEER WORK

The Connecticut Agricultural Experiment Station

12/30/20

I worked with Joesph Barsky and his team to collect field data on a site in Winsted CT.

Pearson School Winsted CT

2016 – 2019

I have been doing an annual Earth Day lesson and project at my son's class. I have taught lessons on pollinators, sunflowers, the Redwood Forest and starting seeds for planting. I also made the children power points on how to reduce carbon footprint.

Winchester Earth Day Clean Up

2016

My family and I have participated in the town wide clean up. I also do neighborhood clean-ups on my own.

Northwestern CT Community College

2016

My children and I participated in a project organized by the Farmington River Watershed Association. A native species garden was designed around a newly constructed bioswale. We participated in planting bushes and shrubs that are beneficial to species in our area.

Guiding Eyes for the Blind

2010 - 2013

I raised three Labradors for Guiding Eyes for the Blind. I was the personal relations coordinator for the northwest region of CT.

REFERENCES

Name

Phone Number

Jody Bronson

860-542-5422

Jon Sederquist

860-921-3434

Tara Jo Holmberg

tholmberg@nwcc.commnet.edu

Thelxi Gladstone

860-309-7068

APPLICATION FOR APPOINTMENT TO A BOARD/COMMISSION
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LIST THE BOARD/COMMISSION YOU ARE INTERESTED IN SERVING: Any land use board
P+2 / Zoning Appeals / Wetlands also
Amusement or Construction

NAME: Sandra M Griswold

ADDRESS: 89 Stanton Ave Winsted CT 06098

HOME PHONE #: 379 2344 CELL PHONE #: 307 7453 E-MAIL: griswold@sbcglobal.net

ARE YOU A REGISTERED VOTER IN THE TOWN OF WINCHESTER? Yes

PRIOR CIVIC INVOLVEMENT: Jurat / Commissioner

SHORT SYNOPSIS OF EXPERTISE AND/OR INTEREST: real estate paralegal (Mark Jones 12yrs)
most of my career 30+ years. VP of Clerking Dept @
Norwalk Mfg. last ten. Now retired

Have you contacted any current members or attended any meetings on the Board/Commission that interests you? yes Name: Steve Sedlack

Signature: Sandra M Griswold Date: 9/24/2021

Please note that all Board/Commission members are subject to the Town of Winchester's Conflict of Interest Policy

Please Return To:
Town Manager
338 Main St.
Winsted CT 06098
townmanager@townofwinchester.org

APPLICATION FOR APPOINTMENT TO A BOARD/COMMISSION
WINCHESTER, CONNECTICUT

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LIST THE BOARD/COMMISSION YOU ARE INTERESTED IN SERVING:

Conservation Commission

NAME: Joseph Ulevicus

ADDRESS: 44 John Street, Winsted CT 06098

HOME PHONE #: 860-379-5268 CELL PHONE #: 203-994-9943 E-MAIL: ulevicus5@gmail.com or julevicus@fce.com

ARE YOU A REGISTERED VOTER IN THE TOWN OF WINCHESTER? Yes

PRIOR CIVIC INVOLVEMENT: None; that being said, part of my job includes interaction with regulatory agencies and town committees

SHORT SYNOPSIS OF EXPERTISE AND/OR INTEREST:

I have 30 years of Environmental Health & Safety Experience. My current role at my organization is Director of EH&S and Plant Engineering, where I am responsible for corporate regulatory compliance, upkeep of building and utility infrastructure and managing people. I have been a resident of Winsted for 10 years and would like to be involved with town matters and community improvement

Have you contacted any current members or attended any meetings on the Board/Commission that interests you? _____ Name: _____

Signature: Joseph Ulevicus

Date: August 24, 2021

Please note that all Board/Commission members are subject to the Town of Winchester's Conflict of Interest Policy

Please Return To:
Town Manager
338 Main St.
Winsted CT 06098
townmanager@townofwinchester.org

Hi Terry:

I'm Sandy Griswold not sure if you recognize the name but I know you from town, your husband's business, dinners at Monaco's and T&T nail appointments!

I'm recently retired and saw the article in the newspaper regarding volunteer committee members. As the attached application indicates, most of my career has been associated with the legal field primarily real estate (30+ years). I worked for Attorney Mark Jones in town and filed many a P&Z variance application in my day! For the last 10 years, I was a VP/closing manager at Norcom Mortgage in Avon. I'd like to give back to the community in some capacity. I suspect my experience would lend itself to any land use committee (P&Z, Zoning, Wetlands, Assessment) but not exclusive of my interest in Conservation. I guess what I'm trying to say is if the shoe fits I'll try it on!

I'd be happy to speak with whomever is the appropriate individual as Steve Sedlack indicated there is some sort of a vetting process.

Please feel free to contact me, here, my cell 860-307-7453 or home 860-379-2344

Look forward to hearing from you.

Thanks

Sandy

Terry,

Please see email below from Sean McGlynn board member of the recreation department. As he will be resigning from the board if you can put this on file and we would need to fill the position.

Thanks

Tanya Risucci

From: Sean McGlynn <sean.patrick.mcglynn@gmail.com>

Sent: Tuesday, September 28, 2021 2:14 PM

To: Kurt D Williams <Kurt_D_Williams@bd.com>

Subject: Re: October 6th meeting

EXTERNAL EMAIL - Use caution opening attachments and links.

Hello Kurt,

I am sorry I have missed the last few meetings. My schedule has been extremely busy, and unpredictable at times, as the opening of my lounge draws nearer. It has become clear to me that I cannot be relied upon to serve adequately on the Board. In light of this, and with much regret, I have decided to resign from my position on the Town of Winchester Recreation Board. It has been an honor to serve on the Board and with all its members. Perhaps some time in the future, if the Board needs, I can assume my position again. Please let me know if you need a formal letter from me documenting my resignation.

Thank you very much.

Sean

BOARD OF SELECTMEN ACTION REQUEST

No.: 21-57a

Date: September 7, 2021

Topic:

Unfinished Business (A)- Amendment of Ordinance Sec. 180, Anti-Blight Ordinance

From: Joshua Kelly, Town Manager

Background: The Town Attorney has recommended amending the current ordinances Sec. 180, The amended ordinance changes to Sec. 180 will have to be published to the public for the 2-week period required by section 3030 of the Town Charter.

Requested Action: The Board of Selectmen should, if desired, approve to amend Town of Winchester Ordinance Sec. 180.

Fiscal Implications: None.

Manager's Recommendation: I recommend that the Board of Selectmen approve to notice the proposed changes to Ordinance Sec. 180.

Recommended Motion: *I move that the Board of Selectmen approve the noticing of amendments to ordinance Sec.180.*

Attachments:

Proposed changes to ordinances Sec 180.

