

Town of Andes
Public Hearing at Andes Town Hall
Proposed Local Law #6 of 2013
A local law regulating unreasonable noise within the town
And Proposed Local Law #7 of 2013
A local law concerning the permitted use of the Town of Andes Transfer
Station
October 8th, 2013 at 12:45PM

Present:

Supervisor Martin A. Donnelly	Councilman Daniel Grommeck
Councilman Thomas Hall	Councilman Martin Liddle
Councilman Wayland Gladstone	Highway Superintendent Michael McAdams
Town Clerk Kimberly Tosi	Assessor Tina Moshier
Deputy Highway Superintendent Bradley Darling	

Other:

Alex Adelson	Buffy Calvert	Steve McQuide
Wayne Decker	Sherab Posel	William Day, Weather Tite
Elaine Geller	Dorothy McArdle	Rick Burnett
Helen Martin	Edward P. Callahan	Brianne Ackerly
Gerard Misk	Sharon M. Drew	Tom Joyce
Jane Miller	Cheryl Peterson	Bill Drew
JoAnne Callahan	Robert A. Abbate	Edward Broadback
Debra Abbate	Mark Rossley	Maria Ditchek
Rob Laing	Shayne Moshier	Darwin Finkle
Michael Passafiume	Suzanne Gladstone	Dale Cole
Fred Cubero	Anita Lanziero	Arnold Jones
Merna Popper	Glen Faulkner	Karen Monroe

Call to Order:

The public hearing was called to order at 12:45PM by Supervisor Donnelly.

Pledge:

The pledge of allegiance was led and recited by Councilman Grommeck.

Public Comment:

Noise Ordinance-

Sharon Drew of Gladstone Hollow Road- What were the complaints and how many were there? Why did the board decide to look into the ordinance?

Supervisor Donnelly answered this to say that over the past four or five years, maybe longer there were a 1/2 a dozen or a dozen complaints of constant noise in certain areas. This concern was brought to the Town Attorney. He drafted the law. It was sent to Sheriff Mills to see whether or not it was enforceable and he said it was.

Elaine Geller of Beaver Creek Hollow Road- In favor of the local law. Lives near Camp Nubar. She stated that she has spoken to the camp on numerous occasions and they have not altered their noise level or been interested in her concerns.

Rob Laing of Gladstone Hollow Road- Opposed to the local law. Stated that NYS has a 'disturbing the peace' law already and anyone with a noise issue should call the Sheriff's department or the State Troopers and report the incident.

Sherab Posel of Blazing Wisdom Institute on Fall Clove Road- In favor of the local law. Mr. Posel gave the board a list of suggested changes to the law. He has called the Sheriff's Department several times, however the state noise laws do not govern gun fire.

Darwin Finkle of Gladstone Hollow Road- Opposed to the local law. Questioned whether or not this ordinance would affect gun fire on your own property. Supervisor Donnelly stated that it could.

Gerard Misk Attorney for Camp Nubar on Fall Clove Road- Mr. Misk indicated that a law very similar to the one proposed had been found unconstitutional in the NYS Court of Appeals, People v. NY Trap Rock Corp. There are too many subjective qualifications it would be impossible to enforce. The law should have something objective that can be measured.

Steve McQuide of Perch Lake Road- In favor of the local law. The camp on Perch Lake Road, is constantly using their loud speaker system even into the night. The Camp has not responded to any of the complaints from the home owners on Perch Lake.

Edward Callahan of Wolf Hollow Road- Opposed to the local law. He can hear the loud speakers from his home for Camp Nubar. Questions if there could be a compromise between this law and no law.

JoAnne Callahan of Wolf Hollow Road- Opposed to the local law. Indicated that she agreed that people's sensitiveness are quite different. When they came up here on the weekends only, noise bothered her a lot more and now that she is here full time, it just seems to be part of existence.

Suzanne Gladstone of Gamblicher Road- Opposed to the local law. The camps bring a viable income to this community and it is very important to us. Hopefully there can be a

compromise. Questioned if the board could sit down with the two camps and the complainants instead of putting in effect a local law like this.

William Day of Weather Tite Construction on Gladstone Hollow Road- Opposed to the local law. Concerned that the law will restrict the time that he is able to start work. In the summer he starts work very early, before the law would permit, to try and avoid the high temperatures while roofing, etc.

Three letters were received in regards to the local law all attached hereto.

A petition was also given to the town board against the local law with 99 signatures.

Supervisor Donnelly thanked everyone for coming and stated that before any action is taken everyone present will be notified.

Transfer Station Law- Began at 1:23PM

Bob Abbate- Is the new sticker system going to be free for residence?

The fee will be \$1/sticker.

Buffy Calvert- Will the stickers be distributed just because you are a tax payer or will you have to apply?

You will have to come into the Town Hall and see the Town Clerk or the Code Enforcement Officer to receive a sticker.

Mark Rossley- What are the town's average overage charges for C&D?

We are averaging \$2200-\$2400/Quarter, occasionally much higher.

Tina Moshier- Was this local law posted or advertised where people could see it? She was concerned that with the new law people would be dumping their trash on the side of the road instead of taking it to the dump.

Shayne Moshier- Why can't the town board sit down with Sue McIntyre at the county and renegotiate the contract we have with them? Why can't we get the money back for our recyclables, why does it automatically become the County's property?

Mark Rossley, Town Board Member for Bovina- Recommended the board to speak with Sue McIntyre and get your rates to go down. Some things that have been going into the C&D bin, should be going into the normal garbage.

Bill Drew- Are we obligated to give the County the steel that is dumped in our transfer station?

You do not have to take it to the transfer station, but once it is at the transfer station it belongs to the County.

Maria Ditchek- She feels that contractors should pay more than normal residents.

Adjourn:

The public hearings were closed at 1:35PM.

Town of Andes
Regular Board Meeting at Andes Town Hall
October 8th, 2013 at 1:00PM

Call to Order:

Supervisor Donnelly called the meeting to order at 1:36PM.

