

**Special Meeting of the Town Board
Town of Windsor, New York
May 31, 2016 7:00pm
Windsor High School Auditorium
1191 NYS Rte 79
Windsor, NY 13865**

Supervisor Price pointed out the exits in the room.

MEETING CALLED TO ORDER by Supervisor Carolyn Price, at 7:00pm.

PLEDGE OF ALLEGIANCE was recited.

ROLL CALL by Clerk:

Supervisor Carolyn Price: Present
Deputy Supervisor William J. McIntyre: Present
Councilman Timothy J. Bates: Present
Councilwoman Lesa Hawk-Shuler: Present
Councilman Gary M. Hupman: Present
Attorney Cheryl Sacco: Present
Town Clerk Barbara Rajner Miller: Present

Also present were: Code Enforcement Officer David Brown, Jerry Henehan, Sima Auerbach, Mahlon Guernsey, Lisa Goetz, Toni Grekin, Neil Auerbach, Stephen Grekin, Scott B. Clarke, Elizabeth Einstein, Don Einstein, Floyd Bronson, Cheryl Bronson, Thomas M. Skinner, Barbara Fabrizi, Gus Fabrizi, Betsy Majors, Theresa H. Benjamin, Eileen Ruggieri, Mr. & Mrs. Stephen Goss, Aaron Price, Steve Herz, Christine Gelineau, Bob Williams, Betsy Williams, Craig Terrell, Jesse Gibbons, Mark Lippolis,.

PUBLIC COMMENT:

(Supervisor Price outlined the guidelines of public comment.)

- Stephen Goss, Patterson Rd: Is there any documentation of hearing damage/loss with sustained noise? Will there be a different acceptable noise level for daytime versus nighttime? What happens when the noise is not acceptable? Who should be contacted? Has the Town ever fined anyone for unacceptable noise level? Is there a process that the Town already has in process?
- Mrs. Goss: Wondered how Section 68-9 applies to the compressor station?
- Tom Skinner: Section 68-4 regarding Municipal Home Rule Law, the Town was assured by Mr. Williams that the technology is out there, and that it could be complied with. He has heard rumors that the original plans had been altered, from the interior to the exterior (ex. The height, the trees are not the ones that should have been, the elevation, the rock wall). Really feels that if the Town is going to pass a law, it has to enforce it. He believes that the Courts are the only ones that can say that a law is unconstitutional.
- Barbara Fabrizi, Atwell Hill Rd: "How is the Town going to be able to enforce this with just one part-time code enforcement officer. Are you going to hire anyone else? How are our civil rights going to be protected as far as us being able to enjoy our property for any length of time without noise. We have it 24/7, in the dark, can't open windows."
- Scott Clarke, Dodd Rd: At the last Town Board Meeting, he submitted a petition. He read aloud the statement that was on the petition. 112/116 people signed the petition. CROW has submitted a list of questions to the Town Board. He hopes all of the questions are answered.
- Gus Fabrizi, Atwell Hill Rd: "We've been trying to enforce the current noise law, and now we're going to try to enforce something that's way out of range. How are we going to enforce this? We've been battling this for 24 years. We can't tolerate this anymore. Shut them down at a certain time of night. Next month our grand-daughter is moving in with us. She has a sleeping disorder."

Local Law Amending Chapter 68 Noise Control:

Supervisor Price announced that since there is not a large number of people present at this Special Meeting, the meeting will proceed in the auditorium, as opposed to breaking out into smaller groups, as appears on the Agenda.

Supervisor Price explained that tonight's meeting is being held to explain why the Board wants to amend Chapter 68 Noise Control, explain the changes to the Law, and give residents an opportunity to speak.

Supervisor Price stated that when the Board takes final action on this law, the Board will use facts and truths, not opinions, as that is what matters in decision making. She also pointed out that, upon entering the auditorium, everyone was given an Agenda as well as a copy of Chapter 68, with the proposed changes in red. She had stated that the Board had split up areas of the Local Law, and will present regarding a certain topic, and then, at the end, the public will have an opportunity to speak.

Attorney Sacco and Deputy Supervisor McIntyre spoke regarding purpose and the areas of the law that are unduly restrictive. Councilman Hupman, Councilwoman Hawk-Shuler, and Councilman Bates spoke regarding exemptions in the law. Supervisor Price explained the background on assumed ambient and explained maximum permitted noise or sound levels. Code Enforcement Officer Dave Brown explained the proposed changes in hours as well as the permitted

noise and sound levels.

During question and answers, sixteen people asked questions, with some of the people asking more than one question. Answers were provided by those people who did the presentations.

Motion By: Councilwoman Hawk-Shuler Sec. By: Deputy Supervisor McIntyre

To set Public Hearing for 7-13-16 7:05pm, regarding Local Law Amending Chapter 68 Noise Control.

Vote of the Board:

Supervisor Price - AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman -AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

UPCOMING MEETINGS:

- Regular Meeting: Wednesday, June 8, 2016, at 7:00pm, at the Windsor Town Hall.
- Public Hearing & Regular Meeting: Wednesday, July 13, 2016, at 7:00pm, at the Windsor Town Hall.

PUBLIC COMMENTS:

- Stephen Goss, Patterson Rd: Thinks it's important to keep working on this, and thanked the Board.
- Scott Clarke, Dodd Rd: Wondered about the process now that the Town Board has had tonight's meeting, having the public's input. Supervisor Price stated that the Board members will "digest" what they have heard and learned tonight.
- Mark Lippolis, Dunbar Rd: "Very frustrated that the Town of Windsor doesn't want it to be a tranquil community anymore."
- Jerry Henahan, Dunbar Rd: "Take out the words peace and tranquility from Section 68-3, as that is not truly a purpose."

ADJOURNMENT:

At 9:22pm:

Motion By: Deputy Supervisor McIntyre

Sec. By: Councilman Hupman

To adjourn the meeting.

Vote of the Board:

Supervisor Price - AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman -AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

Respectfully Submitted,
Barbara Rajner Miller, Windsor Town Clerk