

**Morris Ordinance Committee
Agenda
SPECIAL MEETING
Hybrid Meeting
Saturday, April 02, 2022
9:00 a.m.
Community Hall**

Received
Asst. Town Clerk
Susan J. Grayson
APR 01 2022
9:00 A.M.

Morris Community Hall is inviting you to a scheduled Zoom meeting.

Topic: Ordinance meeting
Time: Apr 2, 2022 09:00 AM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/89348118757?pwd=eTNFeTVMbXY2QmgzTnhzV0xHS3NIQT09>

Meeting ID: 893 4811 8757
Passcode: 866518

Call to Order

Minutes
February 07, 2022

New Business

Ordinance Committee Limitations
 Purpose
 Appointments
 Recusals
 Legal Opinions

Proposed Ordinances

 "ORDINANCE PROHIBITING CANNABIS ESTABLISHMENTS AS LAND USE"

 "ORDINANCE PROHIBITING USE OF CANNABIS ON TOWN PROPERTY"

Old Business

Proposed Ordinance

 "ORDINANCE PROHIBITING THE BAITING OF WILDLIFE"

 "NOISE ORDINANCE"

- Response from Atty. Rybak
- Email from Atty. Glissman
- Letter from Atty. Pires
- Joint meeting with P&Z

Correspondence

Miscellaneous

Adjourn

Morris Ordinance Committee
Minutes of February 07, 2022

The February regular (hybrid) meeting of the Morris Ordinance Committee was called to order at 9:41 am by Chairman Pro-Tem Bridget Garrity. In attendance were Chairman Pro-Tem Bridget Garrity, Town Clerk Laura Halloran, Ben Paletsky, Selectman Tom Weik, and Maureen Doyle.

On a motion by Laura Halloran, second by Maureen Doyle, it was **voted** to approve the minutes of January 10, 2022 as reported. **Unanimous.**

On a motion by Bridget Garrity, second by Maureen Doyle, it was **voted** to table the ordinance forwarded to the Committee by Selectman Weik concerning **"PROHIBITING USE OF CANNABIS ON TOWN PROPERTY "** until the March meeting. **Unanimous.**

On a motion by Maureen Doyle, second by Bridget Garrity, it was **voted** to add to the agenda the ordinance concerning the **"Prohibiting the Baiting of Wildlife"** forwarded to the Committee by Selectman Weik and table it until the March meeting. **Unanimous.**

On a motion by Bridget Garrity, second by Ben Paletsky, it was **voted** to send an email to each of the people who forwarded emails to the Committee with instructions as to the procedure to be followed in the future. **Unanimous.**

On a motion by Maureen Doyle, second by Laura Halloran, it was **voted** to have Chairman Garrity contact Chairman Wiig of the Planning and Zoning Commission to set up a joint meeting. **Unanimous.**

Public Comment:

Lori Lindenmuth

Vinny Aiello

Meeting adjourned at 10:21 am.

Respectfully submitted,
Maureen Doyle, Secretary

**Morris Ordinance Committee
Hybrid Meeting
Public Comment
February 07, 2022**

Lori Lindenmuth
Vin Aiello

TOWN OF MORRIS

TOWN MEETING

_____ , 2022

ORDINANCE PROHIBITING USE OF CANNABIS ON TOWN PROPERTY

Section 1. Authority

This ordinance is adopted pursuant to General Statutes Sections 7-148(c)(7)(H), as amended by Public Act 21-1 (June 2021 Special Session), Section 84, which allows municipalities to regulate activities deemed harmful to public health, including smoking, on municipally-owned or controlled property. Said law further allows a municipality to control smoking of tobacco or cannabis, including cannabis e-cigarette use (i.e., electronic delivery systems and vapor products), as well as and other types of cannabis use or consumption.

Section 2. Amendment to the Code of Ordinances

The Morris Code of Ordinances is hereby amended to add a new chapter: "CHAPTER 95: CANNABIS", which shall read as follows:

"USE OF CANNABIS ON TOWN PROPERTY PROHIBITED

§ 95.1 Definitions

For purposes of this Chapter, the Town of Morris adopts the definitions used in Public Act 21-1 (June 2021 Special Session), Section 1.

§ 95.2 Cannabis Product Use Prohibited on Town Property

It shall be unlawful for any person to use cannabis or cannabis-derived products, regardless of form or manner of ingestion, on any property owned or controlled by the Town of Morris. This prohibition includes but is not limited to: the lighting or carrying of a lighted cannabis or marijuana cigarette or cigar or pipe, use of a vaping device producing vapor of any cannabis product, or ingestion of a cannabis edible substance. For the purposes of this section, property that a municipality "owns" or "controls" includes, but is not limited to: sidewalks, town roads, parks, town greens, beaches, and municipal land and buildings. Violation of this section shall be punishable by a fine of \$50.00 per offense.

§ 95.3 Sale, Gift, or Transfer of Cannabis Products on Town Property Prohibited

It shall be unlawful for any person, organization, entity, or any other party to sell, give, trade, or in any other way transfer cannabis products of any sort to another person, organization, entity, or other party on property owned or controlled by the Town of Morris. Such products include but are not limited to: cannabis or marijuana cigarettes or cigars or pipes, vaping devices and vaping substances, and edible substances. Violation of this section shall be punishable by a fine of \$50.00 per offense.”

Section 3.

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

Adopted by town meeting on _____.

Published in the _____, on _____, _____, 2022.

Effective date: _____, _____, 2022.

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

Town of Morris, Connecticut
Special Town Meeting
[date]

Ordinance Prohibiting the Baiting of Wildlife

Section 1. Authority

This ordinance is made pursuant to Connecticut General Statutes § 7-148(c)(7)(D), § 7-148(c)(7)(E), and § 7-148(c)(7)(H)(xi), which authorize a municipality to regulate the going at large of animals in public places, to prevent cruelty to animals, to regulate and prohibit the keeping of wild or domestic animals within municipal limits, to prevent public nuisances and all things detrimental to the public safety, and to provide for the health of the inhabitants of the municipality and to do all things necessary or desirable to secure and promote the public health.

Section 2. Amendment of Morris Code of Ordinances

The Morris Code of Ordinances, Chapter 93, “Animals” is hereby amended through the addition of new section 93.02, as follows:

“CHAPTER 93: ANIMALS

§ 93.02 INTENTIONAL BAITING OF WILDLIFE

(A) Purpose and Authority:

Whereas the Connecticut Department of Energy and Environmental protection has found that an important contributing factor to wildlife nuisances, including “problem” bears, is the presence of easily-accessible food sources near homes and businesses;

Therefore, the purpose of this ordinance is to prohibit the intentional feeding or baiting of wildlife in the town of Morris so as to protect public health, safety and welfare, pursuant to Connecticut General Statutes § 7-148(c)(7)(D), § 7-148(c)(7)(E), and § 7-148(c)(7)(H)(xi), and to prescribe penalties for violations hereof.

