

DATE: January 11, 2016 KIND OF MEETING: Organizational and Regular Town Board Meeting

WHERE HELD: Chazy Town Hall PRESIDING OFFICER: Mark Henry Supervisor

	MEMBERS PRESENT	MEMBERS ABSENT
Supervisor - Mark Henry	X	
Councilor - Daniel Vesco	X	
Councilor - Jerry Deno	X	
Councilor - Cathy Devins	X	
Councilor - Willie Giroux	X	
Clerk - Philip Beauharnois	X	
Attorney - William Favreau	X	
Hwy. Supt. - Timothy Lamica	X	

OTHERS PRESENT: S. Patnode, S. Dyer, Diane Gonyo, Ray Provost and John Pecoraro

CALL MEETING TO ORDER

Supervisor Mark Henry opened the meeting with the Pledge Allegiance to the Flag.

Supervisor Mark Henry called the 01/11/2016 Organizational & Regular Town Board meeting to order at 7:02 PM.

PUBLIC HEARING – NOISE ORDINANCE NO. 1 OF THE YEAR 2016

A legal notice was placed in the official newspaper on December 28, 2015 as follows:

TOWN OF CHAZY
NOTICE OF PUBLIC HEARING
NOISE ORDINANCE No. 1

PLEASE TAKE NOTICE that the Town Board of the Town of Chazy will hold and conduct a Public Hearing at the Town Hall of the Town of Chazy located on 9631 Route 9 in the Town of Chazy, Clinton County, New York, on the 11th day of January in the year 2016 at 7:00 o'clock p.m. in the evening of that day on a proposed Noise Ordinance.

PLEASE TAKE FURTHER NOTICE that at said Public Hearing, to be held at a time and place set forth above, the Town Board shall consider the proposed Noise Ordinance and hear all persons interested thereon concerning same. Copies of the proposed Ordinance may be obtained from the Chazy Town Clerk during regular business hours.

By order of the Town Board
Of the Town of Chazy
Dated: December 28, 2015

Philip F. Beauharnois
Town Clerk
Town of Chazy

Proof of notice having been furnished, Supervisor Mark Henry called the public hearing on adoption of Noise Ordinance #1, to order at 7:03 PM.

Supervisor Mark Henry presented Noise Ordinance #1 for the year 2016 for the Town of Chazy, New York. He requested any questions or comments.

Mr. John Pecoraro, Diane Gonyo and Ray Provost addressed the Town Board with their respective concerns and their feelings that a Noise Ordinance is needed within the Town of Chazy. Discussion and questions between Town Board Members and these individuals was held.

Supervisor Mark Henry closed the public hearing at 7:15 PM.

MINUTES

Councilor Daniel Vesco made a motion that the minutes of the 12/29/2015 Year End Town Board meeting be approved as submitted by the Town Clerk, seconded by Councilor Cathy Devins.

5 ayes, 0 noes. Motion carried. Ayes – Councilor Cathy Devins, Councilor Daniel Vesco, Councilor Willie Giroux, Councilor Jerry Deno and Supervisor Mark Henry

REPORTS

The Supervisor and Town Clerk December 2015 monthly reports submitted to Board for review and filed.

PUBLIC COMMENT

No one from the public wished to address the Town Board

ORGANIZATIONAL MEETING

DEPUTY SUPERVISOR/APPOINTMENT

Resolution: 16-01 01/11/2016

Motion by: Councilor Cathy Devins

WHEREAS, Supervisor Mark Henry appoints Councilor **Jerry Deno** as Deputy Supervisor for the Town of Chazy;

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby approve the appointment of **Jerry Deno** as Deputy Supervisor for the Town of Chazy for the year 2016.

Seconded by: Councilor Daniel Vesco

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

TOWN SECRETARY/WATER & SEWER BILL COLLECTOR/APPOINTMENT

Resolution: 16-02 01/11/2016

Motion by: Councilor Cathy Devins

WHEREAS, **Susan Patnode** is appointed secretary/water & sewer bill collector for the Town of Chazy;

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby approve the appointment of **Susan Patnode** as Town of Chazy Secretary/water & sewer bill collector for the year 2016.

Seconded by: Councilor Jerry Deno

Discussion: No

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

BUDGET OFFICER/APPOINTMENT

Resolution: **16-03** **01/11/2016**

Motion by: Councilor Jerry Deno

WHEREAS, **Leo Oliver** is appointed budget officer for the Town of Chazy by Supervisor Mark Henry;

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby approve the appointment of **Leo Oliver** as Town of Chazy budget officer for the year 2016.

