

NOTICE OF PUBLIC HEARING FOR NOISE CONTROL LOCAL LAW

Smithville Town Board

JULY 19, 2010

The Public Hearing for the purpose of hearing Public comment on the proposed Noise Control Local Law was called to order at 5PM by Supervisor Allan Johnson. Present were Board members Charles Schultes, Holly Mohr, Elizabeth Vanderweyde and Supervisor Johnson. Board member Roger Connelly arrived at 5:10PM. Supervisor Johnson said no other business would be conducted at this Public Hearing.

The legal ad as published in the Chenango American was read by Town Clerk Owens and the context of the Local Law was read by Supervisor Johnson. Supervisor Johnson asked that each person giving comment state their name, address and opinion. There would be no debate tonight, comments only.

Doug Kenyon, Smithville Flats NY: Who wasted their time drawing this up?

Kerry Rogers, PO. Box 284, Smithville Flats: Grew up in Smithville Flats; has never seen anything go to this extent. The Town should not have to administer a law--loud parties outside the Community yes, but not in the hamlet.

Janice Fiene, 5179 State Hwy 41, Smithville Flats: The proposed Local Law is unnecessary. It came about as a result of one party. Our BAR is legally open until 3AM Fri and Sat, other nights of the week until 1AM. There is no time listed on "C". A lot of people make noise for different reasons.

Joe Hoyt 669 Round Pond Rd, Smithville Flats: What is it that will be determined to be a decibel level? Do you intend to have more specifics in this Local Law? There are more noises in the community such as Connelly's fireworks. Enforcement will be an issue if there is no decibel level and who is going to enforce this?

Supervisor Johnson: The Town Board may change some aspects of the Local Law, but another Public Hearing would be required. Enforcement will be rare. If there is a problem, the State Police or County Sheriff would enforce.

James Kenyon, 5131 State Hwy 41, Smithville Flats: There is no substance to this law—too vague. Decibel ratings are already set by the DEC. This proposed local law won't work.

Mike Moorehead, 1348 Co. Rd. 2, Smithville Flats: Has concern about tractors and farmers and how this Local Law would affect them.

Chris Fiene, 5179 State Hwy, Smithville Flats: There is no decibel level on noise. What is unreasonable to somebody doesn't mean it's unreasonable to another. Alron's workers start at 6am. Just because it [noise] annoys 1 person, how does that make it correctly applicable to everyone. With the NYS law, the State Police will send over the machine to test the level.

Clark Howey, 2162 County Rd. 2, Smithville Flats: the law is too vague, this will be unenforceable. Milk trucks are out late at night or early in the morning. Should be more specific if the law is to be passed.

Dean Genter, 511 McBerney Rd., Smithville Flats: My roosters cannot be told not to crow.

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Ruth Ann Hoyt, 611 Round Pond Rd., Smithville Flats: The specific problem should be addressed, but this law is too general for one person's interpretation.

James Kenyon, 5131 State Hwy 41, Smithville Flats : Town employees start at 6am—the equipment is noisy. Will the employees have to start at 7am. A noise ordinance could affect my kids riding bikes. Kids would not be able to ride on my private property. There is no decibel rating.

Darin Mills, 5230 State Hwy 41, Smithville Flats: The hours for workers should not be affected. As far as issues go with noise, things can be worked out within the community. This Local Law should be more refined than restricted to the work related area.

John Auwarter, 5220 State Hwy 41, Smithville Flats: Respect for your neighbors/one another has always been part of the community. These laws would not be necessary if we all had respect. We have to have laws now because there can be problems. Respect would do away with a lot of problems.

Delina Mark, 138 McBerney Rd, Smithville Flats: Will this affect Dave Genter's motorcycle business before 7am or after 11pm? Partying should be a community problem.

Ben Kehl, Smithville Flats: Respect for your neighbor should be foremost.

There were no other comments to come before the Town Board at the Public Hearing. Supervisor Johnson declared the Public Hearing closed at 6:46pm.

Alison B. Owens

Smithville Town Clerk