(B) Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning.

(1) Feed: to give, place, expose, deposit, distribute or scatter any edible material with the express intention of feeding attracting or enticing wildlife. Feeding does not include the baiting in the legal taking of fish and/or game.

(2) Authorized Enforcement Officer: all sworn personnel of the CT State Police, all enforcement personnel of the CT Department of Energy and Environmental Protection, and the Town of Morris Animal Control Officers.

(3) Person: any individual, corporation, a partnership, a non-profit, a trust, an unincorporated organization, business organization of any kind or other group or organization.

(4) Wildlife: includes, but is not limited to non-domestic animals, such as, bears, deer, coyotes, bobcats, and fisher cats that due to intentional baiting have been determined to be a nuisance or threat to public health, safety and welfare.

(5) Taking: means shooting, pursuing, hunting, capturing, trapping, snaring, or any act of assistance to any other person in taking or attempting to take such wildlife whether or not such act results in the capture of any such wildlife.

(C) Prohibited Activity:

The following is prohibited activity:

(1) Intentional feeding, giving, placing, exposing, depositing, distributing or scattering any edible material, or attractant including storing pet food, birdseed, garbage or other substance with the intention of baiting, attracting or enticing wildlife.

(2) Intentional attracting of wildlife to a specific location for the purpose of the enhancement of hunter harvest, trapping or viewing opportunity.

(3) If a person is unintentionally attracting wildlife and is notified in writing by the Morris Animal Control Officer to cease activities that are attracting and habituating wildlife, such unintentional feeding will thereafter be classified as intentional attracting.

(4) Feeding Birds Out-Of-Season: Bird feeders shall not be used from April 1 through November 30, unless the source is recognized as not being desirable to bears, such as but not limited to Nyjer or thistle. Fruit or nectar feeders, such as those designed to attract Hummingbirds, Orioles, Tanagers, and similar birds are exempted from this provision.

(D) Enforcement

This ordinance shall be enforced by the Authorized Enforcement Officer(s), meaning the Morris Animal Control Officer, all sworn personnel of the Connecticut State Police, and all enforcement personnel of the Connecticut Department of Energy and Environmental Protection. A first violation shall result in a written warning by the Morris Animal Control Officer. Subsequent violation(s) shall result in a fine issued by the Animal Control Officer.

(E) Exemptions:

(1) This ordinance does not apply to any person with a valid permit issued by the State of Connecticut, Department of Environmental Protection.

(2) Wildlife Rehabilitation: Any person providing care to wildlife for the purpose of animals rehabilitation due to illness or injury, as part of a recognized for-profit or non-profit entity providing for such care of wildlife.

(3) Composting: Composting that is properly secured but unintentionally leads to the feeding of wildlife is excluded.

(4) Feeding birds in-season: Bird feeders may be used from December 1 through March 31. If the food is recognized as not desirable to bears, such as, but not limited to Nyjer or thistle, bird feeders may be used year-round. Fruit or nectar type bird feeders designed to attract Hummingbirds, Orioles, Tanagers, and similar birds may be used year-round.

(F) Violations and Penalties:

Whenever the Morris Animal Control Officer determines that a person has violated this ordinance for the first offense, the Animal Control Officer shall issue a written warning to the violator. Whenever the Animal Control Officer determines that a person has violated this ordinance for a second time, the Animal Control Officer is authorized to issue a fine to the violator in the amount of \$100 for such second offense. Whenever the Animal Control Officer determines that a person has violated this ordinance a third or subsequent time, the Animal Control Officer is authorized to issue a fine to the violator in the amount of \$250 for such offense. Any violation continued for more than one (1) day shall constitute a separate offense for each day such violation continues. After two (2) or more violations, for the same offense or combination of offenses, of this ordinance have been cited to any person, the town may initiate a civil action in Superior Court for injunctive relief and other relief at law and in equity, to prohibit and prevent such violation or violations.

(G) Appeals:

Pursuant to Connecticut General Statutes § 7-152c, any person receiving a fine may appeal the determination of the authorized enforcement agency to the First Selectman, who shall appoint a Hearing Officer to hear the appeal pursuant to § 10.99(B) of the Morris Code of Ordinances. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of fine. The appeal shall be deemed received by the Town on the first business day following the date it is filed with and received by the Town Clerk's Office. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final."

Section 3. Effective Date

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

Adopted by town meeting on _____, _____, 2022.

Published in the _____, on _____, _____, 2022.

Effective date: _____, 2022.

Recorded in the Morris Town Records: Vol. _____, Page _____.

Draft Submitted to Ordinance Committee

08/25/21

1. Legislative intent.

The Residential Districts in the Town of Morris are intended to provide suitable areas primarily for residential uses and development appropriate to the environmental characteristics of the land and harmonious character of the neighborhood. Government is instituted to protect life, liberty and property. Loud, excessive and unreasonable noise is an interference with a person's right to the use and enjoyment of his property, especially in residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land. The purpose of this chapter is to provide an objective standard and procedure for enforcing property rights.

2. Definitions.

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

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

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

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

EMITTER: A person who creates, causes to be created or allows the noise.

IMPULSE NOISE: Sound of short duration (generally less than one second) with an abrupt onset and rapid decay.

NOISE: Any sound, the intensity of which exceeds the standards set forth in Section 5 of this chapter.

NOISE LEVEL: The sound pressure level, as measured with a sound level meter.

PERSON: Any individual, including the singular and plural, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political administrative subdivision of the state or on other legal entity of any kind.

PREMISES: Any building structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way and waters of the state.

PROPERTY LINE: That real or imaginary line along the ground surface and its vertical extension which:

- A. Separates real property owned or controlled by another person; and
- B. Separates real property from the public right-of-way.

RECEPTOR: The person who receives the noise impact.

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

SOUND LEVEL METER: An instrument used to take sound level measurements.

3. Excessive noise prohibited.

It shall be unlawful for any person to emit or cause to be emitted any noise from such person's property beyond the boundaries of his property lines in excess of the noise levels set forth in Section 5, except in those incidences provided for in Section 8 and Section 9.

4. Noise level measurement procedures.

Measurements shall be taken at a point that is located at least one foot beyond the boundary of the emitter's property line within the premises of the complaining receptor. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

5. Noise level standards.

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

6. Administration and enforcement.

The Chief of Police shall be responsible for enforcing the provisions of this chapter upon the complaint of any person and shall, upon such complaint, carry out the intent of this chapter. Upon receiving the first complaint, the police shall make the required sound level reading. If the sound level exceeds the standards enumerated in Section 5, a verbal warning shall be given to the emitter. If such noise does not cease, and upon receiving a second complaint, the police shall follow the procedures as set forth in Section 7. Notwithstanding that enforcement of this chapter shall be initiated by such complaint, no signed complaint shall be required by the Police Department to enforce or administer any of the provisions of this chapter.