Seconded by: Councilor Cathy Devins

Discussion: No

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

HISTORIAN RE-APPOINTMENT/ROBERT CHEESEMAN

Resolution: **16-04** **01/11/2016**

Motion by: Councilor Cathy Devins

WHEREAS, **Robert Cheeseman** agrees to the re-appointment as Historian for the Town of Chazy;

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby approve the re-appointment of Robert Cheeseman as Historian for the Town of Chazy effective for the year 2016.

Seconded by: Councilor Daniel Vesco

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

FIRE WARDENS/APPOINTMENT

Resolution: 16-05 01/11/2016

Motion by: Councilor Jerry Deno

WHEREAS, Fire Chief **Michael Cahoon** is appointed Fire Warden for the Chazy Fire District and Fire Chief **Kevin Girard** appointed Fire Warden for the West Chazy Fire District for the year 2016,

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby approve the appointment of **Michael Cahoon** Fire Warden for the Chazy Fire District and **Kevin Girard** Fire Warden for the West Chazy Fire District for the year 2016.

Seconded by: Councilor Daniel Vesco

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

YOUTH COMMISSION CHAIRPERSON

Resolution: 16-06 01/11/2016

Motion by: Councilor Cathy Devins

WHEREAS, **Thomas Tetreault**, has agreed to the appointment as Town of Chazy Youth Commission Chair-person for the year 2016;

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby approve the appointment of **Thomas Tetreault**, 66 Parker Rd. West Chazy, NY as the Youth Commission Chair-person for the Town of Chazy

Seconded by: Councilor Jerry Deno

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	

Cathy Devins	x
Daniel Vesco	x
Mark Henry	x

Carried: YES

ATTORNEY FOR THE TOWN/PLANNING BOARD/ZONING BOARD/WATER & SEWER DISTRICTS

Resolution: 16-07 01/11/2016

Motion by: Councilor Jerry Deno

WHEREAS, William Favreau has agreed to provide services pursuant to a retainer agreement as Attorney for the Town,

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby approve the retainer agreement with **William Favreau** as the Attorney for the Town for the year 2016 for \$8,000.00; and

FURTHER RESOLVED, that **William Favreau** to be retained as the attorney for the Planning Board and the Zoning Board of Appeals for 2016 at a hourly rate; and

FURTHER RESOLVED, that **William Favreau** to be retained as the attorney for the Hamlet of Chazy Water District and the Hamlet of Chazy Sewer District for 2016 at a hourly rate; and

FURTHER RESOLVED, that the Supervisor be authorized to sign the retainer agreement with **William Favreau** as the Attorney for the Town, the Planning Board, the Zoning Board of Appeals, the Hamlet of Chazy Water District and the Hamlet of Chazy Sewer District for 2016.

Seconded by: Councilor Cathy Devins

Discussion: No

Roll Call:		<u>Yes</u>	<u>No</u>
Willie Giroux		x	
Jerry Deno		x	
Cathy Devins		x	
Daniel Vesco		x	
Mark Henry		x	

Carried: YES

OFFICIAL BANKS AND NEWSPAPER

Resolution: 16-08 01/11/2016

Motion by: Councilor Cathy Devins

WHEREAS, official banks and newspaper need to be designated for the year 2016,

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby authorize the following designations:

Town's Official Bank - TD Bank
Town's Official Newspaper - Press-Republican, Plattsburgh, NY.

Seconded by: Councilor Jerry Deno

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

AUTHORIZATION FOR THE SUPERVISOR TO PAY BILLS PRIOR TO AUDIT

Resolution: **16-09** **01/11/2016**

Motion by: Councilor Cathy Devins

WHEREAS, authorization is needed for the Supervisor to pay certain bills prior to audit,

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby authorize the Supervisor to pay postage, land fill stickers, telephone, lights, dental, vision, NYS and Federal income tax, hospital, disability insurance, SPDES annual pollutant discharge fees for Sewer and Highway, Water and Sewer debt payments, child support, fuel bills, NYS Retirement Employer Contributions, NY State Unemployment Insurance, J.C.E.O., Town of Mooers for Dog Control, taxes and Justice Court Fund bills prior to audit for the year 2016.

