

**PUBLIC HEARING  
"PROPOSED LOCAL LAW ON MASS GATHERINGS"  
TOWN BOARD  
TOWN OF STEPHENTOWN  
MARCH 14, 2016**

The Regular meeting of the Town Board, Town of Stephentown was called to order by **Lawrence Eckhardt** at **7:00 PM** at the Town Hall.

**MEMBERS PRESENT:**

**( X ) Supervisor Lawrence Eckhardt**      **( X ) High. Superin. Alden Goodermote**  
**( X ) Councilman Chris Demick**            **( X ) Deputy Code Enforcement Officer Owen Cassavaugh**  
**( X ) Councilman William Jennings**  
**( X ) Councilman Philip Roder**  
**( X ) Councilman Gerald Robinson**  
**( X ) Town Clerk Stephanie Wagar**

A quorum ( X ) was ( ) wasn't established.

15 from the Public were present

- *A DRAFT of the Proposed Local Law for Mass Gatherings is attached*

**MEETING OPEN TO PUBLIC COMMENT:**

*J. Atwater:* poorly written law, 300 people is an arbitrary number you would have to talk to the Funeral Parlors.

*L. Eckhardt:* you bring up a good point the Fire Department brought that up as well with their events roast beef dinners, the corn beef dinner event the other day would have fallen under this, where do you think it should be?

*J. Atwater:* I don't think there should be one, disagrees with everything in this law, the person holding the activity is required to apply at a minimum of 60 days prior to the activity but it does not give when the Town would act on it. You could sit on it and not act at all. Need to talk about when you will act on it. Think you are lazy if you can't do an application form. There should be an application form.

*L. Eckhardt:* as part of what we have here?

*J. Atwater:* yes, people should not have to write all this in a letter it's too easy for them to make a mistake, and for you to arbitrarily say no we're going to throw this out because they didn't necessarily have everything.

*L. Eckhardt:* I think we did intend to have an application form, because other municipalities do.

*J. Atwater:* The Board can decide to waive the \$1,000.00 fee, doesn't see how you can be so arbitrary on that. You have to write that out, this whole thing is loaded with corruption because the Town Board could play favorites all through this thing.

*L. Eckhardt:* so you are saying there should be a scale?

*J. Atwater:* you have to write out here what you are going to do and how you are going to do it, you could play favorites all the way through this thing and that's unacceptable.

*L. Eckhardt:* so scale.

*B. Jennings:* she doesn't like the waive-ability.

*L. Eckhardt:* so you're saying either have a fee or don't? It can't be waived?

*J. Atwater:* exactly.

*L. Eckhardt:* would you have a scale of how much it would be?

*J. Atwater:* \$1,000.00 is a lot, if you want to make a fee for commercial things and one for private things that might be fair, but it doesn't seem right to me that people who are not charging for their event are going to have to pay \$1,000.00, understands the insurance bonds, don't understand what you think will be ruined but understand the bonds, don't understand why you would want someone to put in a whole lot of money other than you want them to put up a whole lot of money. What is it going to cost the Town Board to have a meeting to say yes or no? You left it up to the person doing the application to do all the work, so it's not like any of you have to go spend any time doing anything, you're going to come in sit down and read something and say yes or no, so it's not like it's an expense for you. Referencing Section 3 Item G. each applicant for a permit shall deposit with the Town Clerk a cash or good surety bond, as the Town Board may reasonably require and conditioned that all requirements of the permit will be fully performed by the applicant, that seems a little vague, you have to have it all written out here what you are and aren't going to do, if you have it that vague it's always open for interoperation that your playing favorites.

*L. Eckhardt:* Okay.

*J. Atwater:* when you are talking about quite times you don't have any level of measurement, no way measure to determine it, it states no "amplified music or other loud noise" well how are you going to determine a loud noise, you have to have a level of measurement. Who determines the violations? And how do you determine it? You have not stated anyway of appeal, "we told you, you can't do it so you can't do it." No way to appeal unless somebody has to take it to court, that's not appropriate, there should be a step before having to hire an attorney and take it to court.

*B. Jennings:* I'm sorry, who would you appeal to?

*J. Atwater:* that's what I am saying, you have to have something set up.

*B. Jennings:* there isn't anything above us in Town.

*J. Atwater:* well then maybe there needs to be someone bellow you that makes the decisions and appeals to you.

*B. Jennings:* there needs to be authority at the Board level.

