

**MINUTES
REGULAR MEETING
BOARD OF MAYOR AND BURGESSES
JANUARY 3, 2017**

1. Mayor “Pete” Hess called the regular meeting to order at **6:03 p.m.** with the following in attendance:

BURGESSES:

R. Neth	L. Jackson
R. Burns	P. Scully, Sr.
K. Donovan	R. Vitale
C. Herb	D. Wisniewski
D. Hoff	

PRESS:

L. Marshall

RESIDENTS:

One

DEPARTMENT HEADS:

J. Bernegger, Deputy Police Chief
J. Lawlor, Human Resources Director
C. A. Tyler, Assessor

E. Murray, Fire Chief
R. Butler, Jr., Controller

OTHERS:

M. Davis, Inland Wetlands Commission
A. Burkitt, Advanced Energy Efficiencies LLC
D. Sheridan, Board of Finance

A. Perillo, Attorney
G. Hale, Attorney

2. Burgess Hoff led in the Pledge of Allegiance to the flag.
3. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the monthly reports of **December**. Each member received copies for review.
4. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully to recess to Executive Session at **6:05 p.m.** for discussion on the following: **Personnel** (Deputy Fire Chief), **Real Estate Negotiations** (Union City Road, Rubber Avenue, T-Mobile Cell Tower) and **Pending Litigation** (Heart and Hypertension Claim) inviting in Fire Chief E. Murray, Controller R. Butler, Jr. and Human Resources Director J. Lawlor.

Mayor Hess reconvened the meeting at **7:26 p.m.**

5. There were no matters emanating from Executive Session.
6. Public Comment – None
7. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Matthew A. McColl** (R), 57 Wildwood Circle, Naugatuck, CT 06770 as an alternate member of the **Golf Commission**, filling the expired term of B. Wright, term to expire January 1, 2020.

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8. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the appointment of **Daniel Sheridan, Jr.**, 32 General Dalton Drive, Naugatuck, CT 06770 as the Board of Finance member on the **Non Union Salary Review Board**, filling the term of A. Pistarelli.
9. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Jackson that the Board of Mayor and Burgesses add to the agenda three motions to reappoint members to the **Inland Wetlands Commission**.
10. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the reappointment of **Mary Davis** (D), 180 Donovan Road, Naugatuck, CT 06770 as a regular member of the **Inland Wetlands Commission**, term to expire January 1, 2021.
11. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the reappointment of **Carlos S. Batista** (R), 39 Visconti Drive, Naugatuck, CT 06770 as a regular member of the **Inland Wetlands Commission**, term to expire January 1, 2021.
12. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses approve the reappointment of **Jeffrey S. Litke** (R), 73 Bird Road, Naugatuck, CT 06770 as an alternate member of the **Inland Wetlands Commission**, term to expire January 1, 2021.
13. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses add to the agenda a motion to appoint a member to the **Fire Commission**.
14. Mayor Hess appointed **Raymond Savoy** (R), 1081 New Haven Road 2A, Naugatuck, CT 06770 as a regular member of the **Fire Commission**, filling the unexpired term of T. Ryan, term to expire May 1, 2017.
15. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses add to the agenda a motion authorizing the mayor to sign an **Addendum to the Local EMS Plan** as required by the state.
16. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses authorize Mayor “Pete” Hess to sign an **Addendum to the Local EMS Plan**. Said Addendum certifies to the Commissioner of Public Health that all three first responders of the Borough of Naugatuck, Naugatuck Ambulance, Naugatuck Police

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Department and Naugatuck Fire Department, are certified to administer the opioid antagonist, Narcan. Connecticut Public Act 16-43 Section 1.

17. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses eliminate the **2016 Grand List Year 10% Additional Benefit of the State of Connecticut Circuit Breaker Program** as recommended by Assessor Carol Ann Tyler.
18. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses authorize Mayor Hess to sign all contracts and related documents for an agreement with **Doosan Fuel Cell America, Inc.** relating to three fuel cells at the Wastewater Treatment Plant.
19. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses authorize Mayor Hess to sign an easement agreement with **Eversource** to provide natural gas to the Wastewater Treatment Plant.
20. Motion by Burgess _____ that the Board of Mayor and Burgesses repeal **Section 13-6 – Noise** and create a new **Section 13-6 – Reserved** and adopt **Ordinance #129 – Noise Ordinance** hereby creating a new **Article V, Noise, §§ 13-75 – 13-85 in Chapter 13, Offenses and Miscellaneous Provisions** of the Code of Ordinances of the Borough of Naugatuck, Connecticut, which reads as follows, as if read:

**Ordinance #129
Noise Ordinance**

Sec. 13-75. Purpose.