7. Penalties for offenses.

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

8. Exceptions.

The noise level standards defined in Section 5 shall not apply to any noise emitted by or related to:

- A. Natural phenomena.
- B. Any bell or chime from any building clock, school or church.
- C. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in emergency situations; provided, however, that burglar or fire alarms not terminating within 30 minutes after being activated shall be unlawful.³
- D. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

9. Exemptions.

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

- A. Noise created as a result of or relating to an emergency.
- B. Noise created by construction equipment, lawn care equipment, or snow-removal equipment during daytime hours, provided that noise discharged from exhaust is adequately muffled to prevent loud and/or explosive noises therefrom.
- C. Noise created by certificated aircraft operating under the control of the Federal Aviation Administration.
- D. Noise created as a result of or relating to maintenance and repairs conducted by public utilities.
- E. Noise generated from swimming pool pumps, air-conditioning systems, and heating systems which are in good working order and which meet the specifications accepted by federal, state and Town agencies designated to govern their installation and standards of performance

Reply To Noise Ordinance Inquiry
Morris Ordinance Commission
December 2021

Per our phone conversation on Monday, on behalf of the Morris Ordinance Committee, below are the main questions we would like to address with Atty. Rybak at our December meeting.

1. What are the allowable parameters for a noise ordinance, especially for towns of similar size and character as Morris?

Gen. Stat. 22a-73 governs local noise ordinances. Any municipality may adopt, amend and enforce a noise control ordinance which may include the following:

- (1) Noise levels which will not be exceeded in specified zones or other designated areas;
- (2) designation of a noise control officer and the designation of an existing board or commission, or the establishment of a new board or commission to direct such program;
- (3) implementation procedures of such program and the relation of such program to other plans within the jurisdiction of the municipality;
- (4) procedures for assuring compliance with state and federal noise regulations;
- (5) noise level restrictions applicable to construction activities, including limitation on on-site hours of operation

DEEP must approve the ordinance before it can become effective. This is generally done in a two-step process: the final draft of the ordinance is sent to DEEP for review and comment. DEEP may accept the ordinance or call for changes. If need be, the ordinance is modified by the Committee and then sent for PZC, BoS and Town meeting approval. The Town meeting will accept, amend, or reject the ordinance. Then what the Town Meeting approves is sent for final approval to DEEP. DEEP would generally approve if the ordinance is the same as what they OK'd before. If the Town Meeting makes changes, DEEP may not approve.

2. What have the courts allowed in connection with noise ordinances?

The courts would require DEEP approval of any ordinance, as noted above. (*Lime Rock Park, LLC v. Plan. & Zoning Comm'n of Town of Salisbury*, 335 Conn. 606 (2020)). The courts will also require that the ordinance substantially conform to the state-wide noise control plan, which is at Gen. State. 22a-69. This contains a long list of requirements and exceptions as regulations.

The courts have ruled that the 22a-67 *et seq.*, including 22a-69 and 22a-73, form the noise pollution control plan for the state and if you do a noise ordinance, you have to use and comply with those particular statutes. (*Berlin Batting Cages, Inc. v. Plan. & Zoning Comm'n of Town of Berlin*, 76 Conn. App. 199, 218 (2003)).

The courts also would be skeptical of an ordinance that denies all use of a class of properties such that the property is effectively rendered useless. For example, exceptions often appear for lawn mowers and snow removal equipment during certain hours, which serves basic access and safety purposes on the property. This is a very unlikely scenario because the ordinance would have to be so strict that it forms a denial of all economically viable private property uses (*Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992)).

It is safest to use as a model an ordinance already approved by DEEP that is effective in another town. We have included a couple of ordinances from other towns that have been approved by DEEP. DEEP also keeps a database of approved ordinances in other towns here: <https://portal.ct.gov/DEEP/Air/Planning/Noise-Control>

3. Does Atty. Rybak have any suggestions as to language (what works and what doesn't)?

We suggest here starting with an ordinance already approved by DEEP (see <https://portal.ct.gov/DEEP/Air/Planning/Noise-Control>) that the Commission particularly likes. Ordinances follow different formats, and some are simpler than others. But starting with something we know DEEP has already approved is a good beginning point.

The ordinance will need some sort of definitions section to address the technical terms used in the ordinance. It will also have to define each noise receptor zone (e.g., residential, commercial, industrial, etc.). You will probably want to crib definitions from your zoning regulation definitions and classifications for residential, commercial, and industrial areas.

4. How detailed should the ordinance be?

The noise ordinance must be relatively detailed, at least compared to many other ordinances in a small town. The ordinance should have a list of definitions for key terms in the ordinance, specific limits for received noise based on zone, and then a relatively long list of exceptions to the noise limits. DEEP will review the ordinance, and in our experience, the state tends to favor more specific over more general terms, definitions, and requirements in the ordinance. Also, given that the penalty for violation is a fine, the courts will require some specificity because a penalty attaches. Attached are a couple samples, and more are available on the DEEP website listed above.

5. According to most ordinances, sound must be contained on the emitting property. In the absence of a sound meter, how can that be determined and how far off the property should the sound be measured?

With most noise ordinances, measurement is going to be taken at the edge of a neighboring property. This is usually where the complaints emerge, and far-off properties usually have a much lesser degree of noise receipt.

It's very difficult to totally contain noise to the emitting property such that there is no noise at the adjoining property, and in any event, that appears to go beyond the state noise pollution control plan.

The meter comes in to show what the level of noise pollution reaching the adjoining property is and compare it to the applicable standard set down in the ordinance. This is where the various limits based on zoning come into play. We generally look to the zone of the *receiving property* (not the emitting property) for what the standard is in a particular case. For example, if the emitting property is commercial but the neighbor receiving the noise is residential, then we use the residential standard.

What often happens is a complaint of excessive noise comes from a neighbor, then the operator and machine are set up at the boundary of the complainant's property and the noise is measured. The operator has to be trained and the machine calibrated. However, the noise ordinance can (and should) stipulate that enforcement can take place *with or without complaint*.

6. Who is qualified to measure and enforce noise levels?

The Noise Ordinance must specify who is measuring and enforcing. In larger towns and cities, it might be the police department (e.g., Torrington uses its police department to enforce with or without complaint). In a smaller town there might be a town employee trained in the use of the machine, and that person is the noise enforcement officer. (Bethlehem's does it that way, though lacks zoning). Gen. State. 22a-73 would also permit the formation of a noise control commission, though a full commission may not be needed in a small town.