*J. Atwater:* Frankly you people can all sit up there and say this isn't against Neil Gardner but you know dame well it is. You know damn well it is, because the people who come here and complain have long standing disagreements with Gardner's and they don't like Gardner's and at least three people on this Town Board have said things publicly many times against Neil Gardner, so don't sit here and pretend that

this isn't an anti-Neil Gardner thing and that your covering up something else, sounds a little personal and don't mean to attack individuals this started at the ground level and it's an anti-Neil Gardner thing, I think it's about time that people stopped doing this crap, this whole thing, Donald Trump's whole nastiness started here, right in this room with Brain Baker and several other people, end of my comments.

*L. Eckhardt:* Thank you Janet. Bill?

*B. Hammersmith:* few different things, understand what you are trying to do but some of this doesn't make any sense like Janet said as far liability insurance and additional insured. I don't know if any of you have been involved in this but it's a lot money for the guys putting this stuff on. I don't think any of these places are making that kind of money, for every guy I put on to the additional insured it cost me \$150 to \$500 for every name added on the policy. Once you're asking to be additional insured, say a tractor trailer run through where this event was and killed 100 people nobody is going to have insurance and when you guys need additional insured you guys are going to be dragged into a law suit too. So soon as your name is put on a piece of paper somewhere you guys are all going to be in the same ball of wax, accountant tells me they throw everybody up in the air and whoever has the most basic insurance policy they will nail it to them first and leave town, I understand there's a lot of complaints and problems and this and that, but once you put your name on paper you are all going to be personally responsible. I think that is going to be a problem. It's expensive to do, don't know what any of the events are making but can't image they are making enough money to go through with all of this stuff. The traffic studies you guys are looking to do, PJ knows as well as I do that it takes a lot of time and money to get engineers and DOT has to get involved takes months if not a year to complete these DOT studies. Traffic is entering and exiting and it can take weeks or months, Berlin has been fighting for 2 years now to get a traffic sign put up. You wouldn't even get a chance to get these events going now as far as some of that goes, if you have to start hiring engineers to do some of this stuff it's not going to happen. One of the Board members already said you wouldn't want a sign out here that says "Welcome to Nassau". The last thing Janet didn't discuss this but who is going to enforce this? Larry you get phone calls at midnight but are you going to go down wherever this event is or if you guys send Chris or PJ down at 3 o'clock in the morning and chance 2,000 people out in the middle of the street? The troopers aren't going to come to be bothered with this because they are wrecking anything and just like the bond you are looking for I can understand if it was the fire company renting out the hall you don't want your lawn all torn up when you have everyone leave, but if it's personal property how can you ask someone to bond my property because someone might wreck it, that should be my problem not the Town Boards. If I had someone on my property and they wrecked my yard I'm not going to come to the Town Board and say "yeah you guys own me \$10k because Chris backed up and torn my lawn up" that's my problem not the Town Boards. Now if we rented the fire hall and we have about 400 people coming if that's going to be the case then we wouldn't rent the fire a hall for anything if it's going to cost me \$2500 to do that makes no sense.

*L. Eckhardt:* so you are agreeing with Janet that 300 is too low?

*P. Flint:* it is too low.

*B. Hammersmith:* another thing to look at too, I know you have had complaints but events have been held down there now for over 20 years, whether it be the snowmobiles, motorcycles, go carts, and the helicopter thing and you have never had any complaint, but I understand there are complaints I don't know how you can stop something that's already be in effect down there for years and years and years.

*L. Eckhardt:* good comments.

*M. Oswald:* just going to say the I didn't think the \$1,500 surety bond was unreasonable, not all these might happen in the middle of a golf course or over at the fire hall, it might be someplace where conditions might be a little more delicate.

*L. Eckhardt:* answer to Janet's question about the "All about Neil" and it's not "all" about Neil and it's "all" about Neil, the not about Neil I think I understand when you say it could be more delicate because it's successful and the Gardner's have done a great job with putting on events there, good infrastructure parking the security for EMS and the fire department and emergency services have been just, even the last one they had a huge thunderstorm come through and had everyone get in their cars and wait out the thunderstorm and it worked. My biggest concern is with success comes copy cats and somebody else in Town decides they are going to do the same thing on the end of North Moore Hill Road or South Moore Hill Road and without considering all of the things that have gone into consideration at that particular site, whether it good, bad, or indifferent. I worry about that being our biggest concern. My biggest concern I think is safety and welfare, I worry about a traffic jam or traffic and emergency services couldn't get through. So I think you make an interesting comment when you state that this could be done in a different location without consideration for all the emergency type things. Can't complain about the spot as far as ingress and egress people can get in and out, parking isn't an issue, but if someone else in Town wanted to have an event like that somewhere else in Town might not be as well organized or as well thought out for that purposes.