Step for Amending or Repealing By-Laws/Ordinances

SEC. 180 ANTI-BLIGHT ORDINANCE

Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut,

A. Declaration of Policy

This ordinance is authorized pursuant to Connecticut General Statutes 7-148 (c) (7) (H) (XV). It is hereby found and declared that there exists within the Town of Winchester, a number of taxable and tax-exempt real properties containing vacant, blighted buildings and that the existence of such vacant and blighted buildings contributes to the decline of neighborhoods. It is further found that the existence of vacant and blighted buildings adversely affects the economic well-being of the Town and is inimical to the health, safety and welfare of the residents of the Town. It is further found that many of the vacant and blighted buildings can be rehabilitated, reconstructed and reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction and reuse would eliminate, remedy and prevent the adverse conditions described above.

B. Declaration of Purpose

The purpose of this ordinance is to protect the public health, safety and welfare as follows:

1. By establishing minimum standards governing the maintenance, appearance and condition of residential and non-residential premises.
2. By authorizing and establishing procedures for enforcement, inspection and penalties, including a means by which the record owner of real property used as a dwelling may obtain relief from enforcement upon a showing of good faith efforts to take corrective measures or upon a showing that a certain hardship exists.

C. Definitions

For the purposes of this section, the following words and terms shall have meanings respectively described as follows:

1. Abandoned Property. Any real property on which there is a vacant structure on which:
 - (a) Real property taxes have been delinquent for one year or more;
 - (b) The owner has declared it abandoned in writing to the Building Blight Official.
2. Blighted Premises. Any building ~~or~~ structure or ~~exterior any parcel of land in~~ which at least one of the following conditions exists shall be considered blighted:
 - (a) ~~It is not being maintained. The following factors may be considered in determining whether a structure or building is not being maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; foundation that is structurally faulty; garbage or trash situated on the premises; overgrown grass or weeds at least one foot in length becoming dilapidated as defined herein.~~
 - (b) ~~The building or structure is deteriorating. It is not being maintained as defined herein.~~
 - (c) ~~The building is becoming dilapidated. It is a fire hazard as determined by the Fire Marshal or documented by the Fire Department or the Building Department.~~
 - (d) ~~The property is attracting illegal activity. It is unsanitary as determined by report of the Department of Health that existing conditions constitute a life-threatening hazard or a hazard that puts at risk the health or safety of the citizens of the Town.~~

- (e) The property is a fire hazard. It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the neighborhood.
 - (f) The property is seriously depreciating property values in the neighborhood. It is a substantial factor causing serious depreciation of the property values in the neighborhood.
 - (g) The property is creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or premises or within the neighborhood. There exists at the property conditions promoting rodent harborage and/or infestation.
 - (h) There exist at the property overgrown shrubs, brush or weeds.
 - (i) Parking lots/areas are left in a state of disrepair or abandonment and/or are used to store abandoned or unregistered vehicles.
 - (j) Chimneys and similar appurtenances are in a state of disrepair.
 - (k) Overhanging extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, and exhaust ducts, contain rust or other decay.
 - (l) It is a factor creating the cancellation of insurance on proximate properties.
 - (m) Graffiti exists at the premises.
 - (n) Garbage on the property is not stored in standard container and/or scattered throughout the yard.
 - (o) The property contains dead, decayed, diseased, or damaged trees that constitute a hazard or danger or are objectionable to adjacent premises or the occupants thereof to public property or persons lawfully there.
 - (p) Noxious plants such as poison ivy, poison sumac, poison oak, or ragweed are allowed to grow unchecked on the property.
 - (q) There exists on the property stagnant or unsanitary water in which mosquitoes may breed; garbage, sewage, excrement, manure, or other foul, decayed, putrid, unwholesome, deleterious or offensive thing or substance; animal carcasses or parts thereof; or trash, rubbish, rubble, tires, brush, used materials or discharged items of little or no value.
 - (r) Refuse or filth is discharged from the property into a stream, well, spring, brook, ditch, pond, river, or other inland waters within the Town, or such substances are placed on the property in such position that high water or natural seepage will carry the same such waters.
3. Blight Official. The person designated by the Town Manager to enforce this Ordinance.
4. Citation. A written statement of the relevant conditions and facts giving rise to the specified violation, including a reference to the specific section of the ordinance which has been violated and the amount prescribed as a fine for the violation(s).
5. Debris. Material which is incapable of immediately performing the function for which it was designed, including but not limited to abandoned, discarded, or unused objects, junk or collections of equipment such as automobiles, boats and recreation vehicles which are missing parts, not complete in appearance and in an obvious state of disrepair; and parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage.
- (g)6. Decay. A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten.

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- ~~3.7. Deterioration. The condition of a building or part thereof characterized by substantial holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use as determined by the Blightbuilding Official.~~
- ~~4.8. Dilapidated. A building is considered dilapidated if any of the following conditions exist:~~
- ~~(a) For unoccupied buildings or structures, any dwelling unit or non-residential space or property in physically deteriorating condition causing unsafe, unsanitary conditions and a nuisance to the general public as determined by all applicable State and local codes, laws, ordinances and regulations. The structure is unable to provide shelter or to serve the purpose for which it was constructed due to poor conditions.~~
 - ~~(b) Any walls, supports, floors, or foundations appear to be poorly maintained or in disrepair to the extent that presents a safety concern.~~
 - ~~(c) Damage exists from fire, wind, or other causes so tht the building is unsightly and no longer provides shelter from the elements and has become dangerous to the life, safety, or general health and welfare of the occupants or the residents of the Town.~~
 - ~~(a)(d) There are missing, broken, or improperly boarded windows or doors.~~
 - ~~(b) For partially unoccupied buildings or structures, any dwelling unit that does not meet minimum applicable Code standards and, in the case of non-residential space, space that does not conform to the standard as determined by this section of the Winchester Code of Ordinances.~~
- ~~5.9. Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and/or eating. Said dwelling unit shall be maintained clean and free of debris and secured against entry. All openings to the first floor and cellar basement shall be secured. All upper floors shall comply with all State and local fire safety codes, laws, ordinances and regulations.~~
- ~~10. Equivalent Amount of Non-Residential Space. Each increment of one thousand five hundred (1500) square feet or less shall be the equivalent of a dwelling unit for purposes of this section of the Winchester Code of Ordinances.~~
- ~~6.11. Exempt Property. Land dedicated as public or semipublic open space, land preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses shall be exempted from this chapter. Properties acquired by the Town of Winchester through foreclosure, etc., shall be exempted from this chapter for a period of nine months post acquisition.~~
- ~~12. Legal Occupancy. The human habitation of the dwelling unit that is legal by virtue of compliance with State and local building and fire safety codes, local zoning, State and local housing codes and all other pertinent codes, laws, statutes and regulations and the supplying of proof of occupancy evidenced through a bonafide lease agreement, rent receipt or utilities statement.~~
- ~~7.13. Litter. Any discarded, used, or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar, or can or any top, cap, or detachable tab of any bottle, jar, or can; any unlighted cigarette, cigar, match, or any flaming or glowing material; or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic, or~~

paper containers or other packaging or construction material, which has not been deposited in a receptacle.