Seconded by: Councilor Daniel Vesco

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

AUTHORIZATION FOR HIGHWAY SUPERINTENDENT PURCHASES

Resolution: **16-10** **01/11/2016**

Motion by: Councilor Cathy Devins

WHEREAS, authorization is needed for the Highway Superintendent to make certain purchases,

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby authorize the Highway Superintendent to purchase gas, asphalt, grease, oil, tires and tubes at state prices with all purchases made through Clinton County vendors as much as possible; and

FURTHER RESOLVED, that the highway Superintendent may purchase equipment such as tools and implements without prior approval of the Town Board in the amount fixed by this board not to exceed \$5,000 at any one time.

Seconded by: Councilor Jerry Deno

Discussion:

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

RULES AND PROCEDURES - REGULAR MEETINGS OF THE TOWN BOARD 2016

Resolution: 16-11 01/11/2016

Motion by: Councilor Jerry Deno

WHEREAS, rules and procedures need to be set;

NOW, THEREFORE BE IT RESOLVED that the Chazy Town board does hereby authorize that the same rules and procedures as in the past be used. The regular meeting night remains the second Monday of the month at 7:00 PM in the Chazy Town Hall. The Regular Board Meeting for October will be held on the second Tuesday and the November Regular Board Meeting, will be held on the Thursday immediately following Election Day:

The Town Board meeting dates for 2016 are as follows:

February 8, 2016	August 8, 2016
March 14, 2016	September 12, 2016
April 11, 2016	October 11, 2016
May 9, 2016	November 10, 2016
June 13, 2016	December 12, 2016
July 11, 2016	

Seconded by: Councilor Cathy Devins

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

DONATION AMOUNTS

Resolution: 16-12 01/11/2016

Motion by: Councilor Jerry Deno

WHEREAS, the fees for use of the Chazy and West Chazy Town Halls need to be set for the year 2016;

NOW, THEREFORE BE IT RESOLVED, the Chazy Town Board does hereby authorize that the 2016 Town Hall donations be set in the amount of \$50.00 per occasion, plus a \$25.00 deposit for security, to be refunded after inspection by the respective Town Hall Scheduler, in part or in its entirety.

Seconded by: Councilor Cathy Devins

Discussion: No

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

MILEAGE PAID FOR OFFICIAL TRAVEL

Resolution: 16-13 01/11/2016

Motion by: Councilor Cathy Devins

WHEREAS, the 2016 mileage rate needs to be set;

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby authorize a mileage rate of **54 cents per mile**, paid after a voucher is submitted stating specific mileage reading, destination to and from, date and number of miles traveled.

Seconded by: Councilor Daniel Vesco

Discussion: No

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

SETTING TOWN OFFICIALS SALARY SCHEDULE FOR 2016

Resolution: 16-14 01/11/2016

Motion by: Councilor Jerry Deno

WHEREAS, town officials pay schedule needs to be set;

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby authorize that Town Officials will be paid for the year 2016 as provided in the following schedule:

<u>Position</u>	<u>Salary</u>	<u>to Be Paid</u>
Supervisor	\$ 15,000.00	Monthly
Justice Latremore	\$ 18,000.00	Monthly
Justice Meseck-Pratt	\$ 18,000.00	Monthly
T/Clk - Tax Collector	\$ 25,000.00	Bi-weekly
4 Councilors ea. @	\$ 3,600.00	Monthly
Highway Supt.	\$ 51,000.00	Bi-weekly

Seconded by: Councilor Willie Giroux

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

RESOLUTION AUTHORIZING CONTINUATION OF R90-26 OF 02/12/1990 TOWN OF CHAZY INVESTMENT POLICY

Resolution: 16-15 01/11/2016

Motion by: Councilor Jerry Deno

WHEREAS, the Town of Chazy Investment Policy should be reviewed annually,

NOW, THEREFORE, BE IT RESOLVED, that after review of the Town of Chazy Investment Policy, R90-26 of 02/12/1990, and the Chazy Town Board does hereby authorize the continuation of that Investment Policy.

Seconded by: Councilor Cathy Devins

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

RESOLUTION AUTHORIZING CONTINUATION OF RESOLUTION No. 14-126, 12/08/2014 TOWN OF CHAZY PROCUREMENT POLICY

Resolution: 16-16 01/11/2016

Motion by: Councilor Cathy Devins

WHEREAS, the Town of Chazy Procurement Policy should be reviewed annually,

NOW, THEREFORE, BE IT RESOLVED, that after review of the Town of Chazy Procurement Policy, Resolution No. 14-126 - 12/8/2014, and the Chazy Town Board does hereby authorize the continuation of that Procurement Policy.