*B. Hammersmith:* if that's the thought than he's been doing it for so long down there, not sticking up for Neil or not but then he should be grandfathered in, because everybody grandfathers everything in, it's in the gravel business, it's in that, he's been down there for over 20 years and ever year he has an event of some sort, so he should be susceptible to the timeframe. Town Board can set that if they want, and the \$1,500 PJ can testify that too, for \$1,500 you can get a load of top soil, 2 bales of hay and seed and fix all that, \$1,500 is irrelevant. If you get an event that big and they decide they want to break something you are going to have a bond big enough in Stephentown to fix it, no matter where it is. For an average person it is tough to get a bond.

*L. Eckhardt:* that's right, Marylyn anything else?

*M. Oswald:* not at this moment.

*L. Eckhardt:* anyone else?

*J. Hoffman:* thank you for taking my call the other day, still don't know the reference to North Moore Hill, (*jokingly*) not sure to take it personal.

*L. Eckhardt:* (*laughing*) they are dead end roads.

*P. Roder:* I'm on the other end.

*L. Eckhardt:* always giving him a hard time, since they are dead end roads.

*J. Hoffman:* I don't want to talk about enforcement on existing laws, we had that conversation about Moore Hill Road which seems to be historically "Gangster-ville" and I have been living there for 30 years now and as a New Yorker having said that, I will go on as to why a came to this meeting. Did some research, I don't object to rules and having some type of code enforcement doing this I've worked with Neil on a verity of things through the years and he has his own personal way of doing things and it works, doesn't it work for other people? Yes and no, but I think that there are other places we could look to, my biggest complaint about the document is not that you want to do something which is perfectly valid you

have to have sometime of control, is that it is a very negative, it was written very negative and didn't deal with the human quality and all the good things that people come to Stephentown for. From what I have seen from these events just last summer people came from all over the world and they love the place. I don't see any of those people here today but I am not sure if they were aware of the meeting, they were very kind to the environment and to the town and contributed in a positive way. I took the liberty and I know you guys all have negative feelings about NYC, but NYC has been doing this now for 200 years and they have a very user friendly site for people who want to setup and do events I made a copy to give to you guys that has frequently asked special event permit questions, they charge \$25.00 for a request of something and they have a review situation and then they would have graduated a way of viewing the different kinds of event and I would like to offer this. Don't have the resources to copy, gave my copy to Kyle since he is the subject of this discussion.

*L. Eckardt:* this is the entire document?

*J. Hoffman:* it will take some time and effort in reviewing it and I don't have a lot to say I'm not in opposition to what you want to do, I just don't think you can add more to enforce something when you have no enforcement of anything right now. This should be an ongoing discussion before you come up with a more serious plan.

*L. Eckhardt:* Thank you, I will give this to Steph and have her make copies for the Town Board. Anybody else?

*D. Cyrus:* want to make a general comment, don't know Neil Gardner, moved here from Chicago two years ago and unfortunately the house that I bought is right on Hotel Road and those amplifiers are aimed right at my house, and to be honest with you if I knew what I know now there is no way I would have bought that house. Where I used to live they had a huge stadium they had international soccer games, concerts, I am not against people having fun but when I had to take the things off my windows because the bass is vibrating my windows so bad and it's 24-7. It went on until 7am in the morning and then took a break and started right back up at 8 o'clock at night by then I am sparking because I can close all my windows and turn my a/c on high and my room is still vibrating. Again I know I might sound dramatic, but there has to be some consideration for the people who live in the area, because I have heard other people say they were wonderful, they were great and so polite, you don't live where I live and it drives me insane to be honest with you. I have never met Mr. Gardner and I would love to we are neighbors; my house faces the stables. It is nothing personal but there has got to be some sort of cut off, consider your neighbors.

*D. Cyrus & J. Hoffman begin a conversation – Supervisor redirects them to address the board with comments and continue personal conversation outside of meeting.*

*L. Eckhardt:* appreciates all the comments, we came up with this by taking templates of other Towns and picking out the things we thought would be appropriate, received a packet from our attorney and from the Association of Towns. It's good to get the comments we are getting so we can go back through this, the attorney is supposed to be here tonight he had a few things he wanted to go over regarding this.

*B. Hammersmith:* I have been to almost every Town Board meeting with you guys for the past 10 years, and Bill has said it over and over again too loud too late, you don't need this piece of paper all you have to do is set times in there and it's a lot easier to enforce that, you can stand there and talk like we are talking now and then drive down the road 3 miles and it seems to be louder. You don't need a lawyer and this piece of paper all you need to do is figure out what too loud is, or too late, the too loudness you're not going to be able to enforce that, that would probably keep the neighbors happy if they are going to be done at midnight then they can find something to do until midnight and be able to sleep until 7 o'clock in the morning. That has been the biggest complaint over the years is the lateness.