The purpose of this section is to carry out and effectuate the public policy of the State of Connecticut, the Federal Government, and the Borough of Naugatuck concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the Borough of Naugatuck. This Ordinance is to protect the safety, health and general welfare of all its citizens as the people have a right to and should be ensured an environment free from excessive noise which may jeopardize their general welfare and quality of life.

Sec. 13-76. Definitions.

1. Residential Zone. Single Family residence zones and multifamily residence zones, as defined by the zoning regulations of the Borough of Naugatuck, and all uses associated therewith, either permitted as of right or as specially excepted uses.
2. Commercial Zone: General commercial zones, light commercial zones, neighborhood commercial zones, all as defined in the zoning regulations of the Borough of
3. Naugatuck, and all uses associated therewith, either permitted as of right or as specially excepted uses.

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4. Industrial Zone. Industrial district, as defined by the zoning regulations of the Borough of Naugatuck
5. Impulse Noise. Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.
6. Daytime hours. Hours between 7:00 AM to 10:00 PM, Monday through Saturday, and the hours of 9:00 AM to 10:00 PM on Sundays.
7. Nighttime hours: All other hours not listed above are nighttime hours.
8. Decibel. A logarithmic unit of measurement used in measuring the magnitude of sound. The symbol is dB.
9. Motor Vehicle. Defined as per section 14-1 of the Connecticut General Statutes.
10. Noise. Any excessive sound or disturbance, the intensity of which exceeds the standards set forth in Paragraph 8 of this section.
11. Noise Level. The sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The level so read is designated dB(a) or dBA.
12. Person. Any individual, firm, partnership, association, syndicate, company, trust, corporation, agency, or administrative subdivision of the state or other legal entity of any kind.
13. 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.
14. 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.
15. 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.
16. Sound Level Meter. An instrument to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for sound level meters.
17. Domestic Power Equipment. Equipment including, but not limited to, power saws, snow removal equipment, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a possessor of land.
18. Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of private rights of way, structures, utilities or similar property.
19. Emergency Work. Any work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.
20. Muffler. A device for abating sounds such as escaping gases.

Sec. 13-77. General Prohibition.

It shall be unlawful for any person within the Borough of Naugatuck to emit or cause any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

Sec. 13-78. Exemptions.

The following shall be exempt from these regulations.

1. Construction Equipment which is operated during daytime hours and has all proper permits/licenses/authorization from the appropriate office at the Borough of Naugatuck or State of Connecticut;
2. Noise created as a result of, or relating to an emergency;
3. Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated in daytime hours;
4. Noise from snow removal equipment, provided equipment is maintained in good repair and exhaust is adequately muffled;
5. Noise created by any religious, governmental, educational or recreational activities permitted by law or for which a lease, license, or permit has been granted by the Borough, including but not limited to outdoor evangelistic meetings, parades, sporting events, concerts, and fireworks displays;
6. Noise generated by transmission facilities, distribution facilities and substations of public utilities providing electric power, telephone, cable television or other similar services and located on property which is not owned by the public utility and which may or may not be within utility easements.
7. Natural noise, without amplification, made by humans is not considered a violation, unless it is made to intentionally interfere with another person's enjoyment of property.

Sec. 13-79. Motor Vehicle Noise.

1. All motor and recreational vehicles operated within the limits of the Borough of Naugatuck shall be subject to noise standards and decibel levels as found in C.G.S. Title 14, § 14-80a.
2. No motor or recreational vehicle shall emit noise in excess of the noise levels as specified in Section 8 of this Ordinance.

Sec. 13-80. Enforcement.

1. The Naugatuck Police Department shall be responsible for investigating complaints of noise violations.
2. Any person aggrieved by an act constituting a violation of this chapter may complain to the police department who shall enforce this chapter.
3. The police are also authorized to enforce this chapter without any such complaint.

Sec. 13-81. Inspections and Sound Measuring Procedures.

For the purpose of determining compliance with the provisions of this chapter, the following guidelines shall be applicable:

1. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
2. Instruments used to determine sound level measurements shall conform to the sound level meters as defined by this Ordinance.
3. The general steps listed below shall be followed when preparing to take sound level measurements:

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- a. The instrument manufacturer's instructions for the preparation and use of the instrument shall be followed.
 - b. The sound level meter shall be calibrated before and after each set of measurements.
 - c. The sound level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four feet above the ground.
 - d. Measurements shall be taken and documented at a point that is located approximately one foot beyond the boundary of the emitter's premises. The emitter's premises include his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
4. In the absence of a sound level meter, noise will be plainly audible when noise can be heard at a distance of one hundred (100) feet from its source, by a person of normal hearing.

Sec. 13-82. Noise Levels.

