

TOWN OF NORTH HAVEN
NOTICE OF SPECIAL TOWN MEETING

Notice is hereby given of a Special Town Meeting of the Town of North Haven to be held on Monday, October 19, 2015 at 7:00 P.M. (E.S.T.) at North Haven High School, 221 Elm Street, North Haven, CT 06473 for the following purposes:

1. To consider and vote upon whether to adopt amendments to the Soldiers' Memorial Ordinance at Chapter 67 of the Ordinances of the Town of North Haven to amend Section 67-1 to formally assume responsibility for the maintenance and preservation of all the memorials and monuments on the Town Green and add Section 67-2 to establish certain eligibility criteria for future memorials and monuments.

2. To consider and vote upon whether to adopt a Blasting Ordinance at Chapter 83 of the Ordinances of the Town of North Haven to set forth the blasting policy of the Office of the Fire Marshal developed for the protection of the health, safety, and well-being of the Town, its residents, and their property.

3. To consider and vote upon whether to adopt an amendment to the Building Construction Ordinance at Chapter 88 of the Ordinances of the Town of North Haven to revise the definition of delinquent at Section 88-4.A. of Article IV concerning the Withholding of Permits and Certificates for Delinquent Taxes, Charges, and Assessments such that for the purposes of Section 88-4 the delinquency of any tax, fee, charge, or fine in issue, together with any accrued interest or penalties, shall be determined in accordance with the applicable provision(s) of the Connecticut General Statutes, ordinance(s), code(s), or regulation(s) which define delinquency for the particular tax, fee, charge, or fine in issue and if not so defined, said tax, fee, charge, or fine shall be deemed delinquent if it remains unpaid, in whole or in part, for a period of thirty (30) days past the date upon which payment of such tax, fee, charge, or fine was due, together with any accrued interest and penalties.

4. FOR DISCUSSION ONLY: To discuss elderly tax relief.

A copy of the proposed amendments to Chapter 67 and Chapter 88

of the Ordinances of the Town of North Haven and the proposed Blasting Ordinance to be added at Chapter 83 thereof are on file and available for inspection in the Office of the Town Clerk.

Dated at North Haven, Connecticut, this 9th day of October, 2015.

NORTH HAVEN BOARD OF SELECTMEN



Michael J. Freda, First Selectman



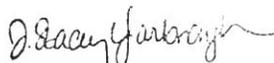
Timothy M. Doheny, Second Selectman



Sally J. Buemi, Third Selectman

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TOWN CLERKS OFFICE
NORTH HAVEN

OCT 09 2015


TOWN CLERK

RESOLUTION NO. 1

RESOLVED: That in accordance with the recommendation of the Board of Selectmen, amendments to the Soldiers' Memorial Ordinance at Chapter 67 of the Ordinances of the Town of North Haven are hereby approved and adopted to amend Section 67-1 to formally assume responsibility for the maintenance and preservation of all the memorials and monuments on the Town Green and add Section 67-2 to establish certain eligibility criteria for future memorials and monuments. The amended Chapter 67 shall be published in a newspaper having a circulation in the Town of North Haven and shall be effective fifteen (15) days after publication.

*****ATTENTION*****

ATTACHED ARE

AMENDMENTS TO CHAPTER 67

OF THE ORDINANCES OF THE TOWN OF NORTH HAVEN

- SOLDIERS' MEMORIAL ORDINANCE –

TO BE CONSIDERED AND VOTED UPON

BY SPECIAL TOWN MEETING

ON MONDAY, OCTOBER 19, 2015 AT 7:00 PM

AT NORTH HAVEN HIGH SCHOOL AT 221 ELM STREET

CHAPTER 67: SOLDIERS' MEMORIAL

**[HISTORY: Adopted by the Town of North Haven 10-5-2008 Annual Town Meeting;
Amended by the Town of North Haven 00-00-2015 Special Town Meeting.]**

§ 67-1. Assumption of care.