*L. Eckhardt:* we are trying to find the enforcement, we have been promised by the different groups that they are going to be better and the following year

*B. Hammersmith:* how are you going to enforce it?

*L. Eckhardt:* very good question, that's why we are doing what we are doing.

*B. Hammersmith:* this just makes it worse, because there is more to enforce. You should focus on one thing at a time, and add on to it if you need to.

*L. Eckhardt:* so a step process

*D. Flint:* how did you come up with the number 300? Do other Towns actually have that?

*L. Eckhardt:* yes, there were other Towns that had 300, and some had 500 the State Law has 5,000.

*D. Flint:* that could easily be a wedding party.

*L. Eckhardt:* had several comments regarding that, a phone call from Rik MacClave and he said 300 was way too small because you could have wedding parties, graduation parties that would be 300 people and it would be unfortunate for those people to fall into that category to apply for a permit, so where do we go? 500 or 1,000? Through this into Derrick or Kyle's lap, Disc Jam says they are going to have 1500 or 2000 people and 3500 show up. With social media people know instantly what's going on 50 miles away and they show up. Do we put in there that it is the potential amount of attendees? How do we figure that out?

*K. Gardner:* (introduces himself to D. Cyrus – neighbor) we have held events like this for 20 years whether it be snow, cross tracks, Indian Pow Wow lots of things, we have commercial access to Route 22, all permitted by DOT, you can't just go have one of these events on West Road with fitting access you will have State and County regulations that will stop you from that, with 3500 people there is a max set by the County Health Department, once they hit the max amount of people going through the gate they are done. Everything from our County regulations are followed, you guys talk about parking plans and sanitary all that stuff is already covered by the Health Department, how many laws do we need to keep applying for that? Own the horse stable, had 6 events last year that had over 300 people I'm not going to pay \$1,000 to get a permit, I don't make \$1,000 on these events, I have small business just trying to have something to help supplement our farm, you know how it is Larry you're not going to become a millionaire. Small business we are trying to get it to grow but our Town is not inviting enough. I got assessed for \$150,000 on an arena that's not very inviting for a small business, I had the arena going for two years started doing trail rides there and bang I got hit with a \$150,000 new assessment on my small business, people don't take that many trail rides up over the hill, and then for me to pay \$1,000 application for me to have events at the arena, the cost pays to feed the cows and perform at the rodeo Friday night. Would like to grow his business and hold more events there, it has taken off pretty well, recognized for team roping for the hole northeast and would like to do a team roping event here but for me to put another \$1,000 for an application fee on top of paying for additional cattle and hire help it's not worth it I don't just benefit from it Cumberland Farms, when people come up for these events it's a \$30,000 weekend for them. Our whole county is taxed, it goes to the county helps everybody in town, every business gets busy that weekend Knuckleheads, Pizza Plus gets more business. We are not in a booming place, there is nothing going on in Stephentown, our family is the only ones that do anything to try and get people to come to this town. There are jealous people, that's their own person opinion. And now you guys as a Town Board you're going to try and stop something that has been going on forever to supplement a farm and what we have

to keep it all going, we pay so much in taxes triple from what other people pay, our neighbors. Knock our taxes down and we won't have to do a festival that could help.

*L. Eckhardt:* Kyle give us a thought process on how would you structure something like this? I'm not sure if we can walk away entirely but tell us how you would go about structure this. Not saying it has to come out tonight.

*K. Gardner:* the biggest thing is the noise correct?

*L. Eckhardt:* the loudness, the lateness.

*K. Gardner:* when they come have a meeting with the event organizer get something to put in

*P. Flint:* is there some sort of temporary sound barrier?

*P. Dibble:* can you come put one up at my house, I don't leave next door and I can hear the music just perfect up on West Road.

*L. Eckhardt:* where we are in this geographic location references this location as an acoustic megaphone. You can stand right there and talk and the music doesn't sound loud. Bill, you and I have talked about that, I have been down there and it doesn't sound so bad, you go up on Cranston Hill and it's knocking you off your feet. Over where Marylyn lives it's loud.

*K. Gardner:* haven't we had music festivals in this town for a long time now?

*L. Eckhardt:* no, not really.

*K. Gardner:* I remember when I was a kid there would be traffic jams, people walking from Cumberland Farms drunk walking down here to the fire departments block party and they would play until 3 o'clock in the morning.