Privilege of the Floor:

-Arnold Jones of NYS Taxation and Finance: Assessor Award and STAR Registration

Mr. Jones presented Assessor Tina Moshier an award for Excellence in Equity. He then gave a presentation on the new STAR registration rules. The new registration rules only apply to those with Basic STAR. If you have Enhanced STAR you should follow the same procedures as you have in the past. If you have not received a letter in the mail from NYS or have questions regarding your new registration please call (518)457-2036. A copy of the presentation given can be found on the town's website or in the Town Clerk's Office.

-Glen Faulkner of MTC: Renew the franchise agreement

Mr. Faulkner presented the Town Board with a Franchise agreement between the Town of Andes and Margaretville Telephone Company. This is a 10 year agreement that is set to expire in February 2014. The new agreement takes into account the new public service commission requirements. There now, only has be 15 homes per mile to continue on with cable service. The agreement ensures the proper insurance and allows the use of the town's right of way.

Councilman Gladstone asked if our bills could be analyzed to see if there could be a reduction in the cost of our phone bills. He also inquired if there was anything the telephone company could do to help get cell service in the Town of Andes. Mr. Faulkner indicated that there is something in the works, however a service provider has to be interested in coming to the area first.

**There will be a resolution for the franchise agreement at the November Board Meeting.

Reports:

Highway Report 9/11/13 – 10/8/13

Equipment

2009 International 6x6 – Changed front rear axle cover 32,950 miles.

2004 International 4x4 – Greased, checked fluids, adjusted clutch and had passenger side windshield replaced 47,414 miles.

2000 International – Replaced leaking air line under cab, installed new hydraulic line and replaced bent valve stem in front tire. 169,800 miles

2003 John Deere Loader – Greased and checked Fluids 6875 hrs

2005 John Deere Backhoe – Changed oil, fuel, air and transmission filters, greased and checked all fluids 3929 hrs.

1989 John Deere Grader – Changed blade, fixed lights, greased and checked all fluids

1984 Case Roller – Installed new alternator and belt.

1994 Waldon Broom – Replaced bristle's, installed new outer air filter, greased and check fluids 2444 hrs.

Roads Worked

Forest Lane, Old Gladstone Hollow Road, Dibble Road

Crescent Hill Road – Worked Road and Added 5 loads of Crusher run on second corner up in.

Engel Road – Ditched and Worked Road. Hyzer Hill Road – Ditched and worked road. Hauled 20 loads of gravel to various sections of the road. Gambichler Road – Ditched and Worked Road. Perch Lake Road – Ripped up Rough oil and stone section by the old tennis court.

Dingle Hill Road –Pug-mill paved and sealed 2.1 miles, 1.1 mile from Ann Barrett's to Soderback's and 1 mile from Steve Berg's to County hwy 1.

Fall Clove Road – Sealed 2 miles from just before Henning's Rd to Steven's Driveway

Highway Garage Parking Lot –Pug-mill Paved from County Rd to Dip, Then sealed whole thing including Black-top in front of building

Canada Hollow Road –Ditched entire road, Ripped up old oil and stone and worked. Pug-mill paved 1.1 Miles starting from top by pillars down

New Culverts

Engel Road – 18" x 20' Steel Culvert half way up first hill 9/16/13

Weaver Hollow Road – 2' x 40' Plastic Culvert just above city parking area 9/30/13

Other

I would like to thank the following Towns for helping us with our recent paving projects. Hamden, Bovina, Colchester, Middletown and Roxbury.

Respectfully Submitted,

Michael McAdams

*Councilman Gladstone questioned who could be contacted in regards to the bottom of Beech Hill Road where it meets Route 30. It is getting to be quite a mess. McAdams said that he would contact DEP and see if they have plans in the works to fix this.

**The highway department has also acquired two wing towers for the new Army Surplus trucks.

***Councilman Gladstone brought up the Town of Meredith and their use of p-stone in the winter. He feels that it is more abrasive and cleaner. McAdams said that it maybe, but it is more slippery, but maybe if it was mixed with sand it would work better.

****Councilman Gladstone and Highway Superintendent McAdams met with Dr. Chakar at the school concerning the shared use of the highway department's fuel tanks. Our system will need an upgrade. The school has offered to pay 1/2 the cost of this, which is estimated to be around \$3000-4000. If the board decides to move ahead with this it will begin in January 2014. We will do a volume bid and bill the school monthly.

Supervisor's Report

- 1.) We sent a letter to David Capps an Andes resident in reference to his request to use Ballantine Park next Community day as he did this year.
- 2.) Melvin Harrington spoke to Kim in reference to two positions to be filled in the Town that he saw on the Town's Website. Emergency management coordinator and the new position of Hazard Mitigation person. These are both non-paying positions. I offered the positions to him after I spoke to Fire Chief Joe Berghammer, and Richard Bell at the county. He was going to go in and speak to Kim on 9/30/2013. I don't know if he ever did or not.
- 3.) The Delhi Pool was reopened to the public on 9/20/2013.
- 4.) As a requirement of our Soils and Water grant for Ballantine Park, Birgetta Brophy the landscape architect did a power point presentation on 9/10/2013 at 6:30PM.
- 5.) On 9/10/2013 I received a letter from State Senator Seward that showed us what Andes received from the 2013 State budget. A 17.9% increase in state aid to Andes Central School, a \$2,000 grant to the Andes Library, and a 28.63% increase in state highway aid.
- 6.) On 10/3/2013 I received a check from the Army Corp of Engineers for \$299,000, this is part of the payment for the WWTP rehab.
- 7.) Today we had a public hearing on a proposed noise ordinance. This was pre-approved by Tom Mills the Delaware County Sheriff as to the enforceability by his office.

- 8.) We have been working on our proposed Town Budget for 2014.
- 9.) On 10/4/2013 Marge Merzig wrote to us to confirm that while a budget workshop is open to the public no minutes are required to be taken. In fact unless the proceeding is fully transcribed it is inadvisable to pick and choose the facts to be recorded until a formal vote is taken.