The Town of North Haven shall assume responsibility for the maintenance and preservation of all soldier's(s'), veteran's(s'), or war memorials or monuments on the Town Green.

§ 67-2. Eligibility criteria for future memorials or monuments.

The Town of North Haven, ever desirous of honoring those residents of the Town who have served honorably for the United States of America in wars and armed conflicts, establishes the following mandatory criteria for an individual to be listed on any future Town soldier's(s'), veteran's(s'), or war memorial or monument:

- A. The individual must have served at least ninety (90) days on active duty and possess an honorable discharge or still be on active service. An exception to this ninety (90) day requirement will be made if the individual is/was killed or wounded in action or the duration of the hostile action or conflict in which the individual served was less than ninety (90) days.
- B. The individual's Veterans' Federal Form DD-214 (Report of Separation), or in some cases, his/her long form discharge, must list North Haven, Connecticut as the individual's home of record at the time of his/her service entry. If an individual serves longer than two (2) years, whether by reenlistment and/or extension of service or reserve obligation, and changes their home of record to North Haven, Connecticut while on active duty, then such individual shall be considered to have North Haven, Connecticut as his/her home of record at the time of his/her service entry.
- C. The individual must have the appropriate campaign medal listed on his/her Form DD-214 for the war or conflict claimed. Appropriate campaign medals awarded with dates of qualifying service beginning with World War II are as follows:
 1. World War II:
World War II Victory Medal (includes all area campaign medals)
December 7, 1941 through December 31, 1946
 2. Korean War:
Korean War Service Medal
June 1, 1950 through June 1, 1954

3. Lebanon(First Incursion)
 - a. Armed Forces Expeditionary Medal
July 1, 1958 through November 1, 1958
 - b. Marine Corps Expeditionary Medal
July 1, 1958 through November 1, 1958
4. Cuba
 - a. Armed Forces Expeditionary Medal
October 24, 1962 through June 1, 1963
 - b. Marine Corps Expeditionary Medal
October 24, 1962 through June 1, 1963
5. Dominican Republic
 - a. Armed Forces Expeditionary Medal
April 23, 1965 through September 21, 1966
 - b. Marine Corps Expeditionary Medal
April 23, 1965 through September 21, 1966
6. Vietnam
 - a. Armed Forces Expeditionary Medal
July 1, 1958 through July 3, 1965 and
April 29, 1975 through May 15, 1975
 - b. Marine Corps Expeditionary Medal
July 1, 1958 through July 3, 1965
 - c. Vietnam War Service Medal
July 4, 1965 through September 1, 1973
7. Lebanon (Second Incursion)
 - a. Armed Forces Expeditionary Medal
June 1, 1983 through December 1, 1987
 - b. Marine Corps Expeditionary Medal
June 1, 1983 through December 1, 1987
8. Operation Urgent Fury – Grenada
Armed Forces Expeditionary Medal
October 23, 1983 through November 21, 1983
9. Operation Just Cause – Panama
Armed Forces Expeditionary Medal
December 20, 1989 through January 31, 1990
10. Southwest Asia Service – Gulf War

- Southwest Asia Service Medal
August 2, 1990 through November 30, 1995
11. Various Operations in Somalia
Armed Forces Expeditionary Medal
December 5, 1992 through March 31, 1995
 12. Kosovo Campaign
Kosovo Campaign Medal
Awarding of this Medal began on March 24, 1999. The Medal is still open and eligible for awarding.
 13. Afghanistan
Afghanistan Campaign Medal
Awarding of this Medal began on October 24, 2001. This medal is still open and eligible for awarding.
 14. Iraq Campaign
Iraq Campaign Medal
Awarding of this Medal began on March 19, 2003. This Medal is still open and eligible for awarding.
 15. Global War on Terrorism
Global War on Terrorism Expeditionary Medal
(For various engagements throughout the world beginning September 11, 2001) This medal is still open and eligible for awarding.