Seconded by: Councilor Jerry Deno

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	

Mark Henry **x**

Carried: YES

RECREATION PARK CHAIRPERSONS/APPOINTMENT

Resolution: 16-17 01/11/2016

Motion by: Councilor Cathy Devins

WHEREAS, Thomas Botten is appointed Chair-person of the Chazy Recreation Park, and

WHEREAS, Thomas Tetreault is appointed Chair-person of the George E. Deno Memorial Recreation Park, West Chazy NY, and

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby approve the following Chairperson appointments:

Chazy Recreation Park ----- **Thomas Botten**
George E. Deno Memorial Recreation Park ----- **Thomas Tetreault**

Seconded by: Councilor Daniel Vesco

Discussion: No

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

WEST CHAZY TOWN HALL SCHEDULER

Resolution: 16-18 01/11/2016

Motion by: Councilor Jerry Deno

WHEREAS, Melissa Deno agrees to be the scheduler for the West Chazy Town Hall;

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby approve the appointment of **Melissa Deno** as the scheduler for the West Chazy Town Hall.

Seconded by: Councilor Daniel Vesco

Discussion: No

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

VIOLENCE IN THE WORKPLACE

Resolution: **16-19** **01/11/2016**

Motion by: Councilor Cathy Devins

WHEREAS, the Town of Chazy Workplace Violence Prevention Policy Statement should be reviewed annually,

NOW, THEREFORE, BE IT RESOLVED, that after review of the Town of Chazy Workplace Violence Prevention Policy Statement, Resolution 14-58 – 05/12/2014, the Chazy Town Board does hereby authorize the continuation of that Workplace Violence Prevention Policy Statement.

Workplace Violence Prevention Policy Statement

The Town of Chazy is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against Town of Chazy employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. The authorized Employee Representative will, at a minimum, be involved in:

- The evaluation of the physical environment;
- The development of the Workplace Violence Prevention Program and;
- The review of workplace violence incident reports at least annually to identify trends in the types of incidents in the workplace and review of the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification.

All Town of Chazy personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Name: Susan Patnode
Title: Secretary to the Town Supervisor
Department: Administration

Date: May 12, 2014

Seconded by: Councilor Daniel Vesco

Discussion: No

Roll Call:	<u>Yes</u>	<u>No</u>
Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

The Organization Meeting ended at 7:28 PM

The Regular Town Board Meeting commenced at 7:29

REGULAR MEETING

CLINTON COUNTY LEGISLATOR REPORT

Legislator Dyer reports:

- Congratulated Robbie Duprey proprietor of Duprey Feeds for all his work in the community.
- Discussed the Clinton County Airport noting Homeland Security has done a lot of work with local contractors at the airport, which in turn, has generated benefits throughout the community.
- Noted that the County should have an update by the end of January 2016 on Sales Tax revenues. He further noted that they feel it will be very close to projections.
- Thanked Supervisor Henry for their monthly lunch meetings, noting that he felt it was an excellent way of keeping up-to-date with topics pertinent to both the Town of Chazy and the County.
- Councilor Jerry Deno asked Legislator Dyer if he knew when they expect to completion the expansion at the airport. Legislator Dyer said they expect by the end of 2016.

ATTORNEY FOR THE TOWN REPORT

William Favreau – Town Attorney

- Discussed the execution of the deed to transfer property in Sciota (Recreation Park) back to Catherine Mayo with the Town Board, noting that paperwork has been provided to the town to accomplish this.
- Informed the Town Board that a hearing will be held on January 29, 2016 regarding a Personnel issue and that a stenographer has been scheduled for that date. He noted that the decision by the hearing officer is not binding, as it is the Supervisor who can accept or reject the hearing officer’s findings.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Timothy Lamica reported

- Informed the Town Board that inmates have painted at the Town Garage, noting they had done a very nice job.
- Advised that the Garage employees have been going around cutting down dead trees.
- Noted they are putting the Sweeper together in order to be ready for spring.

TOWN COUNCIL ITEMS

Councilor Willie Giroux

Had nothing to report

Councilor Cathy Devins

Had nothing to report

Councilor Jerry Deno

Asked Supervisor Henry if there were any meeting scheduled regarding the Chazy and West Chazy Fire Districts. Supervisor Henry said that after he gets back from his trip he plans to further pursue this issue with all involved.

Councilor Daniel Vesco

Had nothing to report.

