

June 24, 2020
Town of Erin Public Hearing

Deputy Supervisor Delorme called the Public Hearing Meeting of the Erin Town Board to order on this date at 6:06 PM. He then asked the Clerk to call the roll.

MEMBERS PRESENT: William VanRiper, Jr., Randy Evans, Daniel Delorme, Michael Shutts.

MEMBERS EXCUSED: Dawn Schmidt.

PUBLIC PRESENT: Mark Margeson, Neil Vesek, David Houck, Adam Dolaway, Gayle Ackerman, Keith Fife, Elizabeth Magistro.

PUBLIC PRESENT ON ZOOM: Kyle Wieder, Steve & Melody Shutts, David's iPad, Dewyes iPhone, Galaxy 10e, June Rice, Karen K., Charles Wolfe, John Ervay.

Deputy Supervisor Delorme welcomed everyone and the Pledge of Allegiance was recited.

Legal Notice is as follows:

**NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW NO. 1 OF 2020**

Notice is hereby given that the Town of Erin will hold a Public Hearing on proposed Local Law No. 1 of 2020 Good Neighbor Law to allow each resident to enjoy the use of his/her respective property for leisure and other activities without disturbing the use of a neighbor's property.

Any interested person may examine Local Law No. 1 of 2020 during the Clerks regular office hours. Said hours are: Monday, Tuesday, Wednesday 1:00pm-6:00pm and Friday 8:00am-noon, at the Town of Erin, 1138 Breesport Road, Erin, NY 14838. The Law may also be viewed on the Town website at townoferin.org.

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 7, 2020 suspending the Open Meetings Law, the Public Hearing scheduled for 24, June 2020 being held by the TOWN OF ERIN TOWN BOARD (the "Board") in accordance with the provisions of Article 18-A of the New York General Municipal Law with respect to the TOWN OF ERIN GOOD NEIGHBOR LAW, will be held electronically via conference call instead of a public hearing open for the public to attend. Members of the public may view the Public Hearing at: ZOOM meeting and comment on the Law during the Public Hearing. Minutes of the Public Hearing will be transcribed and posted on the Town of Erin's website.

The time for the hearing will be June 24, 2020 at 6:00pm with a Special Meeting to immediately follow the Public Hearing at the Erin Town Hall, 1138 Breesport Road, Erin, NY 14838.

BY ORDER OF THE ERIN TOWN BOARD

Diane Wise-Hollenbeck

Erin Town Clerk

Dated: June 14, 2020

Deputy Supervisor Delorme opened up the Public Hearing for comments.

David Houck-1024 Breesport Rd- There was a similar meeting a year ago and 100 people said they did not want a noise ordinance in this town. They didn't want it then and they don't want it now.

John McCracken explained that people have changed their minds. Something needs to be done. Neighbors are changing. It is not for the occasional party, it's for the every single day, the every single weekend, applies to excessive and repeated, campers at Park Station have complained of constant 4-wheeler/dirt bike noise.

Steve Shutts-65 Fairview Rd. – How does the hierarchy work? Who gets the call? Who makes the call if it's excessive and an actual problem? Who decides how this gets enforced?

John McCracken-Someone would call 911, 911 would then try and get in touch with him first, then the Troopers or Sherriff Department. Any of them could make that decision. Typically the first time a property is being called on would be a warning for that day. If it happens the next day, they will get a second warning. After the third warning, they can be issued an appearance ticket.

Adam Dolaway-9 Church St.-Has been a resident since 1975. He hears what is being said and it makes a very compelling argument for the ordinance, however the ordinance cannot be upheld without law enforcement. Law enforcement could be called under the New York State Disorderly Conduct Law and also disturbance of the peace falls within the Disorderly Conduct Law. Advised against making a law that cannot be upheld and recommends a curfew noise ordinance. Feels time frames listed are great. Against putting law through.

John McCracken-Law enforcement doesn't have anything to go on. This is a local law not a state law. He does have the authority to enforce the law.

Kyle Wieder-457 Laurel Hill- He received several messages and phone calls asking about the proposed law. Feels there needs to be a better way to communicate meetings to the public so they know when they are and how to get into them.

Gayle Ackerman-248 Red Chalk Rd. - If there is a problem and there is no law or ordinance the police cannot do anything about it. She is for getting a law in place to help.

