

Minutes of the Town Board Meeting held on September 4, 2007 at 7:03 PM at the Town Hall in Slaterville Springs, NY

Town Board Members Present: Supervisor Don Barber  
Councilman Ed Cope  
Councilman Tim Seely  
Councilman Dominic Frongillo

Town Board Members Absent: Councilwoman Nelly Farnum

Visitors: 9

**Privilege of the Floor**

None

Supv. Barber wanted to tell the people how he felt about the Peace and Quiet Law draft after the two public comment sessions, and how he feels he would like to move forward.

“I have thought about the comments that we received at the two public comments meetings on noise and I have developed my position on this issue. And I have a plan to suggest to the Town Board.

The key to local government is listening to the concerns of its citizens and responding in a manner that ensures the health, safety and well-being of all of its citizens. When listening, it is important not to be unduly swayed by the most vocal or most organized or even our closest neighbor. Some issues can put a town board between a rock and a hard place. When the issue has two competing points of view, we may find ourselves in that uncomfortable situation and do at this moment with the noise issue.

Our collective task, as members of the Town Board, is to not live there in that uncomfortable spot, but to find ways to build community out of a divisive issue. I sense that the deliberation process used by the Caroline Town Board for looking into and understanding the noise problem has not been understood nor valued by many who have attended our meetings of late. This is unfortunate, but as an experienced legislator-I know the process so important. And I applaud all of you on the Town Board for your efforts to speak out about the reason for going through the process.

The deliberation process was triggered by two simultaneous complaints; affecting two neighborhoods. This is not the first time that I have heard noise complaints, but this problem affected a large number and was symptomatic of the struggle between neighbors and between Private Property rights. After a couple of unsuccessful attempts to reconcile the issue between the neighbors, the afflicted residents asked the Town Board to develop a legal remedy. Recognizing the diversity our Town, we first formed a committee to determine the structure of a law for a rural community. The committee developed a law template that was based on the typical model of regulating activity.

The Town Board decided to deal with this issue in full public view as a “committee of the whole.” We received input early in our deliberations which showed us that the typical model, which regulates activity, was not appropriate for a rural town where there are so many spaces that noise generated from an activity that would not affect a neighbor due to separation. So we decided to move to a model of preserving rights

that would be uniform in granting all citizens the right to Peace and Quiet. We developed a “1st draft”, made it widely available to the public, and created extensive opportunities to receive comments.

As an elected official, it is my responsibility to look at each issue: understand the underlying issue, understand the consequences of the proposed actions, ask, does the action firmly answer that issue, then make a decision that is in keeping with the character of the Town and that is complementary to the Comp Plan. It is my job to do this while at the same time, sorting fact and sound arguments from emotional hyperbole and political posturing. And all the time, remain objective and not take a side.

Some key points that I picked up from the public comments:

From Robert Chapman who has experiences in many other communities, “I heard that change is coming. We can’t hold it off.” He suggested that we need to collectively determine what we want for our future. If we don’t work on that vision and only let private property rights rule, then conflicts over Private Property rights will continue to plague our community.

From Rebecca Phillips- “I heard that in our 21<sup>st</sup> century society, which has broader implications than just Caroline, we don’t build or strongly value community. We really don’t get to know our neighbors, even though their actions have a profound effect on our quality of life. Instead, we keep to ourselves.”

From Bob Anderson- “I heard reasoning that noise should not be addressed via criminal law but instead by common or civil law.”

From Jim Raponi, Bruce Murray and others- “ I heard that the discharge of firearms on site in a gun or train a young hunter has value to wildlife and our society.”

From Jim Morse of Celebrations- He heard how this new law could detrimentally affect his business even though he tries to be responsive to his neighbors concerns.

From Bill Jablonski and Jeremy Richards-“ I heard how unbearable excessive noise can be”.