Motions:

Motion to approve the September 2013 minutes and September Workshop minutes, made by Councilman Liddle, seconded by Councilman Grommeck. All in favor, motion carried.

Motion to approve the Town Clerk's report, Justice's report, Supervisor's report and dog control officer report, made by Councilman Liddle, seconded by Councilman Hall. All in favor, motion carried.

Motion to authorize the payment of the election inspectors for the general election prior to the November Board meeting, made by Councilman Gladstone, Seconded by Councilman Hall. All in favor, motion carried.

Resolutions:

Resolution #24 of 2013 Authorization for Justice Court Funding

Be it resolved that; Town of Andes Justice, Joseph R. Grieco, is hereby authorized to submit an application for funding through the Justice Assistance Program for the 2013 cycle.

Be it further resolved that; said funding shall be used to enhance the Justice Court's ability to provide suitable and sufficient services to the Town of Andes.

Proposed by Councilman Liddle

Seconded by Councilman Gladstone

Roll Call:

Councilman Gladstone-----Aye

Councilman Grommeck----Aye

Councilman Hall-----Aye

Councilman Liddle-----Aye

Supervisor Donnelly-----Aye

Resolution #25 of 2013 Budget Transfer

Be it resolved by the Town Board of the Town of Andes to transfer \$10,000.00 from DA5120.4 (Bridge Account) to DA5110.4 (General Repairs)

Proposed by: Councilman Hall

Seconded by: Councilman Liddle

Roll Call:

Councilman Gladstone-----Aye

Councilman Grommeck-----Aye

Councilman Hall-----Aye

Councilman Liddle-----Aye

Supervisor Donnelly-----Aye

Local Laws:

Resolution 26 of 2013 A local law regulating unreasonable noise in the Town

Motion to table the Local Law until the November board meeting, made by Councilman Liddle, Seconded by Councilman Grommeck. Three in favor-Liddle, Grommeck, and Donnelly, Two opposed-Gladstone and Hall, motion carried.

Resolution 27 of 2013 A local law concerning the permitted use of the Town of Andes Transfer Station

In the Matter of Adoption of Local Law No. 6 of 2013 entitled "A Local Law concerning the permitted use of the Town of Andes transfer station"

WHEREAS, the Town Board has reviewed and considered the proposed Local Law #6 of 2013; and

WHEREAS, the Local Law was presented to the Town Board at least 10 days prior to the Town Board meeting on October 8, 2013; and

WHEREAS, the public hearing was properly noticed in the Town's official newspaper on September 26, 2013; and

WHEREAS, the public hearing on the proposed local law was held on October 8, 2013 at 12:45PM at the Town Hall; and

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed Local Law; and

WHEREAS, the proposed Local Law was on file for inspection at the Town Clerk's office prior to the hearing and during the public review process;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ANDES, DELAWARE COUNTY, NEW YORK:

THAT THE Town Board of the Town of Andes hereby determines that the proposed Local Law No. 6 of 2013, attached hereto and made a part hereof, is hereby adopted as a

Local Law entitled “A local Law concerning the permitted use of the Town of Andes transfer station”, and

IT IS FURTHER RESOLVED, that the Town Clerk and Attorney for the Town are hereby directed to take such actions as are necessary to implement this resolution and effect adoption of the Local Law

Proposed by: Councilman Liddle

Seconded by: Councilman Grommeck

Roll Call

Councilman Grommeck-----Aye

Councilman Hall-----Aye

Councilman Liddle-----Aye

Councilman Gladstone-----Aye

Supervisor Donnelly-----Aye

Approval of bills:

Motion to approve General Warrants #266 to 294 totaling \$59,359.69

Highway Warrants #192 to 216 totaling \$90,802.72

WWTP Warrants #235 to 253 totaling \$45,125.41

Water Warrants #55 to 63 totaling \$2,755.87 made by Councilman Liddle,
Seconded by Councilman Hall. All in favor, motion carried.

Districts:

Water-

I would like your permission to sign the renewal of our Water District contract with Delaware Operations.

On 9/16/2013 the NYS Department of Health wrote Brett Sage from Delaware Operations giving him permission to replace a carbon tank that had been leaking at the Library well. This has been completed.

Motion to authorize Supervisor Donnelly to sign the renewal of our Water District contract with Delaware Operations, made by Councilman Liddle, Seconded by Councilman Gladstone. All in favor, motion carried.

Motion to approve Turnkey Control Solutions to perform the yearly calibration of 2 turbidity meters at a cost of \$300, made by Councilman Hall, seconded by Councilman Liddle. All in favor, motion carried.

Motion to approve Reeds Generator Service to service the generator at a cost of \$349.57, made by Councilman Liddle, seconded by Councilman Gladstone. All in favor, motion carried.

Sewer-

Motion to approve Turnkey Control Solutions to calibrate 5 flow meters and 1 turbidity meter at a cost of \$945.74, made by Councilman Hall, seconded by Councilman Liddle. All in favor, motion carried.

Motion to approve Area Sewage Disposal to pump out all 15 septic tanks on the Gladstone Hollow line at a cost of \$2,950.00, made by Councilman Liddle, seconded by Councilman Grommeck. All in favor, motion carried. *Councilman Hall questioned whether the price reflected the \$0.05 deduction for taking this to Margaretville. This was unknown.

Executive Session:

Motion to enter into executive session for personnel reasons, made by Councilman Liddle, Seconded by Councilman Grommeck. All in favor, 2:50PM

Motion to exit executive session made by Councilman Liddle, seconded by Councilman Gladstone. All in favor, 3:08PM

The assessor salary was again discussed.

Councilman Gladstone felt that the assessor's salary should be comparable to other towns, with \$25,000 salary with a contribution to the insurance. He felt that we should take the bookkeepers advice from last year and lower it. He also suggested that this should be made into an appointed position to get this under control. After 6 years with 3% raises every year, it would be about a \$50,000 salary.