~~8-14.~~ Exposed to Public View. Any premises or part thereof or any building or any part thereof which may be lawfully viewed by the public.

~~9-15.~~ Exterior of the Premises. Open space on the premises outside of any building thereon.

~~10-16.~~ Garbage. Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, or the keeping of pets or other animals.

17. Neighborhood. An area of the Town of Winchester with characteristics that distinguish it from other areas of the Town of Winchester and which may include but not be limited to distinct ethnic and/or economic characteristics, schools and/or social clubs, and/or boundaries defined by physical barriers including but not limited to major highways and/or railroads and/or natural features including but not limited to rivers and/or streams.

18. Not being maintained. A structure is not being maintained if any of the following conditions apply:

(a) Siding, roofing, or gutters are damaged, missing, or show signs of disrepair.

(b) Windows or doors are missing or improperly boarded over.

(c) Garbage, trash, litter, rubbish, or debris are situated on the premises.

(d) Abandoned, wrecked, or junked motor vehicles are stored on the premises.

(e) Lawns, landscaping, or driveways are deteriorating or are unkempt.

(f) Trees, shrubs, hedges, grass, or plants block or interfere with any road sign or obstruct any walkway, driveway, or street.

19. Parcel. A unit of land.

20. Premises. Any parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure, or other structure thereon, or any part thereof. The term "premises," where the context requires shall be deemed to include any buildings, dwellings, parcels of land, or structures contained within the scope of this chapter.

21. Public View. Visible from any public right-of-way or neighboring property.

22. Rubbish. Any nonputrescible waste materials, except ashes, including but not limited to paper, cardboard, tin cans, wood, glass, bedding, furniture, crockery, appliances, junk automobiles, demolition material, tree limbs, and industrial wastes.

23. Structure. Any building, dwelling, fence, swimming pool, or similarly constructed object.

~~11-24.~~ Unit. Any space within a building that is or can be rented by or to a single person or entity for his or its sole use and is intended to be a single and district space.

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D. Prohibiting the Creation or Maintaining of Blighted Premises

1. No owner of any building or structure in the Town of Winchester shall cause blighted premises to be created or maintained.

E. Enforcement

1. Any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this chapter, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the ~~Blight Chief Building~~ Official.
2. If the ~~Blight Chief Building~~ Official has reason to believe that an owner has violated the provisions of this Ordinance, the ~~Blight Chief Building~~ Official shall serve a notice of

violation and an order to correct such violation on the owner of record of the property. The order shall require the owner to comply with the requirements of this article in the manner specified in said order within fourteen (14) days. A copy of the order shall be filed with the Town Clerk, and any subsequent purchaser of the property shall be subject to such order.

3. The ~~Blight~~Chief-Building Official shall submit to the Town Manager a monthly report listing the notice of violations served in the previous month.
4. Any owner who is aggrieved as the result of being served with a notice of violation in accordance with this article may, within ten (10) days of receipt of the notice, appeal for revocation of the notice to the Board of Selectmen.
5. The Board shall submit its decision to the ~~Blight~~Chief-Building Official within ten (10) days of the hearing held on the Notice of Violation and order to correct issued by the ~~Blight~~Chief-Building Official.

F. Penalties

1. Violation of the provisions of this Article shall be punished by a penalty of not more than \$99.00 for each dwelling unit or for the equivalent amount of other space. Each day a dwelling unit or equivalent amount of other space is in violation of this Article shall constitute a separate offense.

2. Citation; lien on property.

a. ~~The provision of this chapter may be enforced by citation, in addition to other remedies, in accordance with § 7-152c of the Connecticut General Statutes. Town of Winchester code enforcement officials have authority to issue citations.~~

~~1-b.~~ Unpaid fine to constitute lien. Any unpaid fine imposed pursuant to the foregoing anti-blight citation hearing procedure shall constitute a lien upon the real property against which the fine was imposed from the date of such fine in accordance with § 7-148aa of the Connecticut General Statutes. Said lien shall be continued, recorded, released, and enforced as provided for in § 7-148aa of said statutes.

~~2-3.~~ If any violation remains unabated after ~~seven (7)~~ days, any police officer, the Zoning Enforcement Officer, ~~Blight Officials, building officials,~~ Fire Marshal or other person authorized by the Town Manager is hereby authorized to issue a citation to the violator in accordance with this chapter.

~~3-4.~~ A citation shall be in writing and include:

- (a) A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;
- (b) Detailed information regarding the contents of the notice letter (which may be a copy of such notice letter) and the failure of the owner/occupier to take the corrective actions specified therein;
- (c) The amount of the fines, penalties, costs or fees due for noncompliance; and
- ~~(d)~~ A statement that the owner/occupier may contest his liability and request a hearing before the Citation Hearing Board by delivering in person or by mail written notice of objection within ~~ten (10)~~ days of the date of the citation.

4. 5. Such penalty shall exist as a lien against the premises wherein said violation exists and may be recorded upon the land records of the Town of Winchester. Such lien shall be perfected ~~and be in effect in accordance with the provisions of the Connecticut General Statutes as~~

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~~amended relating to the collection of taxes on real estate~~Such lien shall be continued, recorded, released, and enforced as provided in C.G.S. §7-148aa of the Connecticut General Statutes as amended.- Each lien shall take precedence over all other liens and encumbrances filed after September 1, 2012, except for taxes. Each lien may be enforced in the same manner as property tax liens, including, the foreclosure of the real property.

~~5.~~ 6. If after the Notice of Violation has been issued or a lien placed on the property, the property is transferred to a bonafide purchaser, the new owner of the premises shall have a period of thirty (30) days to bring the property into compliance with the Notice of Violation previously issued without penalty.

G. Citation Procedures

1. The procedures established in the ordinance entitled "Ordinance Establishing a Hearing Procedure for Citations" will apply to citations issued under this chapter, as well as the provisions of C.G.S. §7-152c.
2. The final period for the uncontested payment of any citation under this chapter shall be ten (10) days of the date of the citation.