I have thought about our current dog control law which uses criminal remedy and that it’s only been used once since its passage over four years ago, in spite of the many complaints. I’ve heard about the barking. When I ask why they don’t use this law with the criminal remedy, they say they fear retaliation from their neighbor. In other words, the main reason it’s not used is an anxiety that the offended person doesn’t know how the person they’re accusing will respond.

After considering all of the comments, I have decided how I view this issue and how I will invest my energies in the future. Trying to develop a law that fits both a rural and more urban areas of the Town was going to be a challenge. The comments have shown this difference to be stark. As I considered amending the 1<sup>st</sup> draft, I see exempting more and more activities. In the end, noise is noise and why should only some Residents get benefit from this law or stated another way, why should only some residents benefit from this law or stated another way, why only some activities fear a visit by the sheriff? How do we draw this line to be balanced?

When thinking about enforcement and the criminal remedy and how when given that tool it is not used, I have to wonder, will this law be effective at achieving its intent? The answer that I have arrived at is: I cannot support the Right to Peace and quiet Law in its current form and I can't think of any iteration from its present form that will achieve anywhere near its stated purpose.

After all of this effort, what can we do for the people that brought this issue forward? How can I respond to them? I have replayed the comments from all of the citizens that have taken the time to talk to me and the Town Board to search for some kernel of commonality for a positive road forward. Many citizens have testified on both sides of this issue that they are anxious about their neighbor's action or reactions. I believe that this anxiety stems from not communicating well enough before the tension arose to be able to appreciate and empathize the others plight. Reducing this anxiety is the core issue that needs attention. A noise law is a band-aid put on a symptom.

When Jay Payton asks "doesn't my longevity count for something?" The answer for me is: I certainly hope so. We need the Jay Payton's of Caroline ( I use Jay's name because I know that he does value the relationships he has with his neighbors) to have dialogs with the Robert Chapman's. As a community, we must develop processes and tools for future generations to work out different expectations without a cop as a mediator.

I am hereby asking the other members of the Town Board to join me in working to develop processes for Building Community. I ask you to join me in developing a Community Dispute Resolution process in Caroline. I ask you to join me in creating committee (s) to rekindle community building through increase Community involvement by exploring ideas like newcomer packets, reviving the welcome wagon campaign of yesteryears, exploring ways that community organizations like Mason's, Church congregations, Community Centers, and Emergency Services Companies- for example. And I ask the Caroline Community, at this time of heightened awareness, to out your energies into developing these venues for community building. I believe that these actions are more in keeping with the goals of the comp Plan than a noise law."

- Ed- supports a lot of what he is saying. It has struck him that there would be a lot of restriction i.e. guns. It is not a balanced or fair law when it restricts one set of activity and not others. It's not achieving anywhere close to something that would be in line with a balanced document that asks the Town to not regulate activity by zoning, but to enable us to live together as a community. He's hearing this for the first time, and you're barking up the right tree with this.
- Dominic- "Does the draft law achieve the original intent which is establishing a legal recourse from intrusive noise while upholding private property rights? Will the draft law be useful to people in seeking relief from intrusive noise, since the dog law has not been used just once in the last four years? Will the draft law solve the long term problem of disputes between neighbors arriving from conflicts and property rights? What other options exists for addressing this problem in the long term?"
- Tim- "Don, you did hit on a few points that I have been thinking about since the two public comment sessions where we heard a lot from the public. It became clear to me that there are two issues, two complaints that we are talking about here. 1) Pure noise problem i.e. band, 2) we haven't drafted a balanced law. But as it stands now, it would need to change to measuring decibels. Balanced i.e. hamlets compared to Level Green Road. Then how does that work for a person who lives 75 feet from their neighbor? How are we to balance this where people live in denser populations and where people live in a rural environment? Unfortunately, it is impossible to measure density. As time went

on more questions arose. What it really came down to is expectations people have. Then I looked to the other side, the people who are making the noise and their expectations, having their property rights. This law is just putting your finger in the dike. As I worked through this, more questions came up that I could answer. What if the next thing isn't noise, but odors? There is a much bigger picture. I also wanted to add one more thing. I think we did the right thing, I'll tell you way. When we started this in my mind it was common sense. When we walked through the process it was common sense did a lot of work. When it got further on, it got more and more complicated. I'd have to say that I've come full circle on this whole process. It was very complicated and very difficult to do. I want to thank Supv. Barber for this learning process."