The above list of appropriate campaign medals specifically excludes from eligibility for a memorial or monument, individuals who receive/received campaign or service awards conveyed for occupation, pacification, or humanitarian purposes regardless of whether or not a limited hostile fire is/was encountered. Nonetheless, in the event such occupation, pacification, or humanitarian purposes result in an individual being killed, awarded a Purple Heart, Combat Infantry Badge, and/or Combat Action Ribbon, then such individual shall be considered eligible to be listed on a memorial or monument. The award of the National Defense Service, Global War on Terrorism Service, Humanitarian Service, or Armed Forces Service Medals also do not in and of themselves qualify as appropriate campaign awards, unless the individual recipient is killed and/or awarded a Purple Heart, Combat Infantry Badge, and/or Combat Action Ribbon.

- D. The individual or his/her representative must make a claim to entitlement to be listed on the memorial or monument before the memorial or monument is completed and the final list of Veterans to be included is compiled. However, if an individual is known to the Town to meet the three (3) preceding requirements and does not make a claim to be listed or was killed in action, the Town may add such individual's name to the memorial or monument with the consent of the individual or his/her next of kin at the time the final list of Veterans to be included is compiled.

- E. There shall be no exceptions to the four (4) requirements provided above in subsections (A) through (D), and the burden of meeting these requirements shall rest solely with the individual Veteran seeking to be included in the memorial or monument, or his/her next of kin or appointed representative. The construction of any memorial or monument shall not be delayed by the effort of any individual, next of kin, or appointed representative to obtain proof of compliance with these requirements.

PROPOSED FOR 10/19/2015 SPECIAL TOWN MEETING

RESOLUTION NO. 2

RESOLVED: That in accordance with the recommendation of the Board of Selectmen, a Blasting Ordinance is hereby approved and adopted at Chapter 83 of the Ordinances of the Town of North Haven to set forth the blasting policy of the Office of the Fire Marshal developed for the protection of the health, safety, and well-being of the Town, its residents, and their property. The Blasting Ordinance at Chapter 83 shall be published in a newspaper having a circulation in the Town of North Haven and shall be effective fifteen (15) days after publication.

*****ATTENTION*****

ATTACHED IS

**PROPOSED CHAPTER 83 TO BE ADDED TO
THE ORDINANCES OF THE TOWN OF NORTH HAVEN**

- BLASTING ORDINANCE -

TO BE CONSIDERED AND VOTED UPON

BY SPECIAL TOWN MEETING

ON MONDAY, OCTOBER 19, 2015 AT 7:00 PM

AT NORTH HAVEN HIGH SCHOOL AT 221 ELM STREET

Chapter 83

- § 83-1. **Declaration of purpose.**
- § 83-2. **Blasting procedure and requirements.**
- § 83-3. **Performance of blasting activity.**
- § 83-4. **Notice to Fire Department and public.**
- § 83-5. **Pre-blast and post-blast surveys.**
- § 83-6. **Hours permitted and required daily reports.**
- § 83-7. **Emergency blasting.**
- § 83-8. **Compliance with Connecticut statutes and regulations and penalties for non-compliance.**
- § 83-9. **Right to appeal.**
- § 83-10. **Coordination with other laws.**
- § 83-11. **Severability.**

[HISTORY: Originally adopted by the 00-00-2015 Town of North Haven Special Town Meeting.]

§ 83-1. Declaration of purpose.

It is hereby found and declared that it is in the best interests of the Town of North Haven and its residents to adopt this Blasting Ordinance to set forth the blasting policy of the Office of the Fire Marshal developed for the protection of the health, safety, and well-being of the Town, its residents, and their property.

§ 83-2. Blasting permit procedure and requirements.