H. Remediation

1. The Town Manager may, but shall not be required to, take such remedial action to secure and/or improve the premises to protect public health and safety and/or property values of the surrounding neighborhood remediation as permitted under Court order, other applicable law or this Ordinance.
2. The Town Manager may, but shall not be required to, remediate blighted properties, which entry shall only be commenced after the provisions of §E have been followed without remedial action having been taken and the appeal period under §E shall have expired.
3. Remediation shall only be authorized by the Town Manager if the estimated cost of such remediation is duly appropriated in the applicable fiscal year budget or by special appropriation.
4. If a right of entry is authorized by the Town Manager it shall give notice of such authorization to the owner. Notice to the owner(s) shall be sufficient if sent by both regular and certified mail return receipt requested to the last known address for the owner and/or posted in a conspicuous place in or about the dwelling effect by the notice. Such notice shall be set forth in writing and shall contain the following:
 - (i) A statement that the Town Manager has authorized designated agents of the Town to enter the Premises during reasonable hours for the purpose of remediating the Blighted Premises.
 - (ii) A date by which the violation(s) must be corrected in order to avoid entry by designated agents of the Town pursuant to this ordinance. Such compliance date shall not be less than ~~fifteen~~ (15) days from date of the notice.
 - (iii) A statement that the authorization may be appealed to the Board of Selectmen within ten (10) days from date of the notice.
5. No agent or agents of the Town shall enter any dwelling house or structure for the purposes of remediating blighted conditions. Entry and remediation shall only be during weekday daylight hours.
6. The owner of the blighted premises shall be liable for the costs of remedial actions taken pursuant to this section. Such costs shall exist as a lien against said premises and may be

recorded upon the land records of the Town of Winchester and may be enforced in the same manner as property tax liens.

I. Alternate Remedies

In addition to all other remedies and any fines imposed herein, the provisions of this ordinance may be enforced by civil proceedings in Superior Court including injunctive relief. The Town may recover from such owner/occupier or other responsible person any and all costs and fees, including reasonable attorneys' fees, expended by the Town in enforcing the provisions of this ordinance.

J. Severability


In the event that any part or portion of this code is declared invalid or any reason, all the other provisions of this code shall remain in full force and effect.


K. Minimum Standards

1. The provisions in this chapter shall not be construed to prevent the enforcement of the other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this ordinance.
2. This ordinance is not intended to affect violations of any other ordinances, codes or regulations existing prior to the effective date of this code, and any such violations may be governed and continue to be punishable under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed as well as this ordinance.
3. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State, the provision which establishes the higher standard for the promotion and protection of the health and safety of the public and/or the property values in the Town of Winchester shall prevail.

OPERATIVE SEPTEMBER 25, 2001, EFFECTIVE OCTOBER 10, 2001; AMENDED OCTOBER 18, 2004, EFFECTIVE NOVEMBER 26, 2004; AMENDED AUGUST 20, 2012; PUBLISHED AUGUST 24, 2012 AND EFFECTIVE SEPTEMBER 17, 2012.

STEPS FOR AMENDING, ADOPTING OR REPEALING BY-LAWS/ORDINANCES:

 Step 1: The Board of Selectmen must discuss at a public meeting – as an agenda item – and agree that the ordinance needs to be created, amended or repealed. This often will then go to the Town Attorney for his draft, opinion or research.

 Step 2: The item must then be noticed for two (2) weeks prior to the Board of Selectmen meeting as a **Notice of Intent**. This must be published on the Town of Winchester web site under legal notices, two (2) weeks in a row before action on the ordinance takes place with the date of the meeting at which the Board of Selectmen intend to amend, adopt or repeal the ordinance at.

Step 3: The Board of Selectmen meeting takes place. If the Board of Selectmen agree to amend, adopt or repeal the ordinance it then goes to Step 4.

Step 4: The ordinance book must be updated.

Step 5: The amended ordinance and, if needed, an updated index, are distributed.

** This step sometimes may take a while especially if it has to go to the Town attorney for his opinion/research.

BOARD OF SELECTMEN ACTION REQUEST

No.: 21-58a

Date: September 7, 2021

Topic:

Unfinished Business (B)- Amendment of Ordinance Sec. 195, Noise Regulation

From: Joshua Kelly, Town Manager

Background: The Town Attorney has recommended amending the current ordinances Sec. 195, The amended ordinance changes to Sec. 195 will have to be published to the public for the 2-week period required by Section 303 of the Town Charter.

Requested Action: The Board of Selectmen should, if desired, approve to amend Town of Winchester Ordinance Sec. 195.

Fiscal Implications: None.

Manager's Recommendation: I recommend that the Board of Selectmen approve to notice the proposed changes to Ordinance Sec. 195

Recommended Motion: *I move that the Board of Selectmen approve the noticing of amendments to ordinance Sec.195.*

Attachments:

Proposed changes to ordinances Sec 195.

Step for Amending or Repealing By-Laws/Ordinances

Section 195

Noise

§ 270-1 Purpose of article.

~~It is recognized that people have a right to and should be ensured an environment free from excessive sound, vibration and other activities that may jeopardize their health, safety or welfare or degrade the quality of life. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the residents of the Town; the intention of this article to carry out and effectuate the public policy of the State of Connecticut, the federal government, and the Town of Winchester concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the Town of Winchester. It is recognized that excessive noise is a serious hazard to health, welfare, and quality of life for all citizens and that each person has a right to an environment free from noise that may jeopardize their health, safety, or welfare.~~

§ 270-2 Construction activitiesDefinitions.

~~A. — No person shall engage in any activity related to the erection, excavation, demolition, alteration or repair of any building, or the excavation of streets and highways, nor in the operation of trucks, tractors, bulldozers, payloaders, compressors, or other heavy equipment other than between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday, and other than between the hours of 9:00 a.m. and 6:00 p.m. on Sundays and legal holidays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the director of public works, which permit may be granted for a period of not to exceed three days while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues.~~

The following definitions shall apply in the interpretation and enforcement of this article:

Background Noise: Noise which exists at a point as a result of the combination of many distant sources. Individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

Commercial Zone: Those areas designated for commercial use in the Zoning Regulations of the Town of Winchester, also known as “Highland Lake Business District,” “Town Center,” and “Town Gateway” Zones.

Daytime Hours: Hours between 7:00 AM and 9:59 PM, Monday through Saturday, and the hours between 9:00 AM and 9:59 PM on Sundays and federal and state holidays.

Decibel: A unit of measurement of sound levels.

Emergency: Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action or any occurrence involving prolonged power outages.

Excessive Noise: Any sound, the intensity of which exceeds the standard set forth in Section 3 of this article.

Impulse Noise: Noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

Industrial Zone: Those areas designated for industrial use in the Zoning Regulations of the Town of Winchester, also known as “Production & Innovation” Zones.

Intrusion Alarm: A device with an audible signal which, when activated, indicates intrusion by an unauthorized person. Such alarm may be attached to, or within, a building, structure, property, or vehicle.

