

TOWN OF ELBRIDGE  
PUBLIC HEARING AND TOWN BOARD MEETING  
AUGUST 4th, 2010

**CALL TO ORDER:** Supervisor Bush called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

**PRESENT:** Councilor George Betts, Councilor Bill Kuhn, Councilor Rita Dygert, Councilor Vern Richardson, and Supervisor Ken Bush.

**OTHERS PRESENT:** Town Attorney Dirk Oudemool, Dennis Pelmeur, Highway Superintendent; Leo Cooper, Outreach Worker; Jack Horner, Historian; Mark Grasmeyer, Senior Program Coordinator; Robert Herrmann, Codes; Ned Campbell, The Eagle Observer; Rob Weatherstone, Dan Conroy, Michael Riordan, John Moorehead, Rich Moorehead, Doug Blumer, Todd Rinaldo, Dana Anthonson, Richard Bruckner, Dawn Bersani, Kathy and John Meixner, and Debra Stapleton, Town Clerk. Roland Gassler entered the meeting at 7:07 PM.

**PUBLIC HEARING:** to consider adopting a new Local Law that would be known as “The Town of Elbridge Noise Law”. The purpose of this local law is to prevent the generation of excessive, unnecessary or unusually loud noise within the Town of Elbridge, for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety, welfare and prosperity of its inhabitants. Legal notice that appeared in the July 21st, 2010 Eagle Observer was available and was posted at the Town Clerk’s Office, Jordan and Elbridge Post Offices, Elbridge M&T Bank and Jordan Lyons Bank.

Councilor Dygert gave a synopsis of this proposed noise law, and how it came about. There were copies available for everyone to follow along, if they wished.

Supervisor Bush: Does anyone wish to speak in favor of a proposed noise law?

Dana Anthonson, of Pine Street, asked how do you gauge a decibel, and what are the degrees of such? Councilor Kuhn had a list of how many decibels are for quiet conversation, how many for lawn mowers and so on. There was discussion on how far noise carries and how noise only becomes noise when it’s offensive.

Dawn Bersani, of Grimes Road, has been in favor of initiating a noise law, as she’s been annoyed listening to a neighbor playing loud music in his car at all hours.

Supervisor Bush: Would anyone like to speak against the proposed noise law?

Rob Weatherstone, of Whistlestop Lane, questioned how many complaints have you had in the last year? Councilor Dygert replied it’s not the amount, but the effectiveness of dealing with complaints when they do come in. There will be a companion piece that would establish policies for the administration to carry out this law.

Dana Anthonson asked if this could shut down the Elbridge Gun Club, and Town Attorney stated the gun club is not exempt.

Dan Conroy of Sandbank Road said he was neither for nor against, but wondered if lawn mowers, which are exempt, could be changed to “power equipment” because of chippers and chain saws, and he thinks neighbor disputes could be a problem; also what about

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Rolling Hills Raceway, which is partially in the town? There was discussion on vehicles and Counsel stated any vehicle with plates would be exempt from this law because NYS controls them. Also, Counsel pointed out there is an exclusion of construction activity that would include chainsaws, but if a homeowner was using one, that would not be excluded, and then Dan said if that were the case, he completely is against this law, and a couple of others agreed with him.

Dennis Pelmear, Highway Superintendent, asked about emergency vehicles, and the snowplow uses back up alarms, but Counsel advised there is no question they're exempt.

John Moorehead, Case Road, sympathizes with Ms. Bersani, but feels the whole township would conform to an unnecessary law because of a couple individual situations that have not been negotiated.

Rich Moorehead, Halfway Road, also sympathizes, as he's worked second shift, and had a loud motorcycle nearby, but he spoke with his neighbor, and they worked it out, but he moved where he has a few acres of land, and he has chainsaws, tractors, dirt bikes, and enjoys loud music once in a while, and he believes it's his right as a landowner.

Rob Weatherstone asked who is it that gets called out at night? What's the cost of sending someone out? Councilor Dygert said they would be looking for written complaints, and patterns to follow up on. The board would want to know if an attempt has been made to discuss the problem with their neighbor.