The noise enforcement officer, whether it's the ZEO, or another officer, would report to a the noise enforcement commission, BoS, or P&Z. I recommend that your Committee also discuss this with other nearby municipalities that have noise ordinances. They may give you some idea as to what they are doing as to enforcement practices.

7. There are apps for iPhones that comply with NIOSH and OSHA standards... would these be acceptable?

I am not aware of that. My impression is that you still need the special, calibrated machine and the trained operator – that it's not just any town employee with an iPhone there. This is something to take up with DEEP's noise ordinance expert (we dealt with Paul Kritzler at DEEP when we did Bethlehem's ordinance). Whatever the device and training, it needs to comply with the state-level control plan and have DEEP approval under 22a-73.

8. Should we differentiate between Commercial for profit Concerts operating on a weekly schedule, to the occasional entertainment by amateur musicians, outside parties, etc.

No, it is safer to avoid adding special conditions like this. Generally, what is done is that the acceptable noise level is determined by the zoning designation of the *receiving property*. The state-level plan created by the statutes, and therefore the local ordinances, generally focus on noise a form of pollution received by a property.

Also, adding something like this to the ordinance introduces a new variable in that you would have to decide how often is "too often" and thereby invoke the stricter noise standard – weekly; twice monthly; once monthly; donations versus admission fees; etc. And then what if a previously commercial venue starts calling the fees "donations" to get around this, etc.? I think it safer to stick to the path set down by previous noise ordinances in other small towns and the DEEP program, which is to say, stick to the zoning designation of the receiving property in each case.

Cannabis Ordinance

Daniel Glissman <daniel.glissman@mrglaw.com>

To: mmdoyle@optonline.net

02/08/2022 9:06 AM

1

Hello Maureen – I am an attorney in Hartford that has been representing cannabis companies for the last 8 years. I have several clients in CT that are interested in pursuing adult use outdoor cultivation facilities and are looking at opportunities in Morris.

It is my understanding that the DCP has recently approved outdoor cultivation facilities in the most recent regulatory draft (see here: <https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={10DE457E-0000-C254-A065-4741D31B6E32}>). This recent approval coupled with the fact that Morris has been identified as an area of disproportionate impact in CT and has an abundance of agricultural land, has made Morris a very attractive opportunity for prospective applicants.

I believe that the ordinance committee is working on an ordinance proposing to regulate cannabis in Morris and I was hoping to gather some information about that proposal.

Would it be possible for you to share the proposed draft with me? Thank you in advance for any guidance you might be able to provide here.

I am also very well versed in the process and law here in CT regarding adult use cannabis and would be more than happy to discuss with you if you have any comments or questions that you want to talk through.

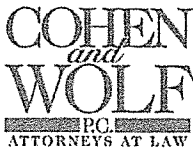
Best,
Dan



**MacDermid Reynolds &
Glissman, P.C.**
86 Farmington Avenue
Hartford, CT 06105
www.mrglaw.com

Daniel S. Glissman
daniel.glissman@mrglaw.com
Hartford: 860-278-1900
Cell: 860-729-3732
Fax: 860-547-1191

Bio V-card



PHILIP C. PIRES, ESQ.

Please Reply To Bridgeport
Writer's Direct Dial: (203) 337-4122
E-Mail: ppires@cohenandwolf.com

February 22, 2022

VIA E-MAIL (mmdovle@optonline.net)

Morris Ordinance Committee
c/o Chairperson Bridget Garrity
Morris Town Hall
3 East Street
Morris, CT 06763

Re: Proposed Noise Ordinance

Dear Chairperson Garrity and Members of the Committee:

My law firm represents a large group of residents of the Town of Morris, including Joel Skilton and Scott Simmons. The group of residents are members of "Morris Residents for a Peaceful Community."

The group would like to express its strong support of the proposed noise ordinance. The need for the proposed noise ordinance was demonstrated by the South Farms concert series and musical performances. These events have been extremely disruptive to the residents. Residents throughout the area could hear the music inside their homes even with the windows and doors shut. The extreme noise levels destroyed the residents' peaceful enjoyment of their properties, and among other things, prevented young children from sleeping until late at night after the concerts concluded. The need for a noise ordinance became clear during that season as Ben Paletsky, the owner of South Farms, continually ignored pleas from the neighbors to restrain the noise levels and hours of operation. Morris is a rural, quiet town, and these important qualities must be preserved in the face of people who only care about their own business interests. The noise ordinance is an effective means to preserve the town's quality of life.

In addition, Mr. Paletsky's disparaging and defamatory comments at the February 7, 2022 were completely out of order. Under Robert's Rules of Order, members of the committee must focus their comments on the issues to be decided. *See, e.g.,* Robert's Rules of Order, 11th Edition, §§ 4, 43, 61. Mr. Paletsky's comments should be focused on the merits of the noise

1115 Broad Street
PO Box 1821
Bridgeport, CT 06601-1821
Tel: (203) 368-0211

158 Deer Hill Avenue
Danbury, CT 06810
Tel: (203) 792-2771

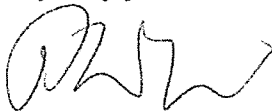
320 Post Road West
Westport, CT 06880
Tel: (203) 222-1034

Page 2

ordinance. He should not be permitted in future meetings to make false allegations or defamatory remarks. To the extent that Mr. Paletsky is unable to control himself at future meetings, then the committee should ask him to resign his seat.

Finally, to the extent that Mr. Paletsky is requesting that the Ordinance Committee require disclosure of the identity of all persons associated with Morris Residents for a Peaceful Community, such a position is in violation of the members' rights under the First Amendment to the United States Constitution. It is well-established that the freedom of association under the First Amendment prohibits such mandatory disclosure. *See, e.g., NAACP v. Alabama*, 357 U.S. 449 (1958).

Very truly yours,

A handwritten signature in black ink, appearing to read 'P. Pires', with a stylized flourish at the end.