He also suggested that the 5% raise for the general budget employees should be lowered to 3%. Supervisor Donnelly stated that in previous years the general employees have always been given what the highway employees have received.

Councilman Grommeck felt that the assessor's salary should stay at the \$39,000 reduction that had been offered with full benefits.

Councilman Hall felt that the salary was still too high when combined with the benefits package.

Councilman Liddle agreed that it should be left.

Another budget workshop was scheduled for Tuesday, October 15th, 2013. This was changed to Thursday, October 17th, 2013 at 7:45PM due to a scheduling conflict at the town hall.

Adjourn:

Motion to adjourn the meeting was made by Councilman Liddle, seconded by Councilman Grommeck. All in favor.

3:30PM

Respectfully Submitted,

Kimberly A. Tosi

Town Clerk

DELAWARE OPERATIONS, INC.

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-432-8073 • FAX 607-432-0432

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
October 8, 2013**

1. Water System

- Daily usage of treated water from the water system averaged 23,346 gallons per day for the month of September 2013.

2. Plant Purchases

3. O&M

- Delaware Operations requests the approval to have Turnkey Control Solutions perform the yearly calibration of 2 turbidity meters at a cost of \$300.00.
- Delaware Operations requests the approval to have Reeds Generator Service, LLC service the generator at a cost of \$349.57.

4. Equipment

5. Distribution System

TURNKEY CONTROL SOLUTIONS, INC.
FOR
ANDES WATER DEPT.

PROJECT SCOPE SUMMARY

AUG.28TH 2013
PROPOSAL No.: QFM43-013-077

ANDES WATER DEPT.
CALIBRATIONS

PRESENTED BY:
TURNKEY CONTROL SOLUTIONS, INC

101-109 East Main Street
Endicott, New York 13760
USA
(v) 607 785 8164 (f) 607 785 8165
1 877 EB90 888



PROJECT SCOPE

Description of Project Work Packages

Calibration of turbidimeters.

Cost for above work: \$ 300.00

This project will be billed on a T&M basis.

Payment Terms

100% of equipment will be invoiced upon Purchase Order

Turnkey Control Solutions, Inc. looks forward to working with you.

Please feel free to contact me directly with any questions.

Thank you and Best Regards,

Bill Semcho
Field Service Tech
1(607) 752-2492
bills@tcsinow.com

REEDS GENERATOR SERVICE LLC
DAVIS REED
17495 STATE ROUTE 92
JACKSON, PA 18825



TEL & FAX: 570 756-3039
CELL: 570 442-1347
Contractor# PA012540
reedsgenerators.com

Prices for 25KW Generac Generator Serial# 5792709 Model# QT02516ANSN :

\$300.00 / Service

\$ 27.07 / coolant bottle

\$ 22.50 / Hoses & Clamps

DELAWARE OPERATIONS, INC.

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-432-8073 • FAX 607-432-0432

TOWN OF ANDES, NY TOWN BOARD MEETING REPORT BY DELAWARE OPERATIONS October 8, 2013

1. WWTP Plant

- Plant effluent flows averaged 24,160 gallons per day for the month September 2013.

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for September 2013 met all parameters.

3. Collection System

- High Street is being maintained as required.

4. Plant Purchases.

5. Plant O&M

- Delaware Operation requests the approval to have Turnkey Control Solutions Inc. to calibrate 5 flow meters and 1 turbidity meter at a cost of \$945.74.

6. Plant Equipment.

7. Gladstone Hollow Septic System

- Delaware Operation requests the approval to have Area Sewage Disposal pump out all 15 septic tanks on the Gladstone Hollow line at a cost of \$2,950.00.

Andes WWTP

From: Ian Cook <i.cook@cekiff.com>
Sent: Friday, September 27, 2013 10:44 AM
To: andeswste@catskill.net
Subject: Bid for septic pumping

Area Sewage Disposal Bid for Town of Andes Waste Water Treatment Plant.

Description:

Pump thirteen (13) one thousand (1,000) gallon residential septic tanks, and two (2) fifteen hundred (1,500) residential septic tanks.

Total cost \$ 2,950.00

*If Margaretville DEP can accept all loads of septage than you may deduct \$0.05/gallon for loads that are disposed of at Margaretville plant. Possibly saving up to \$800.00 from total cost.

Thank you,

Ian A. Cook
C.E. Kiff, Inc.
Vice President

ianc@cekiff.com 607-435-6187 Cell 607-746-2224 Office 607-746-2699 Fax
www.cekiff.com

TURNKEY CONTROL SOLUTIONS, INC.
FOR
ANDES WWTP

PROJECT SCOPE SUMMARY

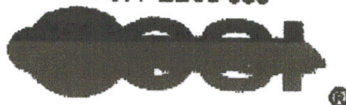
AUG.28TH 2013
PROPOSAL NO.: QFM43-013-073

ANDES WWTP
CALIBRATIONS

PRESENTED BY:
TURNKEY CONTROL SOLUTIONS, INC

101-109 East Main Street
Endicott, New York 13760
USA

(v) 607 785 8164 (f) 607 785 8165
1 877 EB90 888



PROJECT SCOPE**Description of Project Work Packages**

Calibration of turbidimeters and flowmeters.

Cost for above work: \$945.74

This project will be billed on a T&M basis.

Payment Terms

100% of equipment will be invoiced upon Purchase Order

Turnkey Control Solutions, Inc. looks forward to working with you.

Please feel free to contact me directly with any questions.

Thank you and Best Regards,

Bill Semcho
Field Service Tech
1(607) 752-2492
bills@tcsinow.com

Oct 6th, 2013

Town Board Meeting, Oct 8th

I cannot be here as I have
a Div. appt. in Ontario.

Wish to make my concerns over
noise ordinance for Town of Andes.

A lot of us are not farmers But others
like myself keep chickens (roosters also).

Stand by generators for power outages.

Farmers who start early & work late.

People who no longer farm but like
to keep fields mowed (Bushhogged).

These people often have full time
jobs and do this on weekends and nites.

The extra income helps pay federal,
state & local taxes etc.