Dan Conroy stated that if the law is approved, once a complaint is filed, won't you have to enforce that law?

There was discussion on legal recourse, harassment, and the number of complaints. There are different levels of sensitivity, and there should be objective standards.

Supervisor Bush declared the Public Hearing closed at 7:50 PM.

Supervisor said all comments will be considered and no action would be taken at this time.

**REGULAR MEETING:** Supervisor Bush called the regular meeting to order at 7:52 PM.

**PRESENT:** Councilor George Betts, Councilor Bill Kuhn, Councilor Rita Dygert, Councilor Vern Richardson, and Supervisor Ken Bush.

**OTHERS PRESENT:** Town Attorney Dirk Oudemool, Dennis Pelmear, Highway Superintendent; Leo Cooper, Outreach Worker; Jack Horner, Historian; Mark Grasmeyer, Senior Program Coordinator; Robert Herrmann, Codes; Ned Campbell, The Eagle Observer; Roland Gassler, Dan Conroy, Doug Blumer, Michael Riordan, and Debra Stapleton, Town Clerk.

**ADOPT MINUTES:** On a motion by Councilor Richardson, seconded by Councilor Dygert, the minutes of July 7<sup>th</sup>, 2010 were approved. UC

**MOTION TO PAY BILLS:** On a motion by Councilor Betts, seconded by Councilor Richardson, Abstract #7, General Voucher #'s 426-499, \$39,894.65, and Highway Voucher's 113H-131H, \$63,865.05, for a total disbursement of \$103,759.70 were ordered paid. UC

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**COMMUNICATIONS:**

- 1) a letter from the Board of Elections firming up polling locations and stating that privacy booths will be furnished for the Imagecast Voting System.

**PUBLIC COMMENTS:** Dan Conroy, concerning the proposed noise law, asked if the school would be exempt, in regard to band practice, and Counsel said no, the school is a separate government. Councilor Dygert could include the school in a companion piece. Another Public Hearing would not have to be held if the changes were less restrictive.

**REPORTS:**

Assessor: report is on file.

Highway Superintendent: report on file. Also, Councilor Richardson met with County DOT and is working on the Kester/Hall Road request for speed limit reduction- residents are upset, spoke with Dennis and they'll send a letter to DeFrancisco and Barclay.

Code Enforcement Officer: report on file-2 new homes.

Dog Control Officer: report on file and there's an issue with a Jordan resident's dog and an ongoing neighbor dispute.

Senior Program Director: report on file-annual picnic at hatchery, and 1-year anniversary of the JET.

Outreach Worker: report on file – I keep getting referrals for people needing help and have helped with social security and food stamps.

Historian: report on file and still cataloging photographs-over 3500 so far and there are more boxes.

Recreation Director: report on file-very successful summer rec program- many sporting programs coming up- fall ball, soccer camp, and lacrosse camp.

Planning Board: discussion on current subdivisions, and Tessy's traffic study.

Supervisor Bush, at this time, mentioned a letter from a Whiting Road resident complimenting Bob Herrmann, as Codes Officer, for expediting and improving a situation in her neighborhood. He wanted to publicly thank Bob.

**NEW BUSINESS:**

On a motion of Councilor Betts, seconded by Councilor Richardson, the following resolution was:

ADOPTED: 5 AYES Betts Kuhn Dygert Richardson Bush  
0 NAYS

Resolution 86-10

**Resolved:** The Town Board of the Town of Elbridge approves the following Ambulance District Billing rates effective midnight August 4<sup>th</sup>, 2010 for services provided by the Jordan Fire Department, Inc.

BLS \$350.

ALS1 \$450.

ALS2 \$550.