Lawn Care & Maintenance Equipment: All engine or motor-powered garden or maintenance tools intended for occasional use in residential districts, typically capable of being used by a homeowner, including, but not limited to, lawn mowers, riding tractors, snowblowers, and including equipment intended for infrequent service work in inhabited areas, typically requiring skilled operators, including but not limited to chainsaws, log chippers, or paving rollers.

Motor Vehicle: Shall be given that meaning which is provided for by Connecticut General Statutes § 14-1(a)(47).

Nighttime Hours: Any hours not designated as “Daytime Hours,” as defined above.

Person: Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the State or other legal entity of any kind.

Premises: Any building, structure, land, or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, and real properties without buildings or improvements owned or controlled by a person.

Property Line: That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right-of-way.

Residential Zone: Those areas designated for residential use in the Zoning Regulations of the Town of Winchester, also known as “Highland Lake District,” “Rural Residential,” “Town Center Residential,” and “Town Single Family” Zones.

Sound: A transmission of energy through solid, liquid, or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

Sound Level Meter: An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The sound level meter shall conform to the ANSI Specifications for Sound Level Meters, S1.2-1971.

~~B. — The Director of Public Works, in deciding whether to issue or renew any such permit shall consider the following criteria:~~

~~(1) — The reasons for the requested permit as they relate to the public health and safety;~~

- ~~(2) — The requested hours for construction activities;~~
- ~~(3) — The type of construction activities to take place and the type of construction equipment to be utilized;~~
- ~~(4) — The noise reasonably likely to be generated from the construction activities and equipment;~~
- ~~(5) — The area where the construction activities are to be performed, with consideration to residential versus commercial uses, density of population, and the number of people to be affected by the activities and noise;~~
- ~~(6) — The number of days for which the permit or renewal is requested.~~

§ 270-3 ~~Mobile loudspeakers,~~Noise levels and guidelines.

~~A. No person shall use, play or operate, for any purpose whatever, any loudspeaker or sound amplifying device including, but not limited to radios, tape decks, musical instruments, compact disc players, or public address systems, in or attached to or on any vehicle moving or standing on any highway or public place in the Town, or in any place where the sound therefrom is cast directly upon any of the highways or public places in the Town, or in any place where the sound therefrom is cast directly upon any of the highways or public places, without first obtaining a permit from the Chief of Police or his designee; provided, however, that:~~

~~A. — Permits shall not be granted for advertising or commercial use;~~

~~B. — Such device shall only be operated from 9:00 a.m. to 6:00 p.m. on weekdays and from 10:00 a.m. to 5:00 p.m. on Saturdays, Sundays and legal holidays;~~

~~C. — Such device shall not be operated in the vicinity of hospitals, convalescent or nursing homes or schools while in session, or churches while services are being conducted. Nothing in this article shall prohibit the use of such devices on vehicles of the Town while engaged in necessary public business, or on emergency vehicles. Noise zones within the Town of Winchester shall be classified according to the zoning applicable to the parcel or tract of land from which noise is emitted and the surrounding parcels or tracts on which noise is received, provided that any parcel whose use is lawfully nonconforming to its zone at the time this article is enacted shall be classified for noise emission purposes according to the zone appropriate for the nonconforming use. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of their premises in excess of the noise levels established in this section. Measurements shall be taken at a point that is located approximately one foot beyond the boundary of the emitter’s premises within the receptor’s premises. The emitter’s premises includes their individual unit of land or ground or contiguous parcels under the same ownership, as indicated by the public land records.~~

<u>Zone in which</u>	<u>Zone in which Receptor is Located (all measurements in dBA).</u>
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<u>Emitter is Located</u>				
	<u>Production & Innovation</u>	<u>Highland Lake Business District</u> <u>Town Center</u> <u>Town Gateway</u>	<u>Highland Lake District</u> <u>Rural Residential</u> <u>Town Center Residential</u> <u>Town Single Family</u>	
			<u>Daytime Hours</u>	<u>Nighttime Hours</u>
<u>Production & Innovation</u>	<u>70</u>	<u>66</u>	<u>61</u>	<u>51</u>
<u>Highland Lake Business District</u> <u>Town Center</u> <u>Town Gateway</u>	<u>62</u>	<u>62</u>	<u>55</u>	<u>45</u>
<u>Highland Lake District</u> <u>Rural Residential</u> <u>Town Center Residential</u> <u>Town Single Family</u>	<u>62</u>	<u>55</u>	<u>55</u>	<u>45</u>

B. No person shall cause or allow the emission of impulse noise in excess of 80 decibels' peak sound pressure level during Nighttime Hours to any residential zone. No person shall cause or allow the emission of impulse noise in excess of 100 decibels' peak sound pressure level at any time to any zone.

C. A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation. Instruments used to determine sound level measurements shall be sound level meters as defined by this article.

§ 270-4 Fixed loudspeakers, High Background Noise Areas

No person shall use, play or operate any loudspeaker or sound amplifying device including, but not limited to radios, tape decks, musical instruments, compact disc players, or public address systems, in or attached from-

any stand, platform or any other structure or part of any structure which abuts or is adjacent to a public place or street, or to use, play or operate a loud speaker or sound amplifying device which is attached to the outside of any building or premises abutting or adjacent to a public place or street, without first obtaining a permit from the Chief of Police or his designee and paying an annual permit fee of \$100, except for public functions or emergency use. The permit obtained shall list specific days and hours of operation as determined by the Chief of Police or his designee considering the needs of the applicant and the comfort of the public. In those individual cases where the background noise levels caused by sources not subject to this article exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise level by five dBA, provided that no source subject to the provisions of Section 3 of this article shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels set forth in any other section of this article.

§ 270-5 Residential activities. Exclusions.

No person shall engage in the operation of lawn mowers, chain saws, lawn tractors or similar devices except between the hours of 7:00 a.m. and 9:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 9:00 p.m. on Sunday or any legal holiday. No person shall use, play or operate any radio, phonograph, tape player, musical instruments, compact disc player, loudspeaker or other sound amplifying device at a volume which shall disturb the occupants of adjacent residences or units at any time. Maximum noise levels established in Section 3 of this article shall not apply to any noise emitted or related to:

- A. Natural phenomena.
- B. Any bell or chime from any building clock, school, or church.
- C. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation. This exclusion does not include, however, intrusion alarms attached to any building, structure, or property that does not terminate within 30 minutes after being activated or any intrusion alarm attached to a vehicle not terminating within 10 minutes after being activated. The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care should be considered excessive noise.
- D. Warning devices required by OSHA or other state or federal safety regulations.
- E. Noise created as a result of an emergency, including, but not limited to, the use of personal or commercial electrical generators.
- F. Noise created by lawn care and maintenance equipment utilized during daytime hours, as that term is defined in this article, provided that noise discharge from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
- G. Activities specially licensed under permit from the Town of Winchester, including, but not limited to, parades, sporting events, and firework displays. This exclusion applies only if noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noise therefrom. Moreover, patriotic or other public celebrations may not extend longer than one calendar day.
- H. Noise from snow removal equipment, provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

I. Utility maintenance, including, but not limited to, the removal of fallen trees and the installation and repair of utility wires and poles.