1. No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:
Emitter's Zone: Residential
Receptor's Zone: Industrial- 62 dBA
Receptor's Zone- Commercial- 55 dBA
Receptor's Zone- Residential/day- 55 dBA
Receptor's Zone- Residential/night- 45 dBA
2. No person in a commercial zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:
Emitter's Zone: Commercial
Receptor's Zone: Industrial- 62dBA
Receptor's Zone- Commercial- 62 dBA
Receptor's Zone- Residential/day- 55 dBA
Receptor's Zone- Residential/night- 45 dBA
3. No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial or industrial zones:
Emitter's Zone: Industrial
Receptor's Zone: Industrial- 70dBA
Receptor's Zone- Commercial- 66 dBA
Receptor's Zone- Residential/day- 61 dBA
Receptor's Zone- Residential/night- 51 dBA
4. In the absence of a sound level meter, any noise plainly audible pursuant to subsection 7-d of this Chapter constitutes prima facie evidence of a violation of this section.

Sec. 13-83. Waiver.

Any person can apply to the Naugatuck Police Department for a temporary waiver of Section 8 of this Ordinance, which can be found on the NPD website www.naugatuckpd.org. All waiver applications must be posted by the applicant in the

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Town Clerk's office located on the 2nd floor at 229 Church Street, Naugatuck, Connecticut at least seventy-two (72) hours prior to the event.

Sec. 13-84. Enforcement and Penalties.

1. No person shall violate or cause the violation of the provisions of this chapter.
2. Any person in violation of the provisions of this chapter shall be fined \$100.00 for the initial violation.
3. For each initial violation, a \$100.00 fine will be imposed. For a subsequent violation at the same premises, a \$250.00 fine will be imposed.

Motion tabled.

21. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses **lease capital equipment** with the firm **First American Education Financing** in the amount of **\$271,690** over a three year period at 1.78%.
22. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully that the Board of Mayor and Burgesses authorize Controller Robert W. Butler, Jr. to refund the following tax refunds approved by Tax Collector James Goggin; as if read:

Aviles, Wilson **\$29.49**
117 Golden Hill Street Ext.
Naugatuck, CT 06770
2015-03-0511147 Overpaid

Bush, Renee **\$80.24**
153 Court D Building 36
Bridgeport, CT 06770
2014-03-0003288 Overpaid

Carrington, Lauren **\$187.22**
40 Hampton Road
Waterbury, CT 06708
2015-03-0513882 Overpaid

Cherhoniak, Mark **\$33.15**
26 Hillcrest Avenue
Naugatuck, CT 06770
2015-03-0514363 Overpaid

Como, Matthew **\$157.20**
30 Gorman Street
Naugatuck, CT 06770
2015-03-0514799 Overpaid

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Earnshaw, Gerald and Marisa **\$38.63**
24 Round Hill Road
Naugatuck, CT 06770
2015-03-0517262 Overpaid

Fancher, Frank or Carolyn **\$74.26**
19 Phyllis Drive
Naugatuck, CT 06770
2015-03-0517673 Overpaid

Gallo, Michael J. **\$4.44**
101 Elmwood Drive
Cheshire, CT 06410
2015-03-0518697 Overpaid

Gallo, Michael J. **\$101.75**
101 Elmwood Drive
Cheshire, CT 06410
2015-03-0518698 Overpaid

Galluzzi, Michael **\$8.07**
15 Celentano Drive
Naugatuck, CT 06770
2015-03-0518703 Overpaid

Gelinas, David M. **\$154.66**
P.O. Box 283
Naugatuck, CT 06770
2015-03-0518948 Overpaid

Hackett, Paul R., Jr. **\$125.06**
85 Yeaton Street
Waterbury, CT 06708
2015-03-0519873 Overpaid

Jacques, Gary **\$202.02**
33 Hillview Street
Naugatuck, CT 06770
2015-03-0521437 Overpaid
2015-03-0521439 Overpaid

Kane, Brian G. **\$9.25**
1299 New Haven Road
Naugatuck, CT 06770
2015-03-0521991 Overpaid

Kelly, Marie A. **\$4.59**
1081 New Haven Road Apt 7H
Naugatuck, CT 06770
2015-03-0522163 Overpaid

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Kobylenski, Zigmund and Helen **\$199.22**
46 Morris Street
Naugatuck, CT 06770
2013-01-0060305 Overpaid

Kobylenski, Zigmund and Helen **\$205.08**
46 Morris Street
Naugatuck, CT 06770
2013-01-0060133 Overpaid

Kohl, Herman J. and Elisabeth **\$30.71**
124 Park Avenue
Naugatuck, CT 06770
2015-03-0522464 Overpaid

Kowalchick, Cecelia **\$10.00**
59 Phyllis Drive
Naugatuck, CT 06770
2015-03-0522562 Overpaid

Lamb, Scott and Anne Marie **\$1,274.15**
11 Coachlight Circle
Prospect, CT 06712
2014-01-0040595 Overpaid

Lima, Ronaldo W. **\$37.92**
87 Oak Street
Naugatuck, CT 06770
2015-03-0523477

Mackenzie, Sally **\$20.15**
17021 Up River Drive Unit 122
North Meyers, FL 33917
2014-03-14198 Overpaid