One complaint, (Camp Norhar) how
about you talk to them instead of making
whole town pay for their actions.

Things like mowing along roads, it
seems to me are more important than
this. You cannot see animals along
roads till they are in front of you.

I feel this noise ordinance goes way
overboard for a rural township.

Rifles, shotguns for hunting etc. have
to be sighted in. A lot of money comes
over

to local areas from hunting season,
What happened to Common Sense.
Are we becoming like congress,
senate etc. the your way or the
highway.

Reconsider this and the area
involved, go to Camp Nelson and
sit up limits with them, do not
punish the whole Township for
their inconsiderate actions.

Thank you for your time.

A very concerned local citizen.

Gladys Fairbairn

Jackie Cantor
1503 Perch Lake Road
Andes, NY 13731

[I respectfully request that this letter be read aloud at the Andes Town board meeting on Tuesday, October 8th, 2013.]

October 8, 2013

To the members of the Andes Town Board:

A potential noise ordinance in the town of Andes raises valid concerns. I've been a resident and taxpayer here for the past fifteen years, and I worry as much as anyone about being cited for using my lawnmower, hosting a rowdy midsummer cookout with friends, or harboring the world's most eager-to-bark dog. That said, surely there's a way to redress a persistent, unwelcome, and intractable source of noise pollution that I believe has no place in a rural residential community. An ordinance might pertain specifically to electronically amplified sound (both music and the spoken voice); doing so would not prohibit the common sounds of daily life and thus protect farmers and other private citizens from intrusive regulation.

My property is located on Perch Lake Road in Andes. My family uses it year-round as a weekend, summer, and vacation home, and we hope eventually to move here full-time. About six months after closing (in January 1999), we learned that a large nearby parcel with lake frontage had been sold to an owner who operates it as a children's camp. A website for the camp, L'Man Achai, bills it as an "overnight boys summer camp intertwined with the enriching experience of Jewish life."

From the very beginning of the camp's operation, its staff has displayed a flagrant disregard for the dozens of other residents on and around the lake. Most egregious is the insistent broadcasting of music and general announcements dozens of times a day (except for Friday evening and Saturday during the day), from sunup to after dark, over a network of loudspeakers. Even inside my house, *with the windows closed*, I can hear the noise from these loudspeakers. I need hardly mention how disruptive it is when I am in my yard or sitting on my porch. Catskills summers are short, and it's disheartening to be assaulted by noise when one yearns to be outside.

I believe that I speak for my neighbors as well as myself and my family when I say that these circumstances have profoundly affected the peace and tranquility of Perch Lake Road. Hostages to the noise, we feel powerless to curb its effects. I will sometimes leave my property for no other reason than to get away from the loudspeakers. I'm sure you're aware of the many studies that have catalogued the measurable effects of noise pollution on well-being. An article from www.medscape.com cites (among other things) the following: "Noise pollution may cause or contribute to the following adverse effects: anxiety, stress, nervousness, nausea, headache, emotional instability, argumentativeness, sexual impotence, changes in mood, increase in social conflicts, neurosis, hysteria, and psychosis. Population studies have suggested associations between noise and mental-health indicators, such as rating of well-being, symptom profiles, the use of psychoactive drugs and sleeping pills, and mental-hospital admission rates. Children, the elderly, and those with underlying depression may be particularly vulnerable to these effects

because they may lack adequate coping mechanisms.⁽¹⁾ Children in noisy environments find the noise annoying and report a diminished quality of life.^(10,37)”

Because the noise from Camp L'Man Achai is intermittent, unregulated, and capricious, there's no way to anticipate when, or for how long, it will shatter the quiet. It's amplified by proximity to water (the camp is located next to a large lake that's shared by other residents). The decibel level varies: sometimes the speakers seem to be turned in one direction and sometimes in another, bellowing music and general announcements that are repeated multiple times. The unpredictability of the noise is as disheartening as the noise itself.

In the nearly fifteen years since the camp's operation, I have repeatedly approached members of its staff, as has my partner, Chris Moore. We've left messages when we've reached the camp's voicemail but have never had our calls returned. Sometimes no one picks up the phone at all. Both Chris and I have walked (and in two cases, driven) on to camp property to politely request that the loudspeaker be turned down, only to be met with blank stares. On three different occasions, we spoke with someone who identified himself as Yitzi. He told us the loudspeaker *would* be turned down, but on all three occasions, by the time we returned to our house only minutes later, it had been turned up even louder than before. The futility of our good-faith efforts over the years suggests to me that the camp is not interested in forging a cooperative relationship with us, and indeed, that it feels contempt for us and doesn't share our belief in treating people with common decency and mutual respect.

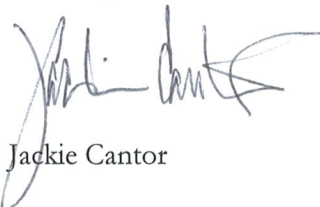
In July 2006, I wrote a letter to Sheriff Tom Mills about these difficulties, citing specific instances of the noise as well as our efforts to assuage it. Last summer, I spoke at length by phone to Marty Donnelly, with the same complaints. Both gentlemen were extremely sympathetic to my concerns, but neither felt I had any legal recourse. They advised me to approach the camp directly with a request for relief, which, as stated here, I have done many times with no discernible result.

To the best of my knowledge and belief, the camp is not licensed or chartered as either a synagogue or a school by the State of New York. The announcements it makes are secular in nature (referring to bus departure times, swim times, parent visiting days, and the like) and it seems clear to me that most of what takes place during the camp season – swimming, boating, fishing, hiking – does not constitute religious service. Thus I would argue that it is not subject to exception #1 listed in the proposed Town of Andes Noise Ordinance. As an Andes taxpayer, I believe I'm entitled to help from the board; I respectfully request that the code be sent to the Andes Council Attorney for legal interpretation.

It is my hope that a reasonable and enforceable noise ordinance for Andes will afford me and my neighbors some relief and allow us to enjoy our homes in peace.