- A. Blaster must obtain a permit from the Office of the Fire Marshal for each blasting job.
- B. A blasting permit will remain in effect for thirty (30) days only.
- C. Blaster must appear in person to obtain a permit and must present the following information or documents at said time:

1. Completed "Application to Purchase, Transport, and Use Explosives" for local blasting permit;
 2. Valid State of Connecticut driver's license;
 3. Valid State of Connecticut Explosives Blaster's license;
 4. State of Connecticut Permit to Transport Explosives;
 5. State Fire Marshal Vehicle Inspection Certificate;
 6. Certificate of Liability Insurance including coverage for blasting;
 7. Valid request number from "Call Before You Dig" (BUD);
 8. Valid Town of North Haven Building Permit;
 9. Proposed schedule of blasting, including a proposed date and time for pre-blasting site inspection by Office of the Fire Marshal and at a minimum, anticipated commencement and completion dates for the blasting project; and
 10. Pursuant to Section 29-349-110 of the Regulations of Connecticut State Agencies, any additional information or documentation required by the Fire Marshal to satisfy the Fire Marshal as to the identity of the applicant and as to what use will be made of the explosives.
- D. A \$60.00 permit fee is required for each job.
- E. Pursuant to Section 29-349-110 of the Regulations of Connecticut State Agencies, if the Fire Marshal is not satisfied as to the identity of the applicant and as to what use will be made of the explosives, he/she may refuse to issue a permit and shall notify the State Fire Marshal of the refusal.

§ 83-3. Performance of blasting activity.

In the performance of blasting and related activity, the following procedures and requirements shall be adhered to:

- A. A pre-blasting site inspection by the Office of the Fire Marshal must be completed before any blasting is performed.

- B. The Fire Marshal or his/her designee must be on site prior to any blasts if so required as a condition of approval at the time of issuance of the blasting permit. If the Fire Marshal so conditions his/her approval, notice of the time of each blast will be provided to the Fire Marshal at least forty-eight (48) hours in advance and the blast will not occur unless the Fire Marshal or his designee is present on site.
- C. A properly calibrated seismograph shall be used to monitor ground vibration levels during each blast and the operation of the seismograph shall be attended to by the appropriate professional. Seismographic monitoring shall be utilized at the structure(s) closest to the blasting operation/site.
- D. Blaster shall carry his medical card and all State required documents at all times.
- E. Only enough explosives for the amount of blasting for one day for which the permit application has been completed shall be permitted to be transported.
- F. No blasters shall cause any vehicle carrying any quantity of explosives or caps to be brought into any populated areas of the Town of North Haven unless in direct route to the blasting site. No stops are to be made with a loaded magazine for any purpose. Vehicles must proceed directly to the blasting site.
- G. No vehicle transporting any quantity of explosives shall be left unattended at any time, and when attended, the attendant must be a licensed blaster.
- H. No temporary magazines will be allowed in the Town of North Haven.
- I. Blasting operations in the immediate vicinity of any utility infrastructure, either above or below ground, shall have obtained written acknowledgement from the utility(ies) involved prior to obtaining a blasting permit.
- J. All shots shall be covered with approved wire or rubber tire mats with no exceptions.
- K. Any and all fly rock shall be reported immediately to the North Haven Fire Department at 203-239-5321 at Extension 100.

§ 83-4. Notice to Fire Department and Public.