Philip C. Pires

From: Lori lindenmuthlori@gmail.com
Subject: FW: For Ordinance Committee
Date: January 6, 2022 at 7:49 PM
To: Janet WILSON Jrwloghome@yahoo.com, Laurey laureyc@optonline.net

Sent from my Galaxy

----- Original message -----

From: Lori <lindenmuthlori@gmail.com>
Date: 1/6/22 7:45 PM (GMT-05:00)
To: Town Clerk <townclerk@townofmorrisct.com>
Cc: Lori <lindenmuthlori@gmail.com>
Subject: For Ordinance Committee

Dear all,

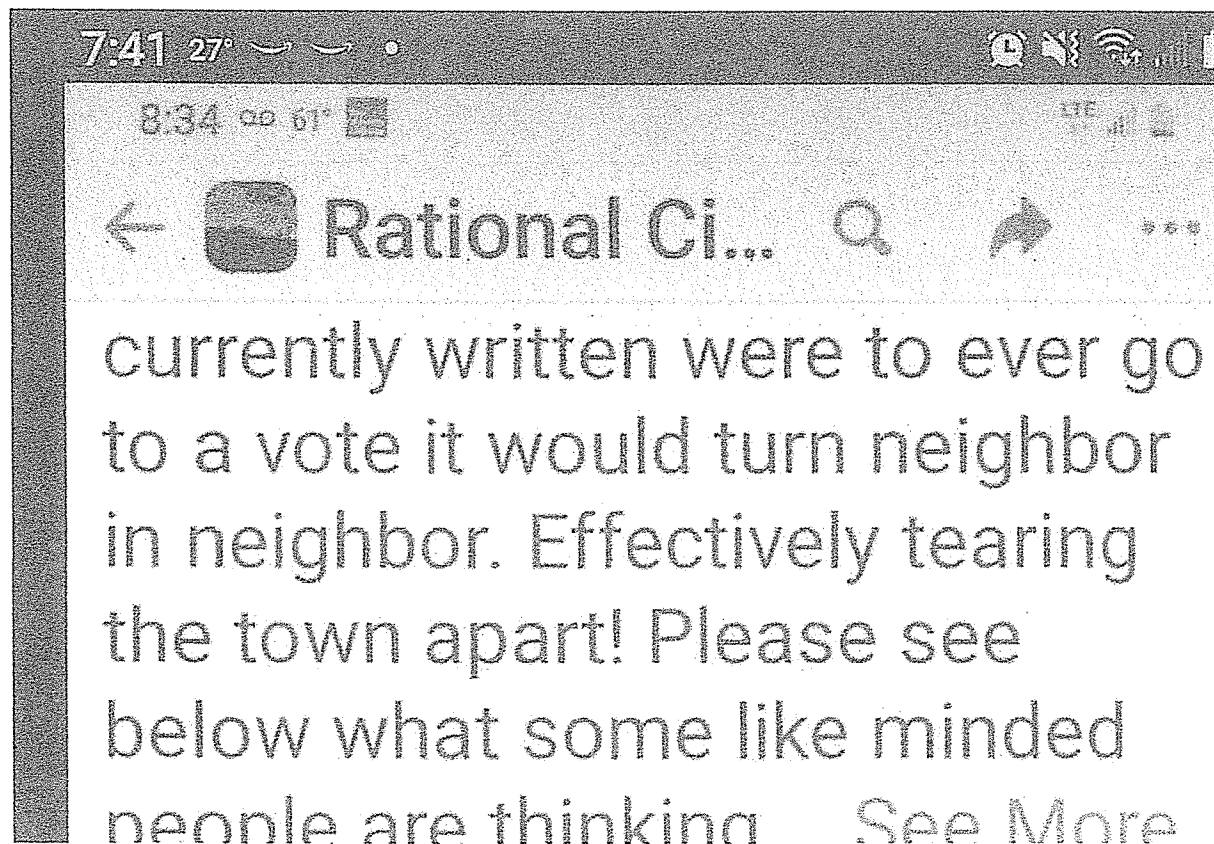
Can any one explain to me how this misleading information posted by the Registrar of voters on behalf of the 1st selectman is appropriate?

Please ask the attorney..

Respectfully,

Lori Lindenmuth
860 671 0108

Sent from my Galaxy



People are talking about this



Tom Weik

If the current edition of the proposed noise ordinance was to pass, say good bye to farming, religion and business in Morris. It would tear apart our Town and invite litigation like we have never seen. Also, say good bye to backyard parties, birthday parties, graduations, weddings, and anything fun. Neighbors against neighbors. There is an answer out there, but what is currently proposed is not it.

14h Like Reply

4 0 0



Rachel Fields

Tom Weik well said! Can this be quoted on the group the opposes the noise ordinance?

14h Like Reply

1 0



Tom Weik

Rachel Fields yes

15h Like Reply

1 0



Tom Weik



Tom Weik

Not to mention fire scenes, Popeys intercom, prerecorded bells from the Morris Congregational Church (amplified music) and James Morris School recess!

13h Like Reply

1



Kimberly White-Geremia

Tom Weik and then I guess the Memorial Day parade will be out too, eh?

11h Like Reply



Stephanie Lajoie Paletsky

Tom Weik yeah, these people don't like the sound of laughter. So children's recess will def be a no!

15h Like Reply

15h Like Reply

Like

Share



Marc MaddMaxx
Petzold

Sep 25 • 0

Post Photo Video Link or Location
Create Post



TO: Town of Morris Ordinance Committee

February 20, 2022

I was intrigued to research the most accurate definition of " conflict of interest".

This happens when an individual involved in multiple interests finds themselves in a decision-making situation where serving one of those interest would harm another.

Our letter is a request to have Mr. Palesty; or anyone else this may apply to, that has major decision making for the good of all our citizens, remove themselves from the Ordinance committee's noise agenda.

Although it would be impossible to remove all noise from our environment, there are reasonable and acceptable noise levels that are part of our daily ways of life. For those mentioned; such as church bells, Popey's intercom, backyard parties, lake and farming, these are ALL good parts about the charm and harmony of Morris.

In this aspect, my neighbors have been nothing but considerate and forthright if any unexpected noise will be happening. We have all worked hard our whole lives to deserve and reap the benefits of some peace and quiet on our own properties and to protect our most valued investment.

We feel the South Farm outdoor concerts do not belong in this unique, natural forest and lake community. Has anyone considered an expert opinion by a doctor of Audiology to explain the long term hearing damage that can be done by one loud concert?

We are relying on your trusted committee to be fair , and not allow your professional judgement to be compromised. Please think long and hard to preserve our precious town to keep traffic, buses, crowds, litter, violence and noise out of Morris. We are not Woodstock or Tanglewood and please DO NOT make it a Piece of Morose.

Respectfully,

Claudia and James Lanouette

61 Lakeside Rd.

Morris, CT

Attachment: CDC-Hearing Loss

Did You Know?



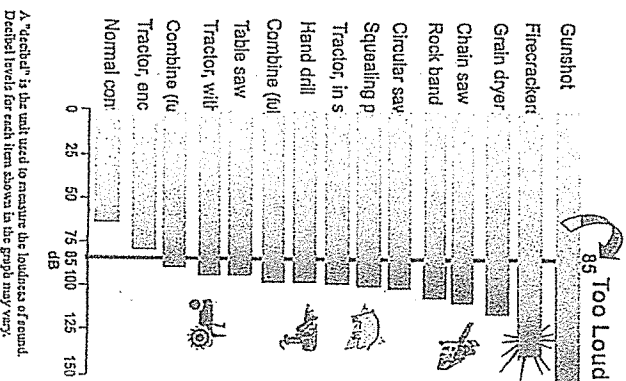
It's not just your parent or your grandparent whose hearing may be slipping. A 25-year-old farmer can have the ears of a 50-year-old and not even know it!