Thank you for your attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jackie Cantor", with a stylized flourish at the end.

Jackie Cantor

Timothy Fairbairn
5155 Barkaboom Road
Andes, NY 13731

October 4, 2013

Town of Andes
115 Delaware Avenue
Andes, NY 13731

Re: Proposed Local Law 6 of 2013

To Whom It May Concern,

In the first place, the Public Hearing should be held in the evening when more people could attend, regardless of when the regularly scheduled Board meeting is.

Concerning the Proposed Law; in the first paragraph under the Title "Unreasonable Noise Prohibited" it is stated "It shall be unlawful for any person or organization to willfully make or continue, or cause to be made or continued, any loud, unnecessary, unreasonable or unusual noise, or to permit any other so to do, which disturbs the peace or quiet within the geographical boundaries of the Town of Andes, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness." Many of us heat our homes with wood which was cut with a chainsaw and split with a wood splitter. According to the way this Proposed Law is written, both the chainsaw and wood splitter use would be prohibited because both make loud noise and disturb the peace and quiet.

Many people have a generator either portable or an Automatic Standby Generator. Both are noisy. If the electric goes off are we to expect the noise police to come to our door because someone complained? Automatic standby generators have a weekly exercise cycle where they start up and run for a set amount of time, again a loud noise. What happens if someone complains about this?

Delaware County and the Town of Andes have been known for agriculture for years; please refer to numbers 4 and 5 under "Unreasonable Noise Prohibited." People have moved here for many years for this very reason. In agriculture, cows moo, pigs oink, and roosters crow. Are you really trying to say that if somebody complains about the noise of Marty Liddle's cows that he has to get rid of them or at the very least find muzzles for them? Now I checked on the internet, and I cannot find muzzles for cows anywhere and God forbid they complain about the sound of milker pump because as near as I can tell by this law, Marty would be out of business.

My mother just completed treatment for Lyme disease. She keeps chickens to help eat ticks that carry diseases. It is a natural, non pesticide way of control, helping to control many insects with the benefit of fresh eggs to eat. You're going to tell her it is better for her to have Lyme disease because someone does not like the sound of her rooster or chickens?

A lot of contractors and people that do brush hogging start work by 6:00 a.m. in the summer so they can beat the afternoon heat. According to the way this law is written this would be illegal.

As to number 6, page two, many people repair their own vehicles to save money. This area sure isn't an economic hotspot and many of us are struggling just to get by. Therefore, anything we can do to save money, we will do.

I'm not sure why number 8 is even included as it is already a violation under The Vehicle and Traffic Law.

If your neighbor does not like you, this Proposed Law provides an easy way for them to legally harass you.

Basically after reading this Proposed Law it reminds me of killing a mosquito with a shotgun. Sure it works, but it is definitely overkill. If you have a problem with a camp and their loudspeaker system then deal with that, don't throw a blanket (such as this Proposed Law), at everything and hope it takes care of the problem.

Lastly, our local law enforcement agencies are stretched thin enough as it is, without asking them to be the Noise Police for the Town of Andes.

Thank you for your time.

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy L. Fairbairn", written in a cursive style.

Timothy L Fairbairn

PROPOSED REVISIONS TO TOWN OF ANDES PROPOSED LAW 6 OF 2013
SUBMITTED BY BLAZING WISDOM INSTITUTE, 5468 FALL CLOVE ROAD, TOWN OF ANDES
OCTOBER 8, 2013

INSERT IN PREAMBLE PARAGRAPH ON UNREASONABLE NOISE:

"It shall be unlawful...person of normal sensitiveness. **Any sustained or repetitive noise measured at 90 decibels or above shall be deemed presumptively unreasonable and disturbing in relation to any location within the town from which such measurement is or can be made.**"

(OSHA and NIOSH consider this the threshold level for danger and discomfort). See
<http://www.gcaudio.com/resources/howtos/loudness.html>

INSERT IN NUMBERED PARAGRAPH 2 DEFINING UNREASONABLE NOISE:

"...or public place, **or emanating from a property proximate (within 500 feet) or** adjacent to..."

comment: as it stands now, this provision only covers public property, and not adjacent or nearby private property.

ADD TO NUMBERED PARAGRAPHS DEFINING UNREASONABLE NOISE:

"11. The use of firearms of any kind, other than for licensed hunting activities, including sustained or repeated firing of pistols, rifles, shotguns or other firearms over a duration of five minutes or longer for any reason, shall be deemed presumptively unreasonable and disturbing."

**PETITION TO TOWN BOARD OF THE TOWN OF ANDES URGING AGAINST THE PASSING OF PROPOSED
LOCAL LAW REGULATING UNREASONABLE NOISE WITHIN THE TOWN**

THE UNDERSIGNED, as residents of the TOWN OF ANDES, do hereby PETITION THE TOWN BOARD as follows:

WHEREAS, the Town Board of the Town of Andes has brought forth to be voted upon a proposed local law regulating unreasonable noise within the town; and

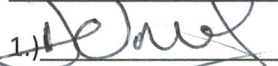
WHEREAS, said local law is unreasonable and cumbersome; and

WHEREAS, said local law will limit property owner rights;

NOW, THEREFORE, we petition the Town Board, our elected representatives, to consider the concerns and promote the best interests of the residents of the Town of Andes, and to not pass the proposed local law regulating unreasonable noise within the town.