J. Town of Winchester construction, road repair, and tree removal operations.

K. The repair of buildings owned by the Town of Winchester.

L. Activities conducted by the Town of Winchester in a governmental capacity or by the State of Connecticut or by the federal government of the United States of America.

A.M. Properties that have a pending noise variance application under Section 9 hereof.

§ 270-6 **Enforcement. Motor vehicle noise.**

A. All motor vehicles operated on public roads within the limits of the Town of Winchester shall be subject to the noise standards and decibel levels act set forth by the Connecticut General Statutes, §§ 14-80 and 14-80a, and the regulations issued thereunder. The Chief of Police or his designee shall enforce the provisions of this article.

A.

B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Section 3 hereof.

B. Civil remedies. This article may be enforced by injunction, action for abatement, or other appropriate civil remedy. The Town may recover from such violation any and all costs and fees, including reasonable attorney fees expended by the Town in enforcing the provisions of this ordinance.

C. Criminal penalties. Every person who violates any provision of this article shall be fined not more than \$100. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

§ 270-7 **Exemptions.**

The following are exempt from the provisions of this article:

A. Sanding and snow removal operations by state, municipal or private contractors;

B. Noises made by alarm systems;

C. Any public address system allowed under the Town of Winchester zoning regulations.

§ 270-78 **Severability. Enforcement and penalties.**

If, for any reason, any word, clause, paragraph, or subsection of this Ordinance shall be held to make the same unconstitutional or superceded by any State law or regulation, this Ordinance shall not thereby be invalidated and the remainder of the Ordinance shall continue in effect.

The Winchester Police Department shall enforce the provisions of this article pertaining to the measurement of noise levels and the issuance of notices of violation. Any person in violation of any section of any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$100. In lieu of arrest and issuance of a summons, the Winchester Police

Department may serve upon a violator an infraction notice which shall be known as a noise ticket. Payment of the fine prescribed by such noise ticket within the time limit and to the address specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited. Each day a violation continues after the time for correction of the violation has been given in a written order, or after the issuance of a summons or infraction notice, shall constitute a continuing, separate violation and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed four hundred dollars (\$400) per day. In the event payment of the fine is not made and an appeal has not been taken as provided herein, the violator shall be responsible for any and all costs of collection, including attorneys' fees. The imposition of any fine hereunder shall not prevent the enforced abatement of any unlawful condition by the Town and the Town shall have the right to pursue any remedy allowed under law.

§ 270-8 Appeal process.

Whenever a fine is imposed under this Ordinance, the person fined may, within ten (10) days from the date of issuance of the noise ticket, appeal by filing a written notice of appeal with the Winchester Chief of Police. The filing of an appeal shall stay any fine imposed until such time as a decision is rendered by a Town Citation Hearing Board in accordance with the procedure for hearings set forth.

The provisions of this Ordinance may be enforced by citation and hearing as permitted by Conn. Gen. Stat. Section 7-152(c).

In the event a decision on an appeal is rendered in favor of the Town and, if permitted by law, the Town shall be entitled to recover its costs incurred in defending such matter, including attorneys' fees.


§ 270-9 Variances.


- A. Any person living or doing business in Winchester may apply to the Chief of Police for a variance from one or more of the provisions of this Ordinance, which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided the applicant supplies all of the following information to the Chief of Police at least twenty (20) days before the start of such activity:
- a. The location and nature of the activity;
 - b. The time period and hours of operation of such activity;
 - c. The nature and intensity of the noise that will be generated; and
 - d. Any other information required by the Chief of Police.
- B. No variance from this Ordinance shall be issued unless it has been demonstrated that:
- a. The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations;
 - b. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 - c. 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 before the proposed start of such activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

D. A variance granted to a business shall be considered void in the event that business changes the size, quantity, location, or use of the noise-emitting equipment or machinery that they possess, or in the event that the business changes their location or hours of operation.

A.E. In the event a variance is voided, nothing in this ordinance shall prohibit a resident or business owner from applying for a new variance. In the event a variance application is denied, the owner of the property in question may not apply for a new variance for that property for ninety (90) days following the date of denial and, in the new variance application, must detail the substantive changes that have been made to reduce noise levels at that property since the previous application was submitted.

STEPS FOR AMENDING, ADOPTING OR REPEALING BY-LAWS/ORDINANCES:

 Step 1: The Board of Selectmen must discuss at a public meeting – as an agenda item – and agree that the ordinance needs to be created, amended or repealed. This often will then go to the Town Attorney for his draft, opinion or research.

 Step 2: The item must then be noticed for two (2) weeks prior to the Board of Selectmen meeting as a **Notice of Intent**. This must be published on the Town of Winchester web site under legal notices, two (2) weeks in a row before action on the ordinance takes place with the date of the meeting at which the Board of Selectmen intend to amend, adopt or repeal the ordinance at.

Step 3: The Board of Selectmen meeting takes place. If the Board of Selectmen agree to amend, adopt or repeal the ordinance it then goes to Step 4.

Step 4: The ordinance book must be updated.

Step 5: The amended ordinance and, if needed, an updated index, are distributed.

** This step sometimes may take a while especially if it has to go to the Town attorney for his opinion/research.

BOARD OF SELECTMEN ACTION REQUEST

No.: 21-68

Date: October 4, 2021

Topic: New Business (A)- Proposed Line-Item Transfers (with attachments)

From: Joshua Kelly, Town Manager

Background: The Town of Winchester Charter (as amended) provides for the intra-departmental transfer of funds:

Section 914.

INTRA-DEPARTMENTAL TRANSFER OF APPROPRIATIONS When any department, commission, board or officer shall desire to secure a transfer of funds in its or his appropriation from funds set apart for one specific purpose to another, before incurring any expenditure therefor, such department, commission, board or officers shall make application to the Town Manager, whose duty it shall be to examine the matter, and upon approval of the Board of Selectmen, such transfer may be made. But not otherwise.

Requested Action: The Board of Selectmen should consider the proposed line- item transfers.

In accordance with Section 915, Finance Director Bruce Stratford has requested a transfer of funds to cover FY22 year-end deficits.