Supv. Barber introduced Jeff Shepardson from CDRC- Community Dispute Resolution Center. The Agency's mission is basically to help individuals and communities foster constructive responses to conflict. This Agency would be willing to help by mediating and facilitating conflict. They are an impartial third party helping, neighbors, landlords and tenants, and are willing to help within families and others, i.e. communities, organizations, businesses, government and schools. This is a good alternative to litigation. There were questions and comments.

### **Committee Reports**

Councilwoman Farnum: (Supv. Barber gave her report in her absence)

#### Community Service Award

- 1) A notice appeared again in the Old Mill for September
- 2) Remind people associated with your committees
- 3) People can pick up forms from the Clerk at the Town Hall and on the Web
- 4) This award will be on October 2 before the TB meeting

#### NIMS Preparedness Sheet

- 1) This has been put in your mailbox to pass one copy around
- 2) Supv. Barber and Supt. Whittaker have added comments
- 3) Councilwoman Farnum will make a resolution at the TB meeting on September 11, suggesting Supv. Barber should be the Point of Contact Person
- 4) Other that this we should be prepared and councilwoman will turn it in to Beth Harrington after the next TB meeting
- 5) It would be good if someone could attend the September 11<sup>th</sup> Conference at TC3 (see flyer); unfortunately it is during the day, but it should be interesting

#### Personnel Manual

- 1) She has a list of comments

Councilman Seely:

#### CYC

The last meeting was at the end of August talking about the budget. They came up with a budget. It will be the same dollar for dollar as last year. They did re-allocate some funds to other places in an effort to pick up some areas that weren't paid too much attention to, and not given enough funding to. And also grow other programs. They found a couple of hundred dollars in the fund that will be used towards the Caroline Sports

Program i.e. soccer, basketball, skating, skiing. This year there has been a request for new soccer balls, so \$200.00 will be used for them.

Clm. Seely will get the CYC numbers for the 2008 budget.

Clm. Seely read a letter from an anonymous person who has been a Program participant with Penney Boynton, giving her positive words of praise.

BCC Summer Camp

This year there was a change in the makeup of the Program- less campers and more counselors. There are more C.I.T's (Counselor in Training) coming up in the ranks. This is a step for the camper to be a counselor. The CYC is investigating into grant money to put together a program where the cit's can go get their accreditation to be a counselor, so that they can go to other camps.

There is \$118.00 coming from the State for youth employment. The County money will stay the same.

United Way monies will stay the same as well.

Slaterville Fire Department

Kathy Mix came to the meeting to address the Board about the Boy Scout Explores Program being involved with the Slaterville Fire Department. The youth are ages between 13-16 years. Right now, 16 youth are involved, teaching both girls and boys, career oriented skills and training i.e. fire and medical. They are teaching them to be able to fill in as volunteers when they are age appropriate. Right now Kathy is the assistant advisor trying to find funding to have new EMS gear, costing \$1,500-\$1,800 per youth. They can't actively fire fight until their 18 years old. She is asking the Town Board for some funding, as well checking out granting possibilities from the State as well as Federal. Kathy has drafted letters to Speedsville Fire Co. and Brooktondale Fire Co. asking if there are any kids wanting to participate at Slaterville Fire Department.

Building and Grounds

The new doors will be put in at the Town Hall this month. Also, the Fire alarms will be tested at the Town Hall.

Councilman Frongillo:

Marriage Officer

Matt Scaglione addressed the board asking them to appoint Councilman Frongillo to be appointed as Marriage Officer in the Town of Caroline. This will be brought forward at the next meeting.