- A. All owners of neighboring property that is within five hundred (500) feet of the property or lot on which the blasting is to occur as defined by the Land Records shall be notified by certified mail return receipt requested and by first-class mail twenty-one (21) days in advance of blasting activity of the proposed location of blasting and schedule of blasting, including: (1) the name of the property owner for the property or lot on which the blasting is to occur; (2) the address or a detailed description of the property or lot on which blasting is to occur; (3) the name of the blaster; (4) the commencement date and anticipated completion date of the blasting activity; (5) the right of the neighboring property owner being notified to request a pre-blast survey and the individual or entity to contact to request a pre-blast survey; (6) that said individual or entity responsible for receipt of requests for pre-blast surveys must be contacted within ten (10) days of the date of the mailed notice by the neighboring property owner if a pre-blast survey is desired; and (7) the individual or entity to contact if an emergency occurs or if a neighboring property owner believes the blasting activity resulted in damage to his/her/their property. For purposes of determining the neighboring properties within the aforementioned five hundred (500) feet, measurement shall be taken from outer perimeter of the property or lot on which the blasting is to occur in a straight line to any other properties within five hundred (500) feet. This mailing will be paid for by the blasting company, contractor, developer, or property owner(s) of the property on which blasting is to occur and a copy of the mailing shall be provided to the Office of the North Haven Fire Marshal at the time of mailing. In addition, a log of all certified mailings and certified mail receipts as well as the name and address of all neighboring property owners who requested a pre-blast survey shall be prepared and maintained and submitted to the Office of the North Haven Fire Marshal seven (7) days in advance of blasting.
- B. Warning signs shall be placed three hundred fifty (350) feet from the blasting site on all roadways forty-eight (48) hours prior to blasting and shall remain posted for twenty-four (24) hours following the completion of all blasting.
- C. Each day of and prior to any blasting, the Town of North Haven Emergency Communications Center shall be notified at 203-239-1616 as well as the North Haven Fire Department at 203-239-5321 at Extension 100.

§ 83-5. Pre-blast and post-blast surveys.

- A. A pre-blast survey consisting of internal and external photographs or videotaping shall be conducted for all structures and dwellings within five hundred (500) feet

of the blasting zone when requested by any neighboring property owner(s). Any neighboring property owner who would like to request a pre-blast survey will notify the individual or entity designated to receive such requests of their request for a pre-blast survey within ten (10) days of the date that the above notice of blasting referenced in § 83-4.A. was mailed. All requested pre-blast surveys must be completed prior to any blasting. Any and all costs associated with pre-blast surveys shall be borne by the blasting company, contractor, developer, or property owner(s) of the property on which blasting is to occur.

- B. Copies of pre-blast surveys and any post-blast surveys if conducted, seismograph records, and proof of seismograph calibration will be made available to the Office of the North Haven Fire Marshal or a representative thereof.

§ 83-6. Hours permitted and required daily reports.

- A. Hours of blasting shall be limited to weekdays only between the hours of 9:00 a.m. to 4:00 p.m. There shall be no blasting on weekends or federal holidays.
- B. During days in which blasting occurs, daily reports shall be filed with the Office of the North Haven Fire Marshal on forms to be prepared by the Fire Marshal which may be amended from time to time to include the information listed below and any other information that the Fire Marshal believes is necessary to keep record of:
 - 1. Date and exact firing time and limits of blast by station;
 - 2. Name of person or entity responsible for charge and blasting permit number;
 - 3. Unusual joint or seam conditions encountered in the rock;
 - 4. Type and strength of explosives, blasting caps, and distribution of delay periods used;
 - 5. Total explosive loadings per round and per group of delays;
 - 6. Type of stemming, matting, or cover used;
 - 7. Prevailing weather conditions, including direction and approximate velocity of wind, atmospheric velocity of wind, atmospheric temperature, relative humidity, and cloud conditions at the time of blast;

8. Comments by blaster in charge regarding any misfires and/or unusual results or effects;
9. An evaluation of the blast indicating areas of significant overbreak or underbreaking and any recommended adjustments for the next blast; and
10. Signature and title of person making record entries.

§ 83-7. Emergency blasting.

In the event that there is an emergency need to blast, notice will be provided to the Office of the North Haven Fire Marshal within forty eight (48) hours prior to the blast. Blasting activity will be considered to be necessary on an emergency basis if, in the discretionary opinion of the North Haven Fire Marshal, there is an imminent threat to life or property involved. However, this provision shall not be deemed to limit the authority of any federal, state, or local official or agency to direct blasting activity pursuant to any applicable federal, state, or local law, statute, code, or regulation. Notification of emergency blasting activity will be posted in Town Clerk's Office and on the Town's website and compliance with the notification provisions of § 83-4 will not be required.

§ 83-8. Compliance with Connecticut statutes and regulations and penalties for non-compliance.