- ❑ Nothing can restore lost hearing. Once it's gone, it's gone!
- ❑ BUT hearing loss caused by noise is preventable — and you can choose to prevent it.
- ❑ Noise-induced hearing loss can result from working around farm noise - even hand drills - without hearing protection.
- ❑ If you're exposed to loud noise on the farm you may already be losing your hearing.
- ❑ Hearing protection can increase your ability to hear your equipment or others' voices because it cuts down on the background noise. Some earmuffs have amplification circuits that may help even hearing impaired workers communicate better in noisy backgrounds.
- ❑ You can buy protective earmuffs with built-in radios that allow you to listen safely to your favorite sports or music while working. They make nice gifts.
- ❑ People have found that protecting themselves from noise reduces their stress, anxiety and fatigue at the end of the day.
- ❑ The best way to avoid hearing loss is to reduce your exposure by using quieter equipment or staying away from noise.

Sound Advice: Protect Your Ears from Damaging Noise

Exposure to noise above 85 decibels (dB) can cause permanent hearing loss.

It can even result from a single nearby shotgun blast, dynamite blast or other very loud noise.

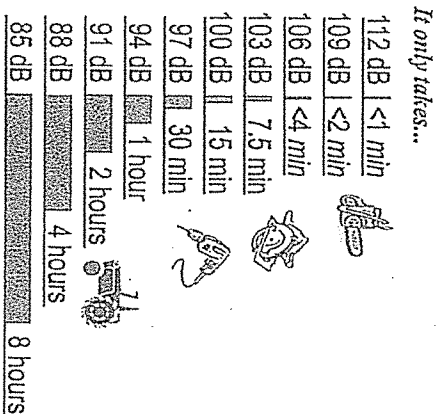


A "decibel" is the unit used to measure the loudness of sound. Decibel levels for each item shown in the graph may vary.

If you need to raise your voice to be heard an arm's length away, the noise is probably loud enough to damage your hearing.

How Long Is Too Long?

The red bar below shows how long it takes for a particular sound level to become dangerous to the human ear. For example, a chain saw has a sound intensity of about 109 dB. Without proper hearing protection, running a chain saw for only 2 minutes can cause hearing loss!



It only takes...

If you know someone with hearing loss, you know that conversation can be frustrating for both of you.

A good hearing aid can help, because it amplifies the sound. However it does not make sound clearer the way glasses make your vision sharp.

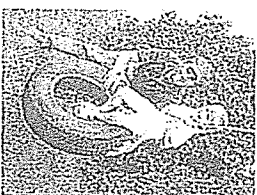
Hearing aids do not correct hearing the way glasses correct vision.

What's That Ringing?

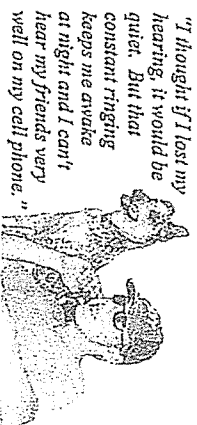
Have you ever driven an open cab tractor for several hours or gone to a loud concert, then heard a ringing in your ears for the next hour or two? How would you feel if that ringing never went away?

That's what happens to many people exposed to loud noise.

That ringing in the ears is called tinnitus, and while many people hear ringing, some hear hissing, roaring, whistling, chirping or clicking sounds. Tinnitus may show up before you even notice much hearing loss.



"My little girl doesn't understand why I can't hear what she is whispering in my ear. She says... 'Mommy hears me when I whisper'."



"I thought if I lost my hearing, it would be quiet. But that constant ringing keeps me awake at night and I can't hear my friends very well on my cell phone."

Hearing Protection Resources

Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, Noise and Hearing Loss Prevention Resources include this brochure at: www.cdc.gov/niosh/topic/noise

National Hearing Conservation Association:
www.hearingconservation.org

National Agricultural Safety Database
Hearing Conservation:
www.cdc.gov/niosh/niosh/hearing.html

National Institutes of Health NIOSH/NIH Campaign
Resources: www.nidcd.nih.gov/health/nihs/index.asp

Dangerous Decibels: www.dangerousdecibels.org

University of Kentucky Agricultural Disability Awareness and
Risk Education (Agriculture) NHR Resources:
www.msu.edu/agriculture/projects/agdare-2.htm

American Flankus Association: www.afa.org

Hearing Education and Awareness for Rockers
(a non-profit group that educates young people about the
dangers of exposure to loud music): www.hearnet.com

Acknowledgment:
Whitaker, Barbara Muller, Agricultural Journalist
Document Activity Group, Thomas Bear, The Ohio State University
and NIOSH Great Lakes Center for Agricultural Safety and Health,
Dorothy Reed, University of Kentucky, Sam Stach, Pennsylvania
State University

For additional copies, questions, or comments related to this
brochure, e-mail farm.nidcd@cdc.gov

To receive other NIOSH documents or for more information about
occupational safety and health topics, contact:
1-800-CDC-INFO (1-800-232-6339)
TTY: 1-888-232-6348

E-mail: cdcinfo@cdc.gov
or visit the NIOSH Web site at www.cdc.gov/niosh.
For a monthly update on news at NIOSH, subscribe to
NIOSH News by visiting www.cdc.gov/niosh/cnema.

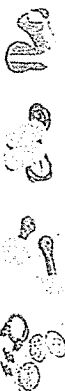
DHHS (NIOSH) Publication No. 2007-175

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention
National Institute for Occupational Safety and Health
SAFER • HEALTHIER • PEOPLE™

How Can I Protect My Hearing?

*You don't have to have the hearing of a
50 year old by the time you're 25. It's
up to you to protect your hearing!*

- Identify noisy tasks around your farm and
shop that may be harmful to your hearing.
- Wear hearing protection
at all times whenever you
are exposed to loud noise.
- Make hearing protection convenient. Snap
earplugs in your pockets every morning when
you grab your cell phone and keys. Hang
canal caps or muffs on your tractor steering
wheel, combine and lawn mower.
- Reduce equipment noise by replacing worn,
loose or unbalanced machine parts. Keep
equipment well lubricated and maintained.
If you have been meaning to replace that loud
tractor muffler, do it now.
- Limit your exposure to loud noise. Stay
away from noisy equipment if you don't
need to be near it. Keep cab doors and
windows closed.
- Have your hearing tested by a health care
provider if you or someone else suspects
a problem. Your family or friends may be the
first to notice that your hearing is slipping.
- Keep children away from
noisy areas and equipment.