Website Budget for 2008

Website Development	\$1,000.00
Webmaster	\$500.00
Publicity/Mailings	\$200.00
Web Hosting	\$150.00

Watershed Committee

This is the last year of the Contract with USGS. He's trying to organize the funds for the 2008 Budget for the Gaging Station. He will get back with the numbers. Supv. Barber stated he will call Barry Goodrich.

Councilman Cope:

Planning Board

The Planning Board will meet on Thursday, September 6<sup>th</sup> at the Town Hall. The next morning Friday September 7<sup>th</sup>, the Planning Board, Clm. Cope, Clm. Frongillo, Supv. Barber, Town Attorney, Ed Marx and Timothy will be meeting with the Laberge group at 11:00 AM at the Town Hall. Clm. Cope stated the PB is having a problem with Laberge. It seems the Laberge Group doesn't seem to understand that the PB wants them to think "out of the box" in terms of combining site plan review, guidance development system, point process without zoning. They say that it can't be done. The PB wants them to be able to work along with them. This meeting will be important, and everyone is hoping to get this worked out.

Clm. Frongillo will be meeting with students and they are willing to work on examples and to find models of what the PB would like the Laberge Group to do.

#### Junk Committee

Supv. Barber met with Susan Barr this morning and she wanted to understand local laws that have been passed and then have been rescinded and what the polices are, etc. She stated there are a total of 6 members in the committee. They are very eager and are energized to show their presence in the community by doing cleanups. Two of the committee members have contacted Supv. Barber.

#### Highway

Clm. Cope brought up the Bio-Diesel Consortium and if the Town wants to be involved. He emailed Supt. Whittaker about it and she had raised questions about it. There is a form that needs to be signed if there is interest in it. Clm. Seely asked Clm. Cope if he has met with Supt. Whittaker about the budget. He said no. At some point Clm. Seely would like to speak with her about her asking about more major repairs to the Town Barns Building

#### MEGA

Clm. Cope stated they would send a specific offer of subsidy for purchase of wind power, but he hasn't heard from them. Supv. Barber suggested calling Barbara Blanchard, but Clm. Cope will call Stu first.

#### Supervisors Report

Supv. Barber received a Map Plan Report for the Lighting District and a contract to send back to NYSEG. The cost is \$0 to install it, but an annual charge for the light is \$93.10 per100 watt bulb. Supv. Barber asked what the process to switch all the lights in the Town to 'high pressure sodium', he said around 5% can be switched at a time. And how much is the cost to switch all the lights to 'high pressure sodium'. He will get back with Supv. Barber. The energy Committee will get this information.

The Building Code Law that was to be filed this year has not been filed with the Department of State. Clm. Frongillo will take care of this.

Next week the Board needs to spend time with the Salary Committee Report, before next month's budget time.

Supv. Barber asked Clm. Cope to look over Mason Dixon energy and report back to the Board Members.

Kathy Mix reported that Slaterville Ambulance won a national award EMS for Excellence. EMS Magazine looks for nominations from across the Nation. Beth Harrington nominated them, so both Beth and Greg Harrington are traveling to Orlando, FL in October to receive the 'Gold Medal Award'. There is also money attached to this award. Secondly, Beth Harrington was nominated for Central NYS Award 'Teacher of Excellence' and will be traveling to Syracuse in October.

**AGENDA**

- Appointment of NIMS Point of Contact
- Discuss Annex Bond Anticipation Note Process
- Introduce and Set Public Hearing for Lighting District Extension
- Resolution to Est. Marriage Officer
- Records Management
- Salary committee Report
- Continue Review of Personnel Policy
- Executive session to Discuss Labor Contract

The Town Board adjourned at 8:50 PM to Executive Session to discuss Personnel Policy.

Respectfully Submitted,

Mary Clark Walls  
Deputy Town Clerk