*L. Eckhardt:* but it was one night, it wasn't Thursday, Friday, Saturday, Sunday, into Monday morning at 9 o'clock. There needs to be sometime of mechanism to say enough is enough.

*J. Atwater:* I know Rik McClave was through with a sound meter.

*L. Eckhardt:* probably an app on his phone.

*J. Atwater:* no I don't think it was on his phone it was a regular meter, decimeter. When he walked out before us didn't he say that most of them came up....

*K. Gardner:* bogus.

*J. Atwater:* did he give you any report? Have you guys talked?

*L. Eckhardt:* yes we've talked to Rik.

*J. Atwater:* what did he say?

*L. Eckhardt:* said exactly what you are telling us now.

*B. Jennings:* he can take a sound reading at the front of the stage and it's not loud, but if he stands up on Cemetery Hill Road the windows shake.

*J. Atwater:* he went up to East road I know that. My sister, you know where Suzie Lives you can see her house from here and she has no problem at all, and she's right at the top of the hill where it should be hitting.

*B. Jennings:* very selective.

*L. Eckhardt:* it is, just amazing, as I traveled around the one night it was amazing (in reference to the noise travel in different locations in town).

*J. Atwater:* down where I live on Bert Hager Road, if I had a dog and called for him I would think everyone in town heard me because it bounces off the hills. So I understand it, and I understand that people want to sleep at night I just don't think you have to do all this rigmarole for that.

*L. Eckhardt:* Kyle I come back to you, if you would give us some feedback, doesn't have to be right now but would like some feedback on what would you do. (Calls on Derrick)

*D. Gardner:* question for you why are you considering a Mass Gathering Law for a Noise Ordinance Law?

*J. Hoffman:* Thank you.

*L. Eckhardt:* went to Dean with this one our Code Enforcement Officer. The problem with noise ordinances is all the sudden it becomes "My neighbor is running his lawn mower".

*D. Gardner:* or Larry has the boomers going.

*L. Eckhardt:* I got my boomers going to scare the birds and oh my God.

*B. Jennings:* there's been more trouble due to noise ordinances, than almost any other thing that Towns have tried to do. It seems to set neighbor against neighbor and you have all sorts of fights as soon as you have a noise ordinance. Big cities and villages, we have been trying as this board to stay away from a noise ordinance simply because we are a country place where lots of us use chain saws on a regular basis, loud lawn mowers. My neighbor has loud tractors and all sorts of stuff going off.

*L. Eckhardt:* cows mooing.

*B. Jennings:* cows mooing, any usual decimal readings like 70 to 75 let's say okay don't go above that, my talking to Larry right here is almost that level. So it's very easy to get into trouble with noise ordinances so we have been trying to stay away from that. That's why the comment early was a good one that we need to state something a little more specific than that. The real key to most of the board members is some time. What we feel that would be beneficial to the residents is that we all agree that there is some time that will be quiet.

*K. Gardner:* and a noise ordinance with a cut off time wouldn't work?

*J. Atwater:* exactly, why wouldn't a noise ordinance with time work?

*B. Jennings:* we could perhaps structure one that way, we have been advised by counsel that a law is a better way to go other than a noise ordinance.



*J. Atwater:* right because how are you going to tell Larry's cows to shut up.

*B. Jennings:* that's right and we couldn't tell them to shut up.

*L. Eckhardt:* or your cows, a quote from a lady up on Creston Hill who couldn't be here tonight, "it's only a couple weekends a year, it's too late at night." When you feed the cows she can hear them mooing, or when a calf gets out on the other side of the fence she can hear them, that's how the noise travels, but when the noise goes on real late at night for 5 days, that's the issue. So is there something we can do, that is it this particular document. The work nights were more of an issue than the weekend nights. Sunday night is a real problem.

*R. Davis:* owner of Knuckleheads, asked the board to introduce themselves.

*The Board and Town Clerk state their names – Chirs Demick, Gerry Robinson, Stephanie Wagar, Larry Eckhardt, Bill Jennings, and PJ Roder.*