Mileage \$7.00

Refusal \$90.00

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On a motion of Councilor Richardson, seconded by Councilor Dygert, the following resolution was

ADOPTED: 5 AYES Betts Kuhn Dygert Richardson Bush  
0 NAYS

Resolution 87-10

BE IT RESOLVED, that the Town of Elbridge hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Supervisor	Ken Bush	6	1/1/10-12/31/13	N	18.33
Town Clerk	Debra Stapleton	7	1/1/10-12/31/13	N	20
Councilor	William Kuhn	3	1/1/10-12/31/13	N	10
Highway Superintendent	Dennis Pelmear	8	1/1/10-12/31/13	N	20
Recreation Director	Joseph Patrick	4	1/1/10-12/31/10	N	13.34

On a motion of Councilor Dygert, seconded by Councilor Richardson, the following resolution was

ADOPTED: 5 AYES Betts Kuhn Dygert Richardson Bush  
0 NAYS

Resolution 88-10

RESOLVED: The Elbridge Town Board hereby amends the Rental Rates for use of the Jordan Elbridge Community Center as follows:

- 1) Lions Den (40-50 people) \$75.00 plus \$50. security deposit
- 2) Community Room (up to 100 people) \$125.00 plus \$50. security deposit
- 3) Lions Den & Community combo (up to 150 people) \$175.00 plus \$50. security deposit
- 4) Funeral Brunches No fee (Residents / Immediate family only)
- 5) Non- profit groups (meetings) No fee  
(Scouts, Lion's, Clubs, etc.)

A motion was made by Councilor Dygert, seconded by Councilor Richardson that the preceding resolution #88-10 be amended to include, after section 4, Funeral Brunches, no fee, for "Residents/Immediate family only."

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On a motion of Councilor Richardson, seconded by Councilor Dygert, the following resolution was:

ADOPTED: 5 AYES Betts Kuhn Dygert Richardson Bush  
0 NAYS

Resolution 89-10

**Resolved:** The Elbridge Town Board resolves to authorize the Supervisor to sign an agreement with Onondaga County's Surplus Management Program.

On a motion of Councilor Betts, seconded by Councilor Richardson, the following resolution was:

ADOPTED: 5 AYES Betts Kuhn Dygert Richardson Bush  
0 NAYS

Resolution 90-10

**Resolved:** After a review of our solicitation for requests for proposals for the Hartlot water project, the Town Board of the Town of Elbridge authorizes Ken Kaufman to commence work to complete the project, as well as addendums I and II at a price of \$26,600., in accordance with proposal date July 7, 2010, subject to a signed contract after legal review.

On a motion of Councilor Bush, seconded by Councilor Betts, the following resolution was:

ADOPTED: 5 AYES Betts Kuhn Dygert Richardson Bush  
0 NAYS

Resolution 91-10

**Resolved:** authorize the Town of Elbridge to enter into an Intermunicipal Agreement with the Village of Elbridge and the Village of Jordan regarding the disbursement of New York State grant money for upgrading water transmission facilities subject to the approval by Town Attorney as to form and content and authorize the Supervisor to sign.

**COMMITTEE REPORTS:**

Councilor Betts: thanked Dennis for help with a broken flagpole at a cemetery.

Councilor Kuhn: waiting for parking lot lights, short discussion re: the town clerk's office repair and a window replacement.

Councilor Richardson: attended Jordan Pool meeting –they've had a good year and received grant money to resurface bottom.

Councilor Dygert: also commented on Bob Herrmann's performance in dealing with people-his professionalism is appreciated. Discussed phone system.

Supervisor Bush: recent change in law concerning the dissolution of villages, and recently went to a village meeting and the trustees understand, but maybe some residents don't know, and the town board should know all the districts that would need to be covered- lighting, water, sewer, trash, etc.-many ramifications.

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**AUDIENCE PARTICIPATION:** Doug Blumer asked if the town residents would have any vote if a village dissolved and the answer is no.

Jack Horner stated four people met with Attorney Oudemool concerning Eno Point and the concern of having some people living there year round, rather than seasonal, and the impact of their sewer situation. There was discussion on this potential health problem.

**MONTHLY REPORTS ON FILE:** Supervisor, Town Clerk, Water Superintendent, Codes, Historian, Outreach Worker, Senior Program Coordinator, Recreation, Assessing, Dog Control, and Highway Superintendent.

**ADJOURNMENT:** On a motion by Councilor Richardson, seconded by Councilor Kuhn, the meeting adjourned at 9:10 PM.

Respectfully submitted,

Debra H. Stapleton  
Town Clerk