By signing I confirm that I am at least 18 years old and a Town of Andes resident:


SIGNATURE	NAME	ADDRESS	DATE	DIST.
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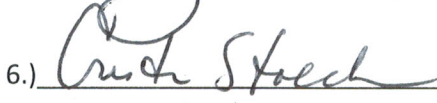
1.) 	P. Volkmer	3 Harsh Rd	9/30	
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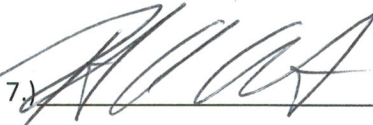
2.) 	P. Volkmer	3 Harsh Rd	9/30	
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3.) 	MARY HEANEY	1011 FINKLE RD	9/30	
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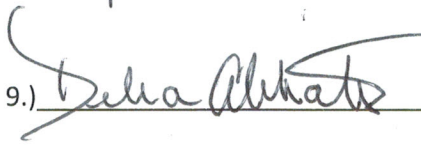
4.) 	Tom Peendergast	1011 Finkle Rd	9/30	731
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5.) 	Mark Zilberman	1926 City Hwy 1	9/29	
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6.) 	Chuck Storch	31730 St. Hwy 28	9/29	
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7.) 	ROBERT A. ABBATE	72 KOUBA RD	9/30/13	
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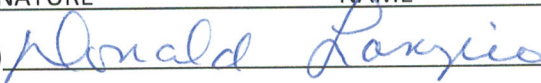
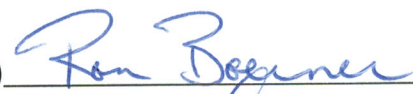

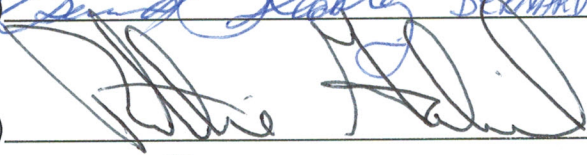
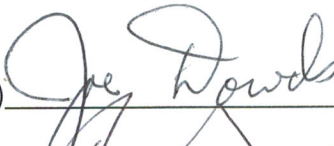

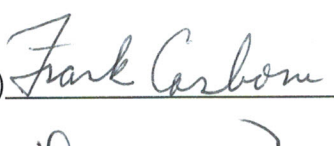


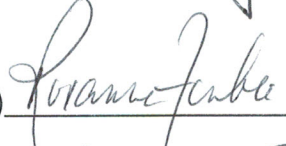
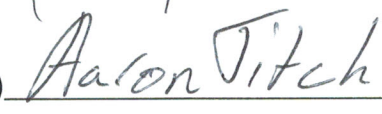
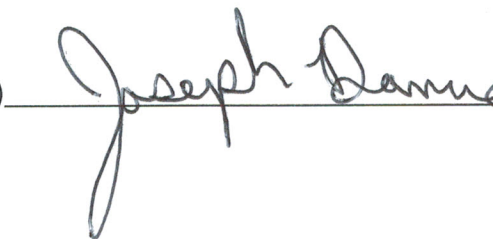
8.) 	Meghan Peck	5200 Barkaboom Rd	13731	9/30
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9.) 	Julia Alkhat	72 KOUBA RD	9/29/13	
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PETITION TO TOWN BOARD OF THE TOWN OF ANDES URGING AGAINST THE PASSING OF PROPOSED
LOCAL LAW REGULATING UNREASONABLE NOISE WITHIN THE TOWN

SIGNATURE	NAME	ADDRESS	DATE	DIST.
10.) <i>Kali</i>	Kimberly A TOSI	5425 Wolf Hill Rd		1
11.) <i>Shari Anderson</i>	Shari Anderson	43 High St	9-28-13	
12.) <i>Donald Anderson</i>	Donald Anderson	43 High St	9-28-13	
13.) <i>Richard Liddle</i>	Richard Liddle	29340 St Hwy 28		
14.) <i>Louise A. Liddle</i>	Louise A. Liddle	29340 St Hwy 28		
15.) <i>Mark O Liddle</i>	Mark O Liddle	Woodland Hills #2		
16.) <i>Maria P. Norris</i>	Maria P. Norris	270 Main St. Andes		#2
17.) <i>Genel C. Norris</i>	Genel C. Norris	270 Main St Andes NY		#2
18.) <i>Timothy Fairbairn</i>	Timothy Fairbairn	5155 Borkaboom Rd, Andes, N.Y.		1
19.) <i>Chris Koska</i>	Chris Koska	2 Karba rd Andes NY		
20.) <i>Steve Sweet</i>	Steve Sweet			
21.) <i>Anita Ranjiv</i>	Anita Ranjiv	389 Main St.		

**PETITION TO TOWN BOARD OF THE TOWN OF ANDES URGING AGAINST THE PASSING OF PROPOSED
LOCAL LAW REGULATING UNREASONABLE NOISE WITHIN THE TOWN**

SIGNATURE	NAME	ADDRESS	DATE	DIST.
22.) 	Donald Lanyio	389 Main St.		
23.) 	Ron Beemer	246 Lower Main St. Andes	9/30/13	
24.) 	BERNARD BLEARLEY	3170 SHAWNEE HOLLOW RD	9/30/13	9/30/13
25.) 	Willie Hain	29394 55 Hwy 28 Andes		
26.) 	Joe Dowds	2351 Wolf Hollow Rd Andes	10/1	
27.) 	[unclear]	4 Damgaard Rd Andes		
28.) 	Frank Carbone	2356 Wolf Hollow Rd. Andes	ny	
29.) 	Dan Smith	188 GLADSTONE HOLLOW	9/30/13	
30.) 	Rob Feing	260 Gladstone Hollow Rd.	9/30/13	
31.) 	[unclear]	188 GLADSTONE HOLLOW Andes	9/30/13	
32.) 	Aaron Titch	340 50 state Hwy 28	9/30/13	
33.) 	Joseph Danne	246 DELAWARE AVE	9/30/13	

**PETITION TO TOWN BOARD OF THE TOWN OF ANDES URGING AGAINST THE PASSING OF PROPOSED
LOCAL LAW REGULATING UNREASONABLE NOISE WITHIN THE TOWN**