*R. Davis:* never been to a board meeting, everyone is worried about one thing and that's the noise, like Kyle has said I benefit from every event that is in this Town, I can't stand the noise no more than you, but blame your relator. Just like Lebanon Valley they sell you a house in February and what's the noise in April? That's sales tax that's money that comes back into this Town, I pay thousands into the County in taxes, I struggle paying my property and school tax but I thank this board for granting me and Stephanie, I just got my Beer and Wine license. I guarantee everyone here that I will never run a gin mill, and I think anyone here who has eaten at my establishment can understand that, and it will help me survive, I planned once I had my Beer and Wine to do little bands, free concerts on the property, give people something to do in town on a Friday or Saturday. What you seem to be saying here is bottom line the noise, I agree. I have spoken to Neil, face to face he doesn't have a problem with a time limit, they don't have a problem with a time limit. You don't need another layer of government. It's not a noise, you need to shut down at this time, you need to communicate with the event holders, the Gardner's, and say can you shut down on Friday and Saturday at midnight and not start up until 8 or 9 in the morning. I grew up in Albany try to shut down the fire department when you live 5 houses down and they leave 50 to 60 times a week, it doesn't work if you live in a big city there is a lot of noise. Sound travels, the events bring money back into this village, we are not a growth community. This law I didn't even know about it until two weeks ago, thinking to myself are you kidding me, I'm going to have to pay \$2500 to make \$500 or \$1000 not feasible. What's feasible is a line of communication to the Gardner's to talk to them, I was so happy that people came out and said they were the ones holding the events. I contacted the Berlin School District their orchestra plays with the Bennington and Rutland group of a 120 kids that would love to put on an event to run a donation, Neil says he is willing to host something like that. Every difficulty has an opportunity and every opportunity has a difficulty, we need to look at the opportunities with this difficulty, the noise is a pain to everybody we all agree to that, but it's a time factor and they don't have a problem with limiting the times.

*B. Jenning:* let's speak about the times, thank you Bob for your comments they have been very helpful. It's the noise and the lateness that we have been speaking about for years and years. In terms of communications as a board we have met with the various people who are going to put on these concerts year after year sometimes with the Gardner's here in this room sometimes without and every year we have tried to have an open communication and discussion to have the noise level go down and the lateness stop and we've gotten nowhere. Each year people have sat here and looked us in the face and said "Oh, yes we have new technology we are going to shut down at 11 o'clock there will be no noise and blah blah blah blah blah." And as soon as we say fine go ahead they don't give a damn, they play til all hours of the night and make as much noise as they want. So that is what has driven us to have this sort of discussion.

*R. Davis:* is it in writing?

*B. Jennings:* we have never had it in writing that is why we are trying to put something in place.

*P. Roder:* in the open meetings law we have everything in the minutes, all these conversations have been documented in the minutes.

*R. Davis:* so if something needs to be shut down people sign it and agree. Now you have a signed document that says

*P. Roder:* no there has not been any sign document.

*B. Jennings:* we don't even have an ordinance in place we could not require a signature.

*R. Davis:* that's what you can implement.

*B. Jennings:* that's why we are having this discussion about. Very good comment, we would like more comment from people in the audience on the times. These are the times we came up with as a board and we would like more discussion from the public on that.

*J. Atwater:* why will this help you anymore than a contract that says if you don't end it you will enforce it? And who is going to enforce it?

*B. Jennings:* if we have a permit in process and they violate that then next year we can actually say no.

*J. Atwater:* and you don't want to say no because you don't want to stifle stuff.

*B. Jennings:* but we can say no and if we have to we can request law enforcement.

*J. Atwater:* and you can't now?

*B. Jennings:* no, right now we can't send anybody down there.

*J. Atwater:* so you don't need all this stuff you need some sort of noise ordinance.

*B. Jennings:* we need a law in place I'm not sure I like the term noise ordinance.

*R. Davis:* it's not it's a festival and gathering

*B. Jennings:* right, we are not just against noise, we are against something that is going to late and too loud.

*J. Atwater:* this should be, because if you have a bunch of kids partying and bothering their neighbors something can be done about it. You shouldn't just focus on festivals, just because they don't have a festival a neighbor shouldn't have to deal with the noise. Should be an ordinance that affects everyone.

*P. Dibble:* don't make it so complicated that is discourages people from coming to Stephentown, we want to encourage but for the residents who live here and pay taxes here there has to be a compromise because it's too late too loud. I have to get up early for work and I don't want to have to listen to that I

have to listen to it from my neighbor. We need something that can be user friendly not only for these events but for the folks that live here in town. Your "Too Loud Too Late" Law needs to address all of that.

*K. Gardner:* advertises an event and not sure if I will get 100 people maybe 2000 people there, say I come over the limit the day of the event what am I supposed to do?

*L. Eckhardt:* interesting concept.

*D. Cyrus:* but you're not going to be roping cows at 2AM.

*K. Gardner:* actually I was at an event and I roped my last steer 3:45AM Sunday night.

*D. Cyrus:* okay, then let's talk about it.

*L. Eckhardt:* that's what we are wrestling with, we don't, know how many people are going to show up and the weather has everything to do with it.