Formable Earplugs

Premolded Earplugs

Canal Caps

Earmuffs



There are hundreds of different styles of hearing
protectors to choose from today. Everyone can
find one that is convenient, easy to use,
comfortable and fits his or her budget.
"Hunter's" or "shooter's" muffs may work well
for you. Hearing protectors are available on the
internet and in local home improvement and
farm stores.

Only trust your ears to products designed as
hearing protectors. Cotton balls and other make-
shift protectors can let noise pass right through.

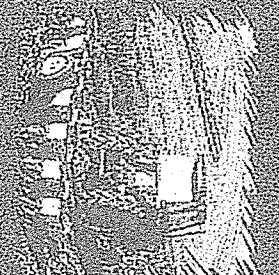
*"Getting used to wearing my earplugs was
like getting used to my favorite boots-
even after getting a good fit,
it still took a little time."*



*The best protectors are the ones
you will wear all the time you are
around loud noise.*

They're your ears.

Protect them.



Hearing loss caused by farm noise is preventable.




----- Original Message ----- From: 1stselectman@townofmorrisct.com To: bgarrity@bgarritylaw.com; bpaletsky@southfarms.org; mmdoyle@optonline.net; bevhuntley11@gmail.com; townclerk@townofmorrisct.com Sent: Wednesday, February 23, 2022 3:59 PM Subject: Ordinance Committee

All,

The purpose of the Ad Hoc Ordinance Review Committee for the Town of Morris, CT is as follows: "For the general purpose of developing non-binding recommendations concerning certain ordinances. The committee shall be responsible to prepare such recommendations and provide advice to the Board of Selectmen as it shall request. The committee shall have no executive legislative powers."

Once the committee has an ordinance ready, they submit the recommended ordinance to the Board of Selectmen. The Board of Selectmen will then decide if the ordinance should move forward to a vote by the legislative body or if it may need modifying. The ordinance will be reviewed by the Town attorney before it is voted on by the legislative body.

On the subject of the letters and emails coming to the committee, our attorney's advice is for the committee to receive the letters and create a file where they will be available for public inspection if requested. The letters should not be attached to the minutes, but may be attached to the agenda if part of the agenda.

Thomas Weik
1st Selectman
Town of Morris
Morris, CT

From: michael paulone <gagats330@yahoo.com>

Sent: Thursday, February 24, 2022 8:56 AM

To: townclerk@townofmorrisct.com; planningandzoning@townofmorrisct.com; wiig@optonline.net; 1stselectman@townofmorrisct.com

Subject: Noise Ordinance

Dear Planning and Zoning, Ordinance Committee, Chairman Wiig, and Selectman Weik,

After watching the February 7th town meeting in its entirety, I was shocked at the inappropriate behavior displayed by some members- particularly Ben Paletsky. I watched the meeting with my wife and father- who has served on multiple finance and community boards over the past 30 years including past chairman of the city of Waterbury finance board, member of the NVDC (Naugatuck Valley Development Cooperation) and current member of both the New Hampshire community association board and it's finance board- he was particularly disturbed by Ben's arrogant approach when discussing his neighbors. How Mr. Paletsky is even able to serve on the board that is reviewing his business practices seems like the epitome of a conflict of interest. As proof from that meeting, Ben is too emotional and personally invested to be diplomatic and sympathetic to the concerned residents who oppose him- going as far as calling us part of a "Nazi organization", "nimbys", "fearmongerers" and "music haters", but we're the bullies? Why? Because we have legitimate concerns about our property value, noise disturbances, increased traffic and keeping the small town charm of Morris. If I wanted to be childish and throw names around the word facist comes to mind. I was under the impression this board works for all the taxpayers of Morris, not just for a select few. In an effort to be fully transparent, my wife and I live just a mile down the road from South Farms on Route 63, we are not just a rogue no-name email address. Speaking of transparency, the fact that community board members are attacking our group via social media under false aliases- Eileen Narbutas aka Rachel Fields, Carol Trotter, Samantha Good and Erica aka Derek O'March- we see you and you're hypocrites! Our hope for the future is that this board and its members are transparent with their intentions as well.

From: Debbie Fechter <dfechter@digbymgt.com>

Sent: Friday, February 25, 2022 2:15 PM

To: townclerk@townofmorrisct.com

Cc: Planning & Zoning <planningandzoning@townofmorrisct.com>; wiiig@optonline.net; 1stselectman@townofmorrisct.com

Subject: For the next Ordinance Committee meeting

Dear Members of the Ordinance Committee and the Planning and Zoning Committee:

I am writing this email after watching the recording of the February 7, 2022 Ordinance Committee meeting. I was stunned when Mr. Paletsky accused the Morris residents who have opposed his concert series and expressed concern about noise coming from public events at South Farm of being Nazis and antisemitic. I can assure you as a person of Jewish faith, that is not the case and I would not affiliate myself with anyone who fits that description.

My displeasure with Mr. Paletsky is not personal. I have never met him and he does not know me. In fact, the only times I have ever heard Mr. Paletsky speak before his comments at the February 7th Ordinance Committee was at the P & Z public hearing when he submitted an incomplete application for a special exception and on a broadcast when he was interviewed by Larry Milburn on Roadie Free Radio about one year ago. It was after hearing Mr. Paletsky on this radio broadcast when he mocked his distraught neighbors and twisted their words that I decided to get involved.

The concert series that took place during the pandemic negatively impacted virtually all of us who live within close proximity to South Farm. All we want is to be assured that the pandemic concert series in 2020 was an aberration and our town government will protect our right to peaceful enjoyment of our homes. That being said, it appears to be a conflict of interest for Mr. Paletsky to be in a position to determine regulations regarding a noise ordinance since he will personally benefit from a lax or unenforceable provision. Mr. Paletsky should recuse himself from any votes regarding a noise ordinance. Thank you.

Debra Fechter

From: Catherine CURTIN <curtinc123@gmail.com>

Sent: Friday, February 25, 2022 12:59 PM

To: townclerk@townofmorristown.com

Subject: Conflict of interest

Conflict of interest has several meaning which all relate back to page 13 _14 in book of rules given to every board member when taken a seat on the board . Weather you are a paid member or not the rule of ethics applies to all who have agreed to protect the rights of the people who have lived and cherished the quit and safety of this town . Resident,s have the right to feel safe , enjoy the property they have built over centuries, not have to close window,s doors and hope your children sleep and your animals don't look for a place to hide all for the selfish gain of one person ,who has shown,no regard or concerns for the people who have ,tried to express their discomfort of 300 _500 cars, strangers and alcohol and now legal drugs it doesn't take a math genius to add this formula to the answer which will eventually lead to disaster .