Applicable Connecticut General Statutes and Regulations shall be followed at all times, including all required safety regulations. Failure to follow any Statutes or Regulations will result in the revocation of the blasting permit issued by the Town of North Haven and a report being submitted to the Bureau of the State Fire Marshal reporting the revocation and detailing the reason(s) for revocation. The Office of the Fire Marshal may inspect structures for damage to determine compliance with all applicable Statutes, Regulations, and the provisions of this Chapter.

§ 83-9. Right to appeal.

Pursuant to Connecticut General Statutes Section 29-355, if any person considers himself aggrieved by the doings of the Office of the Fire Marshal, he may apply, within thirty (30) days, to the Superior Court, which may grant appropriate relief.

§ 83-10. Coordination with other laws.

- A. The provisions in this Chapter shall be in addition to all existing municipal ordinances and shall not limit the provisions or enforcement of other applicable local, state, or federal codes, regulations, ordinances, statutes, and/or any other laws.
- B. This Chapter shall not supersede Connecticut Regulations that apply to storage, transportation, and use of explosives and blasting agents.
- C. The issuance of a permit under this Chapter in no way relieves the person(s)/entity(ies) holding the permit from their responsibility for any damage or injury caused by their transportation and use of explosives and blasting agents to another person's(s') property or person.
- D. The provisions of this Chapter shall not be construed in any way to render the Town of North Haven and/or any of its officers, employees, and/or officials liable for any damage to any person or property by reason of the issuance of any blasting permit.

§ 83-11. Severability.

If any provision of this Chapter or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this Chapter which can be given effect without the invalid provisions or application; and to this end, the provisions of this Chapter and the various applications thereof are declared to be severable.

RESOLUTION NO. 3

RESOLVED: That in accordance with the recommendation of the Board of Selectmen, an amendment to the Building Construction Ordinance at Chapter 88 of the Ordinances of the Town of North Haven is hereby approved and adopted to revise the definition of delinquent at Section 88-4.A. of Article IV concerning the Withholding of Permits and Certificates for Delinquent Taxes, Charges, and Assessments such that for the purposes of Section 88-4 the delinquency of any tax, fee, charge, or fine in issue, together with any accrued interest or penalties, shall be determined in accordance with the applicable provision(s) of the Connecticut General Statutes, ordinance(s), code(s), or regulation(s) which define delinquency for the particular tax, fee, charge, or fine in issue and if not so defined, said tax, fee, charge, or fine shall be deemed delinquent if it remains unpaid, in whole or in part, for a period of thirty (30) days past the date upon which payment of such tax, fee, charge, or fine was due, together with any accrued interest and penalties. The amended Section 88-4.A. of Article IV of Chapter 88 shall be published in a newspaper having a circulation in the Town of North Haven and shall be effective fifteen (15) days after publication.

*****ATTENTION*****

ATTACHED IS

AMENDMENT TO SECTION 88-4.A.

DEFINITION OF DELINQUENT OF CHAPTER 88

OF THE ORDINANCES OF THE TOWN OF NORTH HAVEN

- BUILDING CONSTRUCTION ORDINANCE -

TO BE CONSIDERED AND VOTED UPON

BY SPECIAL TOWN MEETING

ON MONDAY, OCTOBER 19, 2015 AT 7:00 PM

AT NORTH HAVEN HIGH SCHOOL AT 221 ELM STREET

§ 88-4.A. Definition of Delinquent.

For purposes of § 84-4, the delinquency of a tax, fee, charge, or fine, together with any accrued interest or penalties, shall be determined in accordance with the applicable provision(s) of the Connecticut General Statutes, ordinance(s), code(s), or regulation(s) which define delinquency for the particular tax, fee, charge, or fine in issue. If the delinquency of the tax, fee, charge, or fine in issue is not defined by statute, ordinance, code, or regulation, then said tax, fee, charge, or fine shall be deemed delinquent if it remains unpaid, in whole or in part, for a period of thirty (30) days past the date upon which payment of such tax, fee, charge, or fine was due, together with any accrued interest and penalties.