*P. Roder:* money involved because if people have to pay they will do something better. I don't care if you have 10,000 or 50,000 people, there needs to be a quiet time it can't be 24/7

*R. Davis:* being a motorcycle enthusiast we hold major fundraising events but I won't be able to hold one here at my establishment if I have to pay that kind of money to hold one of these events.

*D. Flint:* agrees with Janet that the waiver is to arbitrary.

*L. Eckhardt:* we had a hand shake agreement with Bella Terra, the first year they apologized the second year they said they would be better and they were louder and later. The Fractal Tribe was the most organized and has done the best with the loudness.

*D. Gardner:* you don't need a Mass Gathering Law you need a Noise Ordinance.

*L. Eckhardt:* Owen you would be the one to enforce a noise ordinance do you have any input?

*O. Cassavaugh:* all valid points, there is no way to enforce the law you are proposing. We go down there every year to inspect stages the cost is \$150 - \$175, the county gets involved and can be routed to the county level depending on the amount of people, the state could get involved. The fire protection, that is in the fire code already.

*P. Roder:* what have you charged in the past?

*O. Cassavaugh:* commercial max is \$175, there are certainly things that are in place that are implied in here. You're putting yourselves in there.

*P. Roder:* we took what others had and created what we have here we didn't just come up with all this on our own, we didn't draft everything here line per line.

*L. Eckhardt:* take a few more comments we are already over an hour of discussion here.

*D. Cyris:* if a tent caved in would the Town be liable for this?

*O. Cassavaugh:* companies have to provide us with insurance papers.

*R. Davis:* you wouldn't have much liability, NYC had that cruise ship that was inspected and tipped over killed all those people and they weren't liable for any of it.

*J. Atwater:* suggests you meet beforehand and have the people sign a contract.

*D. Gardner:* I have a question now that the lawyer is here, what is the difference between a Mass Gathering Law and a Noise Ordinance if you can't enforce a Noise Ordinance how are you going to enforce a Mass Gathering Law?

*C. Crist (attorney):* a noise ordinance is clearly directed at just noise, a mass gathering regulates other things.

*D. Gardner:* regulates our events, yes.

*C. Crist:* regulates other things as a Mass Gathering Law as defined, NYS has a Mass Gathering Law.

*D. Gardner:* my question is how can you enforce a mass gathering but you can't enforce a noise ordinance?

*C. Crist:* that's a very broad question.

*D. Gardner:* it's not a broad question, they are saying they can't put a noise ordinance in because it's hard to enforce. If you can't enforce a noise ordinance how are you going to enforce a Mass gathering law?

*B. Jennings:* Craig was not involved in our discussion, your question Derrick is a good one but let's bring Craig up to speed on the discussion, the discussion we have been having a group is suggesting instead of having a Mass Gathering Law have just a noise ordinance in place and I made the comment perhaps not correctly that other towns have had lots of trouble with noise ordinances.

*C. Crist:* you are 1000% correct.

*B. Jennings:* and it's difficult to nail something down, that it's better to do something around Mass Gathering or Festivals as Bob suggested. That is what I have heard from others.

*J. Atwater:* but it wouldn't protect people from their neighbors, and a noise ordinance could.

*B. Hammersmith:* you don't need any of this stuff all you need is a quiet time.

*A. Goodermote:* that's correct Bill, you people didn't sit on the board back when they had the issue on Brainard Road, and the bottom line they tried it and it wouldn't work. The guys built a new house and he worked nights they were up with speakers going and back then they wanted a noise ordinance and it wouldn't work. The problem you have here is that they don't shut down, they don't shut down Sunday night so people can get some sleep and wake up to go to work Monday. For me I could care less where I am it doesn't bother me. Bottom line is they promised at least two years that I have sat here and every time they come back it didn't work out. You're going to have them pay a substitutional fee for the permit and the bottom line is from my understanding if they followed it they were going to get back some if not all of their money back, that was my understanding from the get go. That way you have some handle on it.

*P. Roder:* we did discuss that, it's not written in here like that, but we did discuss that. The cash security.

*R. Davis:* where do we go from here?

*L. Eckhardt:* we have scheduled another public hearing next Monday before our regular Board Meeting. If we change what we have written we have to have another public hearing, whether we can get something in place in a timeframe that meets the events coming up, we have one in June another in July or is it July and August. We have to have it available for someone to apply for a permit or for an agreement there has to be some timeframe ahead of that, and we are hoping to have something in place soon enough so that those involved. Disc Jam is the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>, and Fractal Tribe is the 9<sup>th</sup> and 10<sup>th</sup> of July, Disc Jam is June.