My family has owned properties since 1957 this town is not being advanced it is trying to be controlled to and for the benefit of one person,is this what the board was formed for ? Control the traffic ,the races on the roads on Litchfield Rd on rt 63 prevent speeding on straits tpk la with 15 mph signs being ran off road to town dump then you have protected this town and it's residents

Curtin

Morris Ct

C

FW: Conflict of Interest/Noise ordinance

Town Clerk <townclerk@townofmorrisct.com>

To: bgarrity; Ben Paletsky; Huntley, Bev; mmdoyle@optonline.net; Laurey Weiner; Lori; 1st Selectman

03/01/2022 10:09 AM

-----Original Message----- From: renee normandin <reeneenormandin@sbcglobal.net> Sent: Thursday, February 24, 2022 10:34 PM To: townclerk@townofmorrisct.com; townclerk@townofmorrisct.com Cc: Planning & Zoning <planningandzoning@townofmorrisct.com> Subject: Conflict of Interest/Noise ordinance To the Noise ordinance committee for the next upcoming meeting

First let me say I am appalled by comments made by Mr Peletsky during the last ordinance committee meeting held on 2/7/22. To even comment that a Facebook page titled "Morris United for peaceful community" could potentially be "a Nazi organization." And even targeting/attacking him. Seriously...enough already.

With that said there is clearly a conflict of interest for Mr Peletsky to be seated on the Noise ordinance committee and should be made to recuse himself. At many meetings, on all kinds of topics I have heard Mr Peletsky repeatedly say when discussing issues that "1st 'Identify/Define the problem ,then 2nd discuss the language that is going to address the problem." How perfectly stated. The problem is identified "conflict of interest" and I believe "the language to address such circumstances has been written.

And as a final note-

It was my understanding that emails could be sent ,submitted and entered into record and even read allowed by anyone else on our behalf if we could not be in attendance. I am tired of hearing the owner of South Farms for the last 2 years continually repeat that he is being attacked/bullied by "this group of individuals" at any and all meetings he attends, ordinance committee, P&Z meetings .So what should we call the Facebook page group "Rational Citizens for the Preservation of Morris' that was created by a paid town employee and comments made by different committee members and elected officials." So to be clear my emails are written by me & am pretty sure committee members know this. I have attended many town meetings in person and on Zoom. I would be at the OC meetings but I work at this time of day. I was however able to attend last OC meeting on zoom with my name clearly marked in attendance. I have spoken at P&Z meetings, my name is clearly shown on their Zoom meetings as well, & most importantly I am not using a fake name or hiding behind anyone, nor am I attacking anyone or wish for anyone to feel that way. Thank you taking the time to read this email.

Renee Normandin

May I address the Morris Ordinance Committee?

I was extremely hesitant to address the Morris Ordinance Committee. I know my words will not precipitate change or make any difference. However, I wanted to proceed.

I was not present at the Ordinance Meeting on 2/7/22. I heard many "rumors" surrounding Ben's comments, referring to his neighbors as Nazis and anti-semites. I was hoping and praying that what I heard was not true. I had to be sure. I took the time to watch the video of the Ordinance Meeting, not once, but several times, over and over. It is difficult to explain how I truly felt, other than an intense feeling of extreme and overwhelming sadness. The rumors, in fact, were not rumors at all.

"A man, is literally what he thinks and says with his words. His character being the complete sum of all his thoughts."

Is the character of "this" man, Ben Paletsky, serving our community with integrity?

Thank you for taking the time to read my message.

Respectfully and sincerely,

Mrs. Elizabeth D. Aleksinas

Morris Resident for Peace

townclerk@townofmorrisct.com Re: Noise ordinance

planningandzoning@townofmorrisct.com Re: Upcoming collaboration with OC on noise ordinance

To the Ordinance Committee and the P+Z of Morris

From Deb Weik, Morris Resident

Re: Noise Ordinance and Conflict of Interest

I watched the meeting dated 2/7/22 and have many concerns about our town government and how it's functioning fairly to represent all citizens. That is the goal, right? To represent the town, not personal interests?

Ben, shame on you. Your comments made that night were abhorrent and should disqualify you from your seat on that committee. In fact, your seat on that committee, given your position as a business owner, is questionable to begin with and has been clearly identified as a conflict of interest. The gaslighting that took place was mind blowing. Accusing your neighbors as being part of a Nazi organization? Of being anti-semitic? A democracy allows its citizens to question practices that they feel threaten their well-being, their property values, their peace. It's a known fact that your vision for your property has not always aligned with those of us who live nearby. You have not always been open and honest with us about your business goals. Noise, traffic, all the rest. I respect your rights to pursue a business plan. It should be proposed and voted on by the town. Your membership on these committees makes that process suspect at best. Your behavior at these meetings heightens my concern. If citizens write letters to committees, and sign those letters, they should be recorded and considered. You, sir, should stop whining about being bullied. This is not personal.

The leadership of this town needs to take control of the process of making decisions and those who have conflicts of interest should not serve on committees. The favoritism that is being shown by our elected officials needs to stop. Was Tom Weik, our first Selectman, present at that meeting for the sole purpose of showing support for his friend? Not a good look. This letter may indeed sound personal. It is appropriate only because Ben Paletsky has put himself in a position of authority on a town committee. If he does not want to be confronted, then he needs to step down as he should. And then, we can debate the growth of South Farms with more decorum, or as we vote. I do wish Ben well, honestly. There is much that he does that I admire. It seems to me that the noise ordinance conversation extends beyond South Farms. The marijuana conversation will be next. Unfortunately it appears, with Ben serving on these committees, every debate comes back to him. Thus, the conflict of interest. It's not fair to him, or to us.

Sincerely, and for the record as I have signed it with my own name,

Deborah Weik

philo-Semite, anti-bully, Morris resident

Town Clerk

APR 01 2022

From: Lori <lindenmuthlori@gmail.com>

Sent: Monday, March 28, 2022 11:43 AM

To: Town Clerk <townclerk@townofmorrisct.com>; bgarrity <bgarrity@bgarritylaw.com>; Huntley, Bev <bevhuntley11@gmail.com>; Ben Paletsky <bpaletsky@southfarms.org>; Laurey Weiner <laureyc@optonline.net>; lindenmuthlori@gmail.com

Cc: 1stselectman@townofmorrisct.com

Subject: RE: FW: Propose Ordinances

Good morning,

I want to verify that the town attorney wrote the ordinances for everything but the noise.

Is this because Tom disapproves of a noise ordinance. And also the reason he is denying the attorney to show at the meeting with Janelle?

Please add these questions to the record.

Thank you,

Lori Lindenmuth