Fiscal Implications:

FROM: Town Manager (1-111-900-0002)		
<u>Line</u>	<u>Description</u>	<u>Amount</u>
1-111-900-0002	Fringe Benefits-Medical	\$500
TO: Town Manager (1-111-814-0000)		
<u>Line</u>	<u>Description</u>	<u>Amount</u>
1-111-814-0000	Membership, Dues Subscriptions	\$500

Recommended Motion: I move that the Board of Selectmen approve the line-item transfers from \$500 Fringe Benefits-Medical (111-900-0002) to \$500 Membership, Dues Subscriptions (1-111-814-0000)



In accordance with Section 914, Finance Director Bruce Stratford has requested a transfer of funds to cover charges in Custodian Position-part time.

Fiscal Implications: none

FUND TRANSFERS - TOWN OF WINCHESTER

1. DEPARTMENT REQUESTING TRANSFER

111 - Town Manager

2. TOTAL AMOUNT & FISCAL YEAR OF TRANSFER

\$500

FY22

ACCOUNT(S) TRANSFERRED FROM: Fund: DEPT# OBJECT# OBJECT# AMOUNTS

ACCOUNT(S) TRANSFERRED FROM:	Fund:	DEPT#	OBJECT#	OBJECT#	AMOUNTS
Fringe Benefits - Medical		1	111	900	0002 \$500

ACCOUNT(S) TRANSFERRED TO DEPT# OBJECT# SUB-OBJECT# AMOUNTS

ACCOUNT(S) TRANSFERRED TO	Fund:	DEPT#	OBJECT#	SUB-OBJECT#	AMOUNTS
Membership, Dues Subscriptions		1	111	814	0000 \$500

3. REASON FOR REQUEST AND HOW SOURCE ACCOUNT CAN WITHSTAND TRANSFER:
(ANTICIPATED ITEMIZED EXPENDITURE WHICH REQUIRES INCREASE FUNDING)

COST membership exceeds remaining line item budget by \$300.
Fringe Benefits has surplus due to Town manager not using employee medical program.

4. REQUESTING DEPARTMENT HEAD SIGNATURE:
(PER SECTION 914 OF TOWN CHARTER) FURTHER COMMENTS:

 9/28/21

5. DIRECTOR OF FINANCE VERIFICATION OF FUNDING SOURCE'S ABILITY TO FUND THIS REQUEST:

 9/28/21

6. TOWN MANAGER'S APPROVAL AND RECOMMENDATION:
(PER SECTIONS 914 AND 915 OF TOWN CHARTER) FURTHER COMMENTS:

 9/28/21

7. DATE SUBMITTED TO BOARD OF SELECTMEN _____

8. DATE APPROVED BY BOARD OF SELECTMEN _____

CC: Town Manager, Director of Finance, Purchasing Director, Department Requesting Fund Transfer

BOARD OF SELECTMEN ACTION REQUEST

No.: 21-69

Date: October 4, 2021

Topic: New Business (B)- Refunds as Recommended by the Collector of Revenue (with attachments)

From: Joshua Kelly, Town Manager

Background: The Town Collector of Revenue has recommended that the refunds described in the attached correspondence be authorized in accordance with Connecticut General Statutes Section 12-129.

Requested Action: The Board of Selectmen should authorize the Town Manager to approve the described refunds.

Fiscal Implications: The described refunds total \$1,109.76

Manager's Recommendation: I recommend that the Board of Selectmen authorize the refunds recommended by the Collector of Revenue.

Recommended Motion: *I move that the Board of Selectmen authorize the refunds recommended by the Collector of Revenue in the amount of \$1,109.76.*

Attachment:

Grand List 2020 Refunds

Grand List 2021 Refunds



The attached list represents taxes that have been corrected by authority of the provision of Section 12-129 of the General Statutes, and by the Assessor or Public Works Director of the Town of Winchester. The taxes/water and/or sewer amounts shown below have been paid and requests received for refunds of the same.

LIST #/GL YR	TAX TYPE	TAXPAYER	AMOUNT OF REFUND/REASON
13967 2020	MV ADAMS	DONALD 100 STRONG TER WINSTED, CT 06098	\$75.46 C OF C
18603 2020	MV FREDSALL	JANET 5C HORNE AVE WINSTED, CT 06098	\$12.81 C OF C
19211 2020	MV LANGER	DANIEL 210 OAK ST WINSTED, CT 06098	\$340.77 C OF C
140109 2020	MV LANGER	DANIEL 210 OAK ST WINSTED, CT 06098	\$89.82 C OF C
14990 2020	MV MARCHI	MEMORIALS INC 115 WILLOW ST WINSTED, CT 06098	\$53.99 C OF C
11861 2021	MV MELYCHER	ARTHUR 88 EXPEDITION LN LITTLETON, NC 27850-2773	\$329.97 C OF C
14599 2020	MV PIERCE	MICHAEL 106 LEDGE DR WINSTED, CT 06098	\$206.94 C OF C
MV TOTAL REFUNDS BY TYPE			\$1,109.76
NUMBER OF REFUNDS	7	TOTAL REFUNDS	\$1,109.76

It is recommended that refunds in the amount as stated above be made to the taxpayers listed, in accordance with the provisions of said General Statutes, Section 12-129.

9/30/2021

Date of Report


Halaree Monnerat, Collector of Revenue

APPROVED FOR PAYMENT:

DATED: _____

Town Manager

I have received from Town Accountant the above checks to cover the refunds as stated above.

Date: _____

Collector of Revenue

TORRINGTON AREA HEALTH DISTRICT
ANNUAL REPORT: JULY 1, 2020 – JUNE 30, 2021

The TAHD served over 133,000 people in twenty boroughs, cities and towns covering 611 square miles.

The TAHD **Community Health Program** partnered with DPH and FoodCORE to investigate: **3** giardiasis, **17** campylobacteriosis and **16** salmonellosis cases. TAHD provided guidance to school nurses, daycares, and community members on a variety of health issues. TAHD nurses administered **478** doses of flu vaccine to residents. TAHD consulted with 27 residents regarding potential rabies exposures which resulted in TAHD submitting **14 specimens** to the State of CT Laboratory for rabies testing. Ticks brought in by **66** residents were sent to the Connecticut Agricultural Experiment Station for Lyme disease bacteria testing.

TAHD is an active member of **Fit Together**, a Northwest Connecticut Healthy Eating and Active Living Initiative. A bike rack was installed at Winsted Health Center location, Fit Together awarded 8 mini grants to multiples schools and organizations throughout the community that promotes healthy eating and active living. Healthy cooking kid friendly videos were created and posted on the Fit Together NWCT – Healthy Starts Here (how2fitkids.org) website.