Elizabeth Magistro-Wheaton Rd. - How will it be voted on after this is over? Will it be the Town Supervisor and everyone and vote aye or nay based on the opinions of the residents or is it open to ballot vote? If 99% of the people in town don't want it, will it still become a law?

Melody Shutts-65 Fairview Rd.-The law as it is written right now, is this what you would vote on? How is it enforced? You are saying it is going to be multiple violations with a first call and second call and not get the \$150.00 fine right away?

Deputy Supervisor D. Delorme-Absolutely not. Must be excessive and repetitive. Not a graduation party. It has gone past the point of talking to your neighbor. It has come from multiple complaints.

Melody Shutts-Makes sense when you say excessive, multiple violations.

Charles Wolfe-In regards to Section 4-A (page 3)-"No person shall operate or use any sound reproduction device for commercial purposes" so the jukebox at the Tavern would be illegal? Can't hire a band or DJ?

Deputy Supervisor D. Delorme-There is a list of hours when things can be used. The hours were made with the Tavern in mind.

John McCracken-Bands aren't usually outside.

June Rice-1145 Breesport Rd.-Questioned the tractor trailer parked at the Town Hall-had issues with idling and echoing off the building. She called the cops and asked if there was a noise ordinance or law.

Deputy Supervisor D. Delorme-When law enforcement is called they first ask if there is a law in place.

David Houck-Section 3. Prohibited Acts-I'm guilty.

Randy Evans-It is a legal firearm activity.

Neil Vesek-1051 Breesport Rd.-How will you know the next person won't go overboard with the law?

John McCracken-Any law can be changed. If an appearance ticket is issued, it is up to the discretion of the Town Judge to decide if it is excessive and repeated. The intent is for every weekend party, every weekend trail rides.

Melody Shutts-Does not like the idea of a new law. However she understands where the law is coming from. Sound carries, can hear neighbors from a mile away. Who determines what is reasonable? How many times? She's for it reluctantly.

Deputy Supervisor D. Delorme-Series of steps, or at least a step or two before there is a violation issued. It has to be excessive noise.

Steve Shutts read a Chat from Zoom that was not visible on D. Delorme's computer from Charles Wolfe-What is considered audible? Time restrictions in Section 4 but still time restrictions during the day? Property line vs. 50 feet from line. Clarity with audible and distance in all of that.

Deputy Supervisor D. Delorme read through a few of the definitions to try and clarify.

Steve Shutts-People are worried about the subjective nature of people having to make a call on what is excessive, what is audible, what is reasonable, who is reasonable, who is not.

Deputy Supervisor D. Delorme-This is for the people that don't respond to anything else. We have nothing on the books to handle these situations. A thorough reading of page 2 -the definition of excessive noise is basically what we are after.

Steve Shutts-Wife Melody and he are both on the fence about the law.

John Ervay-34 Church St. - If this is mainly for motorized vehicles, why can't the law state only for them?

John McCracken-Exemptions can be made, but one activity cannot be singled out. State wouldn't allow that to be passed.

John Ervay-Lived here for 40 years. He talks to neighbors about problems.

Deputy Supervisor D. Delorme-This is for the neighbors that have been approached and they don't care. There needs to be something that is enforceable.

John McCracken-It has to be repeated. If an appearance ticket is given, the judge will make the final decision of what is excessive and what is not.

Adam Dolaway-Not for this. There's some wording that is needed if this is going to go through. Construction needs to be under exemption. Didn't see that in the law. (Was told to see Section 6). Residential vs. rural should be worded in the law. Is in Town the same as someone having a shindig up on top of a hill? Is the land plot the same for everybody? Residential, if he is making noise 50 feet from his property line there is no place on his property he can go that you won't hear him making noise. It is hard not to hear in town. Owners should be held responsible for anyone renting. Are court costs included or are they additional?

John McCracken-First, owners can be held responsible for renters and on a local law he doesn't believe you pay a court surcharge.

Melody Shutts- Just wanted to say you are doing a great job.

With no further comment from the Public, a motion was made by M. Shutts and seconded by W. VanRiper, Jr. to close the Public Hearing on Proposed Local Law No. 1 of 2020 at 7:04 PM. Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts. Nays: None.