SIGNATURE	NAME	ADDRESS	DATE	DIST.
34.) <u>[Signature]</u>	<u>Joanne Callaker</u>	<u>5245 Wolf Hollow</u>	<u>9/30/13</u>	
35.) <u>[Signature]</u>	<u>Edward P. Callaker</u>	<u>5245 Wolf Hollow Andes</u>	<u>9/30/13</u>	
36.) <u>[Signature]</u>	<u>John P. Shetty</u>	<u>85 main st Andes</u>	<u>9/30/13</u>	
37.) <u>[Signature]</u>	<u>Dorothy McArdle</u>	<u>PO Box 523 85 Main St Andes, NY</u>	<u>9/30/13</u>	
38.) <u>[Signature]</u>	<u>Loretta Laing</u>	<u>Loretta Laing 260 Gladstone Hollow, Andes NY</u>	<u>10/1/13</u>	
39.) <u>[Signature]</u>	<u>Swati SM</u>	<u>209 Alder Pond Rd Andes NY 13731</u>	<u>10/1/13</u>	
40.) <u>[Signature]</u>	<u>Jon Butler</u>	<u>3345 Beech Hill Rd. Andes 13731</u>		
41.) <u>[Signature]</u>	<u>Susie Butler</u>	<u>3345 Beech Hill Rd Andes,</u>		
42.) <u>[Signature]</u>	<u>Jay Wright</u>	<u>319 Herrick Rd Andes NY</u>		
43.) <u>[Signature]</u>	<u>Anthony Cosenza</u>	<u>P.O. Box 474 Andes 13731</u>		
44.) <u>[Signature]</u>	<u>Star Ames</u>	<u>483 Main St. Andes, NY 13731</u>		
45.) <u>[Signature]</u>	<u>Corral Ames</u>	<u>483 Main St Andes</u>		

Signature

Print

address


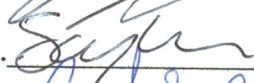
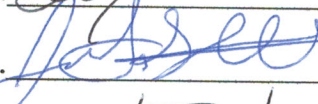
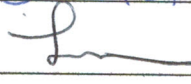
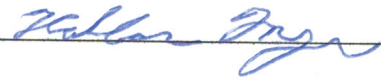
46. Shayne Mosier SHAYNE MOSIER 4612 BARKABORN RD 10/3
47. George Ballantine George Ballantine 299 Ruff Rd
48. Vicki Bush Vicki Bush 2787 Little Dingle Hill Rd 2
49. Dale R. Bontogen 103 Main St Andes NY 13731
50. Roger L. Hadden 760 Hyack Hill Rd Andes
51. John R. Schulman JOHN SCHULMAN 10743 County Hwy 2 Andes
52. Brian S. Finley BRIAN S FINLEY 10743 COUNTY HWY 2 ANDER NY
James T. LaBarbera
53. James T. LaBarbera 2059 Calhoun Hill Rd Andes, N.Y.
Nancy LaBarbera
54. Nancy LaBarbera 2059 Calhoun Hill Rd Andes, N.Y.
55. Donald Clarke 212 CLARKE AVE Andes N.Y.
56. Michael Clarke 212 Clarke Lane Andes, N.Y.
57. Peter Carney 853 Crescent Hill Tr, Andes, N.Y.
58. Daniel J. Carney 853 Crescent Hill Tr. Andes, N.Y.
59. Joseph Paron 2350 Wolf Hollow Rd Andes, N.Y.
60. Tom Verpey 2291 Sweet St. Andes

Sign

Print

Address

61. Roger Liddle Roger Liddle 8340 Highway 28 Andes NY
 WADE NEWSEASON
62. Wade Henderson Andes 3362 COTT. RD. 1 Andes
 Shaver Hollow Rd
63. Delores Bleakley Andes
64. Joe Henn 494 Herrick Rd Andes
65. Carol J. Tubbs Tremperkill Rd
66. Robert K. Edwards Robert K Edwards Blackberry Lane Andes
67. Donovan B. Defonso
68. Shirley May 319 Andes
69. Jessica Entwistle 319 Andes.
70. Thomas Brainerd 85 MAIN ST. Andes NY 13731
71. Thomas J. Brunk Palmer Hill Andes
72. Cindy Prosser Bussy Hill Rd.
73. Pete Paul 5458 Wolf Hollow Rd Andes
74. Vonna Orlando Palmer Hill Andes
75. Don Stobben Spodeford Rd Andes

76.  Cary Ackealy 4 RAMBAARD RD ANDERSON 10-
77.  Sally O'Neill 110 Main St
Anderson KY 13731
78.  Justin Stetten 401 Main St. And. KY 13731
79. L.T. York  3326 Wolf Hollow Rd. Dub.
13711
80.  440 WILLIAMS RD ANDERSON
12731
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98. _____

VOTE "NO" FOR NOISE

ORDINANCE

Sign	Print	Address	Vote Dist.
1. Amanda Galumas	Amanda Galumas	P.O. Box 63, Andes	Andes
2. Crystal Holmes	Crystal Holmes	PO Box 104	Andes
3. Crystal Holmes	Crystal Holmes	PO Box 104	Andes
4. Sherree Rotella	Sherree Rotella	Margaretville	
5. Michael Miles	Michael Miles	122 Mountain View Rd Andes	Andes
6. Eileen Miller	Eileen Miller	122 Mountain View Rd Andes	Andes
7. John T Bradley	JOHN T BRADLEY	544 Battery Rd 60 Main St. Andes	Andes
8. Lisa Marasa	Lisa Marasa		Andes
9. Brian Temming	Brian Temming	Main St	Here
10. Rachel Barrett	Rachel Barrett	Main St.	Andes
11. Robert Smith	Robert Smith	31165 St Hwy 28	Andes
12. Carrie DeBris	Carrie DeBris	P.O. Box 84	Andes, N.Y.
13. William Day	William Day	Gldstn. Hwy Rd	Andes
14. Laurie Day	"	"	"
15. Jay Garardo	"	"	Andes
16. Dana Seal	"	"	Andes

SIGN	PRINT	ADDRESS	VOTE DIST.
Jeffery S. Tubbs	JEFF Tubbs	2554 Co. Rte 1	Andes
Robert Armstrong	ROBERT ARMSTRONG	52 DELAWARE AVE	ANDES
Helen Mactor	Helen Mactor	34687 State Hwy 28	Andes