*P. Roder:* do block out dates work for either one of these events? As far as blocked out times, Disc Jam came up and told us they can't do it

*L. Eckhardt:* no Fractal Tribe is the 48 hours one that doesn't stop Friday night to Sunday afternoon, and they actually did the best job.

*K. Gardner:* you know why? Because no one knew they were there.

*L. Eckhardt:* a lot of people didn't know they were there because they were a small event. Disc Jam were the ones that promised us they were going to do all sorts of things like the headphones and stuff like that, which they did but they were still very loud.

*K. Gardner:* all the main stages shut down and they go in the tents and they did and they turn everything toward the mountain. Again everything boils down to this Mass Gathering Law, you can't put a Mass Gathering Law in when there is too many vague points in that whole law when you are trying to address a noise ordinance. Glad PJ brought that up, say if I was going to have 2,000 people at my rodeo and then my dad comes in and says he's going to have 1,000 you waive the fee for me but not him now you're going to have a problem, now you're in a law suit.

*L. Eckhardt:* we got it, we understood that.

*B. Jennings:* comments on the times we have suggested? For the Quiet Times

*M. Oswald:* I would like to suggest 8AM across all, it would be easy to remember. Put up signs no noise before 8AM.

*L. Eckhardt:* we had 8AM for Monday – Thursday, and Friday to Sunday we had 7AM, you're saying all 8AM.

*B. Hammersmith:* what does the State have?

*L. Eckhardt:* good question we will look into that.

*B. Jennings:* NYS Mass Gathering Law does not state a particular quiet time. The Town of Glenville does not specify times Saratoga is Midnight to 5 in the morning; East Hampton specified 11:30pm to 9AM must be quiet. It varies from nothing to a fairly broad time, so we picked something, and the reason we put down two different times was because of work days and weekends, the specific comments we have heard from residents was the lateness on Sunday because people have to get up for work on Monday. People who work early in the morning Monday did not appreciate the noise all night long, that upset them more than listening to it on Friday and Saturday night. The best way to get some comment from the Town is to through something out there to start with, we don't get it right all the time until you talk to us and we will try and respond to that. We will hopefully come up with something before the next week. The key is the quiet time. If this was in place Gardners' would this put you out of business?

*K. Gardner:* Quiet times or Mass gathering?

*L. Eckhardt:* quiet times.

*B. Jennings:* there is some crap here in this law about fees and that sort of thing, that's minor, the question or not is whether we have a quiet time.

*L. Eckhardt:* I like Paula's "too late, too loud" Law. I think we have our homework cut out for us here.

R. Davis: can we submit through Stephanie any comments/suggestions we may have?

L. Eckhardt: yes.

R. Davis: I hear a lot of the comments about the noise but no body showed up, but when they have a party we are on the map for the bad side of this. I'm impressed with this meeting I've been to many meetings that have gotten out of control and you guys are great up there because you listen, but it doesn't do us a bit of good unless we can come up with a plan that works for everybody. People need to submit comments.

L. Eckhardt: yes, please do you can send us a letter here in care of the Town Clerk, or on our website our email addresses are listed there.

R. Davis: I was saddened that this wasn't delivered to the small businesses in town. If it wasn't for Neil I wouldn't have known that.

B. Jennings: and how are we supposed to communicate with all the town businesses?

R. Davis: when the events are being held they have no problem putting up there fliers.

S. Wagar: do you have a bulletin board?

R. Davis: I hang up everything everyone gives me whether they patronize it or not. I believe we can come up with a solution because we definitely nailed the problem tonight.

B. Hammersmith: you have two people here tonight that are concerned where are all the other 200 that are concerned? As a board if I was up there I wouldn't even worry about it. Just like the motocross thing.

P. Roder: nobody comes unless they are complaining.

B. Hammersmith: exactly and where are they tonight?

L. Eckhardt: glad people came tonight not those just complaining but we had a lot of good input.

**MOTION TO ADJOURN AT 8:19 PM**

**MOTION BY: RODER**

**SECONDED BY: DEMICK**

**VOTES OF: 5 AYE 0 NAY**

**\*\*A Workshop Meeting** is held every second Monday of every month at **7:00PM** at the Town Hall.

**\*\*A 2<sup>nd</sup> Public Hearing on the Mass Gathering Law**, will be held on **Monday, March 21<sup>st</sup>, 2016** at **7:00 PM** at the Town Hall.

**\*\*The next Regular Meeting** of the Town Board, Town of Stephentown will be held on **Monday, March 21<sup>st</sup>, 2016** directly after the Public Hearing, at the Town Hall.

*Stephanie M. Wagar*

**Town Clerk**