Martins, Jose P **\$37.00**
27 Ruela Drive
Naugatuck, CT 0670
2015-03-0524742

McCabe, Thomas **\$166.50**
68 Hackett Street
Naugatuck, CT 06770
2015-03-0525055 Overpaid

McCullough, Janice W. **\$37.07**
129 Hill Street Ext.
Naugatuck, CT 06770
2015-03-0525109 Overpaid

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McGrath, James and Rosemarie **\$39.29**
121 Hilltop Road
Naugatuck, CT 06770
2015-03-0525177 Overpaid

Melo, Carla **\$244.20**
391 High Street
Naugatuck, CT 06770
2015-03-0525414 Overpaid

Moore, Adrienne **\$7.84**
41 Manitook Drive
Oxford, CT 06473
2015-03-0526016 Overpaid

Neal, James **\$33.38**
11 S Somerset Avenue
Crisfield, MD 21817
2015-03-0526681 Overpaid

O'Connor, Tina **\$50.87**
112 Ruela Drive
Naugatuck, CT 06770
2015-03-0527363 Overpaid

Parise, Frank **\$21.53**
76 Valley Drive
Naugatuck, CT 06770
2015-03-0527964 Overpaid

Pen, Theany **\$47.40**
18390 Burkholder Circle
Port Charlotte, FL 33948
2015-03-0528220 Overpaid

Perta, Dorothy **\$280.31**
85 Country Hill Road
Naugatuck, CT 06770
2015-03-0528390 Overpaid

Pita, Ezio **\$12.03**
197 Spencer Street
Naugatuck, CT 06770
2015-03-0528761 Overpaid

Reid, Daniel J. **\$245.50**
40 Hampton Road
Waterbury, CT 06708
2015-03-0529660 Overpaid

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Roxbury, William J., Jr. **\$6.14**
15 Hemlock Road
Naugatuck, CT 06770
2015-03-0530552 Overpaid

Schulz-Vendrella, Erika and Vendrella, John **\$63.12**
93 Spencer Street
Naugatuck, CT 06770
2015-03-0531639

Shepack, Diane V. **\$13.06**
15 Round Hill Circle
Naugatuck, CT 06770
2015-03-0532002 Overpaid

Swiderski, Laretta A. **\$38.18**
102 Graham Ridge Road
Naugatuck, CT 06770
2015-03-0533223 Overpaid

Toth, John **\$182.19**
36 Geraldine Drive
Naugatuck, CT 06770
2015-03-0533880 Overpaid

Trombetta, Joseph J. **\$75.11**
66 Lantern Park Drive Unit 3
Naugatuck, CT 06770
2015-03-0534151 Overpaid

Tuga Construction LLC **\$64.49**
61 Olive Street
Naugatuck, CT 06770
2015-03-0534201 Overpaid

Walsh, Gregory **\$2.21**
6 Fairview Avenue #1
Naugatuck, CT 06770
2015-03-0535001 Overpaid

Warren, Gary L., Jr. **\$158.99**
29 Hunt Avenue
Pearl River, NY 19065
2015-03-0535089 Overpaid

Warren, Jennifer **\$165.65**
29 Hunt Avenue
Pearl River, NY 10965
2015-03-0535095 Overpaid

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Watkins, Janine **\$169.41**
149 Stone Fence Road
Naugatuck, CT 06770
2015-03-0535141 Overpaid

Wells Fargo **\$27.40**
1 Home Campus
Des Moines, Iowa 50328
2015-01-0048307 Overpaid

Wells Fargo **\$31.50**
1 Home Campus
Des Moines, IA 50328
2015-01-0050697 Overpaid

Wilson, Ryan **\$207.94**
53 Spruce Drive
Naugatuck, CT 06770
2015-03-0535518 Overpaid

Wingard, Laurie **\$24.79**
17 Lincoln Street
Naugatuck, CT 06770
2015-03-0535532 Overpaid

Zeoli, Robert **\$2.00**
114 Hill Street Ext.
Naugatuck, CT 06770
2015-03-0535942 Overpaid

23. Public Comment – Agenda Items – None

24. **VOTED:** Unanimously on a motion by Deputy Mayor Neth and seconded by Burgess Scully to reenter Executive Session at **7:50 p.m.** for discussion of the same items inviting in Controller R. Butler, Jr.

Mayor Hess reconvened the meeting at **8:30 p.m.**

25. There were no matters emanating from Executive Session.

26. **VOTED:** Unanimously on a motion by Burgess Scully and seconded by Burgess Hoff to adjourn the meeting at **8:31 p.m.**

A digital recording of this meeting is available in the office of the Borough Clerk for further review.

Attest:

Nancy K. DiMeo, Borough Clerk