TAHD is an active member of the **Litchfield County Opiate Task Force (LCOTF)** working on strategies and solutions to the heroin/opiate epidemic. TAHD completed the **Strategic Prevention Framework for Prescription Drugs (SPF Rx) grant** raising awareness and educating communities by utilizing the CT “*Change the Script*” campaign. Overdoses were tracked in a system called **Overdose Detection Mapping Application Program (ODMAP)**. TAHD received a grant to provide programing for the Statewide Expansion and Response Project for the Overdose Detection Mapping Application (ODMAP) to ensure comprehensive coordination of services. TAHD staff provided training to local pharmacies and medical offices on the CT Prescription Monitoring and Reporting System (CPMRS) and Naloxone administration as part of the **Academic Detailing on Opioid Safety (ADOPS)** grant.

The TAHD **Immunization Action Program (IAP)** worked with local providers and hospitals to ensure compliance with CT childhood immunization laws. TAHD had an outstanding rate of 100% for referrals into CT WiZ (Connecticut’s immunization information system). TAHD assisted health care partners with enrollment into the Vaccine Administration Management System (VAMS) and CT WIZ in order to track COVID and other vaccinations.

The TAHD **Childhood Lead Poisoning Prevention Program** provided case management for more than 46 children with blood lead levels ($\geq 5\mu\text{d/l}$) as well as provided educational information to more than 100 families. Abatement / Remediation Orders were issued for 3 properties.

TAHD **Environmental Health Program** resulted in the following inspections/licenses/permits: **868** food inspections, **349** temporary food permits, **151** new septic systems, **340** repaired septic systems, **241** private well permits, **139** private pool permits, **92** beauty salons & barber shops inspections, **669** house addition permits, **389** soil tests, **33** subdivision lots, **37** public pools and beaches were inspected, and **21** daycare centers inspected. Records show that approximately **346** samples were submitted to the state lab for testing of drinking water, beach and pool water, lead in water, soil and dust, and stool samples for pathogens. Sanitarians investigated **361** complaints of various public health concerns; **16** legal orders/voluntary compliances were issued for enforcement purposes.

The TAHD **Emergency Preparedness Program** worked with local and regional community partners on the COVID Response. Activities included: outbreak investigations, contact tracing, consultation (health partners, public safety, town, and school officials) receiving and distribution of personal protective equipment, and vaccination clinics.

The TAHD-**Medical Reserve Corps (MRC) Program** was very active this year playing an integral part in COVID-19 vaccination clinics. During the COVID-19 response, 26 volunteers assisted with many aspects of clinic operations including registration, vaccination, greeting, observation and parking duties.

During the month of December TAHD started mass COVID-19 vaccination clinics and continued to hold clinics weekly. To date TAHD has vaccinated 10,000+ individuals with the Moderna vaccine. Public clinics were held 3-4 days a week. Private clinics were held for educators. Working with community partners TAHD vaccinated vulnerable populations from congregate settings such as Mountainside, FISH and Primetime House. Along with holding clinics TAHD went out to homes and vaccinated 71 homebound individuals with the J&J vaccine. Additional homebound individuals were vaccinated through partnering with New Opportunities, Charlotte Hungerford Hospital and Community Health and Wellness.

The TAHD partners with Hydro Technologies, LLC for its **Water Testing Program**. Hydro Technologies, a full-service lab located in New Milford, CT offers a wide range of testing of drinking water. This partnership allows TAHD to offer a local option for water testing to its member towns. In addition, TAHD offers free technical advice on private drinking water wells, sampling procedures, and water testing results.

Robert Rubbo, MPH, Director of Health

2019	Jan-19	9	6	\$569.20	\$63.24	\$154.09	\$17.12	21%
2019	Feb-19	7	6	\$340.62	\$48.66	\$85.56	\$12.22	20%
2019	Mar-19	2	1	\$136.24	\$68.12	\$20.54	\$10.27	13%
2019	Apr-19	9	6	\$300.50	\$33.39	\$76.95	\$8.55	20%
2019	May-19	6	4	\$254.77	\$42.46	\$44.41	\$7.40	15%
2019	Jun-19	11	5	\$491.07	\$44.64	\$127.49	\$11.59	21%
2019	Jul-19	13	5	\$524.40	\$40.34	\$153.76	\$11.83	23%
2019	Aug-19	8	5	\$654.08	\$81.76	\$230.37	\$28.80	26%
2019	Sep-19	10	3	\$385.82	\$38.58	\$201.24	\$20.12	34%
2019	Oct-19	8	4	\$413.57	\$51.70	\$266.22	\$33.28	39%
2019	Nov-19	8	5	\$659.55	\$82.44	\$343.67	\$42.96	34%
2019	Dec-19	9	3	\$418.40	\$46.49	\$211.47	\$23.50	34%
2019	Year Total:	100	53	\$5,148.22	\$51.48	\$1,915.77	\$19.16	27%
2020	Jan-20	13	6	\$532.00	\$40.92	\$329.73	\$25.36	38%
2020	Feb-20	8	6	\$391.95	\$48.99	\$260.54	\$32.57	40%
2020	Mar-20	9	4	\$377.92	\$41.99	\$143.34	\$15.93	27%
2020	Apr-20	9	6	\$341.05	\$37.89	\$109.82	\$12.20	24%
2020	May-20	9	5	\$367.22	\$40.80	\$232.64	\$25.85	39%
2020	Jun-20	12	5	\$349.04	\$29.09	\$116.56	\$9.71	25%
2020	Jul-20	10	3	\$231.12	\$23.11	\$99.59	\$9.96	30%
2020	Aug-20	8	4	\$181.74	\$22.72	\$51.99	\$6.50	22%
2020	Sep-20	11	3	\$332.63	\$30.24	\$128.67	\$11.70	28%
2020	Oct-20	6	3	\$149.14	\$24.86	\$36.81	\$6.14	20%
2020	Nov-20	9	4	\$222.71	\$24.75	\$45.33	\$5.04	17%
2020	Dec-20	13	4	\$347.79	\$26.75	\$127.49	\$9.81	27%
2020	Year Total:	117	53	\$3,824.31	\$32.69	\$1,682.51	\$14.38	31%
2021	Jan-21	7	3	\$164.89	\$23.56	\$39.06	\$5.58	19%
2021	Feb-21	13	5	\$354.11	\$27.24	\$53.98	\$4.15	13%
2021	Mar-21	16	5	\$483.36	\$30.21	\$182.21	\$11.39	27%
2021	Apr-21	11	5	\$251.36	\$22.85	\$90.30	\$8.21	26%
2021	May-21	11	5	\$344.55	\$31.32	\$97.85	\$8.90	22%
2021	Jun-21	16	6	\$582.27	\$36.39	\$242.28	\$15.14	29%
2021	Jul-21	10	4	\$322.17	\$32.22	\$118.20	\$11.82	27%
2021	Year Total:	84	33	\$2,502.71	\$29.79	\$823.88	\$9.81	25%
Total		2,885	1,635	\$127,270.82	\$44.11	\$116,069.06	\$40.23	48%