

TOWN BOARD WORK SESSION
April 3, 2024
1:00 PM

Supervisor Holdridge opened the meeting at 1:00pm.

Attendance Rollcall:

Supervisor Holdridge	Present <u> x </u>	Absent <u> </u>
Council Member Ardisana	Present <u> x </u>	Absent <u> </u>
Council Member Becker	Present <u> x </u>	Absent <u> </u>
Council Member Courtenay	Present <u> x </u>	Absent <u> </u>
Council Member Dysinger	Present <u> x </u>	Absent <u> </u>

Also Present: Elizabeth Cassidy, Esq.

Determination of Quorum: Yes X No

Pledge of Allegiance

Supervisor Holdridge explained a work session is just a meeting to discuss matters before the Town Board and that no actions would be taken.

ETHICS REFORM

The Town Board discussed matters of Ethics Reform. Attorney Cassidy provided sample local laws and articles concerning the topic.

Supervisor Holdridge commented there is no reason for complaints to be voted on by the Town Board before going to the Ethics Board.

Council Member Becker brought up the topic of complaints not going through Town Office but through Attorney's office. Attorney Cassidy explained the current law directs the complaint be filed with the Town Clerk and the Town Board may accept or reject in whole or part. It was decided the complaint should not go through the Town but directly to the Ethics Chair.

Council Member Courtenay said he thought the rules need to be pulled apart since there is no repercussion or penalty if there is a violation. He suggested we follow Orange County provisions.

Council Member Dysinger opined that the current law doesn't follow process part and consequence part. He questioned if the matters before the Board are considered ethical or legal. Attorney Cassidy opined, as a quasi-judicial board, it looks at set facts to see if they fit with a violation. And since NYS Law enables the codification of ethics standards, when breaking the Ethics Code, it is in fact breaking the law. An example is if there is an interest in a contract and not disclosed and then the member votes they could be tried and found guilty of a misdemeanor, the contract becomes null and void. She said the ramifications need to be defined. The Town Code is in addition to and not a replacement of the NYS GML, and County Charter where applicable.

Attorney Cassidy offered there be a member secretary of the Ethics Board and decision issued to the Town Clerk for filing. She added the purpose of the Board is not solely for complaints, but if a request is made for an advisory opinion as well, so to be used as both a sword and shield.

She is to amend 7-9 Political Activity and 7-9.1 Nepotism. She will provide a red-line to be circulated for comments in a couple of weeks.

NOISE ORDINANCE REFORM

The Town Board discussed the reform of the noise ordinance.

Council Member Dysinger forwarded his latest edits to the Board. He said the current law sets the decibels at 85 which he said is the threshold that causes harm to the eardrums. He added it conflicts with the Comprehensive Plan recommendation of 65 decibels, which is common with other Towns. He commented it should vary by location in the Town, based on zoning district and should be extended further to time of day and day of week. He suggested it protect residential areas and in industrial areas it be lowered on Sundays. He said jake brakes should be banned from 7pm-7am. He said there would be exceptions such as snow removal and suggested that noise meters be available to each police car at a cost of approximately \$400-\$500 each. He will provide example codes from other Towns.

Council Member Courtenay commented that there has been a decrease in noise pollution since the law was enacted and said the Police Chief or Building Inspector should be involved in the amendment process. He added that the Comprehensive Plan should be mirrored to the code.

Supervisor Holdridge added that events that are Town sanctioned such as at the SLPAC and Sugar Loaf Crossing are exempt.

Attorney Cassidy opined that when an objective vs. subjective standard is applied, subjective makes it easier to enforce while using a straight decibel requires a meter. You can also consider noise that is unreasonable such as repeated fire alarms or dogs barking.

AGENDA AND BOARD MEETING RULES

The Town board discussed standardizing rules for all Boards and any municipal body of the Town for efficiency and good appearance.

The Town Board to further review. Attorney Cassidy stressed that from a legal perspective, all board resolutions for approvals for and denials of land use and ethic decisions be filed with Town Clerk. The matter to be considered for adoption in May.

New Business

FIBER OPTICS

Council Member Courtenay brought up the TV channel upgrade for meetings and, knowing it's a big cost, asked how the agreement with the cable company to 2028 would impact. Supervisor Holdridge said this leads into the conversation about fiber optics. He said the Comptroller doesn't believe we are getting enough from Optimum to keep the contract. A meeting is to be set with the Comptroller, Council Member Courtenay and Town Clerk Zappala to further discuss the matter.

PROCUREMENT POLICY

Council Member Becker brought up the well estimates for work in the Sugar Loaf Water District exceeding our current procurement policy. A discussion ensued as to whether the current procurement policy was adequate at \$25,000 before sealed bids.

Attorney Cassidy explained the NYS code calls for sealed bids on public works over \$35,000 and purchase contracts over \$20,000. It was noted that contracts cannot be broken down unless different providers were involved.

Amendments for vendor requirements under new processing implementation to be discussed with the Comptroller.

An updated procurement policy will be drafted by April 24, 2024. It will not need a public hearing for adoption.

PUBLIC COMMENTS

Mr. VanPamelen of Tin Barn asked how the public would be informed of the proposed changes to the noise ordinance. Attorney Cassidy replied that it would be posted as an Introductory Local Law with a public hearing to be held approximately within a month from then. Supervisor Holdridge said it will be placed on the agenda and there will be time for review.

Rodney Mullings, 11 Grandview Terrace, presented a complaint concerning an AIRBNB. He was referred to the Village of Chester.

Robert Valentine, via FB, asked why the Town Attorney has used the term “sword” concerning the Ethics Board as it is irresponsible. Supervisor Holdridge replied that the comment addressed the current code as it is reactionary but not proactive. Attorney Cassidy clarified her speech to explain the primary action of the Board has been in response to complaints and not an affirmative seeking advisory opinion of the Board.

Donna Ann, via FB, commented that she was in favor of the noise ordinance reform to be in compliance with the Comprehensive Plan. She said commercial exemption should be removed so as not to have more rights than residential.

John McElroy asked if a party held outside would need a permit. He added decibel meters can be found on a phone app. Supervisor Holdridge said permits are required for large scale events and the code addresses the times of allowance.

Connie Roach, via FB, asked how the noise levels will be enforced, cost and number of noise meters required, and cost of training required. Supervisor Holdridge replied the Police Chief would be conferred with on the matter.

Lydia Cuadros asked what the \$25,000 purchase for the Sugar Loaf Water District was for. Council Member Becker said it was to get the well previously tested as having e-coli back on line.

Giuseppe Cassara said the noise meter app is not accurate. He said 2 meters were needed to have a back-up available.

Colleen Collins said one meter is sufficient and can cost up to \$800.

EXECUTIVE SESSION

ON A MOTION BY Council Member Becker and second by Councilmember Dysinger to enter in Executive Session at 2:05pm on a matter of personnel.

VOTE: AYES(5): Holdridge, Ardisana, Becker, Courtenay, Dysinger **ADOPTED**

ON A MOTION BY Council Member Dysinger and second by Councilmember Dysinger to adjourn the Executive Session at 2:35pm.

VOTE: AYES(5): Holdridge, Ardisana, Becker, Courtenay, Dysinger **ADOPTED**

ADJOURNMENT

ON A MOTION BY Council Member Dysinger and second by Councilmember Dysinger to adjourn the meeting at 2:35pm, there being no further business brought before the Board.

VOTE: AYES(5): Holdridge, Ardisana, Becker, Courtenay, Dysinger **ADOPTED**

Respectfully submitted,

Linda A. Zappala
Town Clerk
2024-04-03