SUPERVISOR ITEMS**Supervisor Mark Henry reports:**

- Discussed the importance of a “Municipal Sewage System Asset Management Program” (MSSAM). Supervisor Henry said he would like the Town to participate by applying to the Program, noting that only 20 municipalities statewide will be selected. He further noted that he will be presenting a resolution to apply to the program and for the board to consider authorizing the expense of \$200.00 or less to have Liz Tedford prepare our application.
- Supervisory Henry informed the Board that he received notice of 11.52% savings on electrical bills for \$475.74 and an energy refund check for \$869.46 for the Town’s electric bill.
- Advised the Board that he received notification from LaBerge Engineering firm that our Waste Water Engineering Study application has been approved by EFC (Environmental Facilities Corp.). He stated that the next step, once the study was received and reviewed by the Board, would be to consider applying to funding agencies for grants/no-interest loans. Further review and discussion will be held in the up-coming months.
- Supervisor Henry noted that our new accounting and payroll programs are up and running as of January 1, 2016.

NOISE ORDINANCE #1 OF THE YEAR 2016

Resolution: 16-20 01/11/2016

Motion by: Councilor Cathy Devins

WHEREAS, Ordinance #1 of the year 2016 entitled:

NOISE ORDINANCE

was introduced by the Town Board, and

WHEREAS, a public hearing, was held on said proposed Town of Chazy, Noise Ordinance No. 1 of the year 2016, on January 11, 2016, at 7:00 p.m. prevailing time, at the Town Hall, Town of Chazy, Clinton County, New York, and

NOW, THEREFORE BE IT RESOLVED that the Chazy Town Board does hereby authorize the adoption of Noise Ordinance #1 of the year 2016; and it is hereby further

RESOLVED, that proposed Ordinance #1 of the Year 2016 Entitled Noise Ordinance of the year 2016 as afore mentioned, be, and the same hereby is, adopted.

Seconded by: Councilor Daniel Vesco

Discussion: Yes

	Yes	No
Roll Call:		
Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

**TOWN OF CHAZY
ORDINANCE #1 of THE YEAR 2016
ENTITLED NOISE ORDINANCE**

SECTION 1. TITLE

This Noise Ordinance #1 of the year 2016 shall be known as the Town of Chazy Noise Ordinance.

SECTION 2. PURPOSE

The purpose of this ordinance is to preserve the public health, peace, welfare and good order by suppressing the making of, or creation of, unnecessary, unnatural or unusually loud noises which are prolonged, unusual, and unnatural in their time, place and use and which are detrimental to the environment.

It is recognized that people have the right to an environment free from excessive noise that may jeopardize their safety or welfare or degrade quality of life. This ordinance is enacted to protect, preserve and promote the health, safety, welfare of the citizens of the Town of Chazy, hereinafter referred to as the "Town" through the reduction, control, and prevention of unreasonable excessive noise.

SECTION 3. UNREASONABLE EXCESSIVE NOISE

- A) It shall be a violation of this ORDINANCE to intentionally make unreasonable noise or sounds that annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of another person.
- B) The following factors may be considered in determining whether the noise is unreasonable and excessive at the time and under the circumstances it is made:
 - 1. The volume, intensity and duration of the noise.
 - 2. Whether the noise is normally associated with the permitted uses of property in the zoning district where the noise is created.
 - 3. The ambient or background noise in the area where noise is created.
 - 4. The time of day the noise occurs.
 - 5. Whether the noise occurs at a time when residents in the vicinity are likely to be sleeping which for purposes of this ordinance shall be presumed to be between the hours of 10 o'clock p.m. and 6 o'clock a.m. on the weekdays of Sunday through Thursday, and the hours of 11 o'clock p.m. and 6 o'clock a.m. on the weekdays of Friday and Saturday.
 - 6. Whether the noise occurs in the vicinity of a school, courthouse, house of worship, public library, hospital or nursing home and disturbs persons using or residing in such facilities.
 - 7. Whether the person making or responsible for the noise might reasonably expect that the noise would be plainly audible to a person outside the boundaries of the property or the dwelling where the noise is created.
 - 8. Whether the person making the noise, or the owner or occupant of the property or dwelling where the noise occurs, has received prior complaints or notice concerning noise from the property or dwelling and the response to same.
 - 9. Whether there are reasonable measures the person making the noise could undertake to reduce the noise.

SECTION 4. CERTAIN ACTS DECLARED TO BE VIOLATIONS

It shall be a violation of this Section to:

- A. Operate, play or permit the operation or playing of any radio, television, tape recorder, sound amplifier, musical instrument or similar device which produces, reproduces or amplifies sound.
 - 1. In a residential district if the sound is plainly audible at the boundary of the property on which the sound is produced.

2. In a dwelling unit in a multiple family dwelling at a volume where the sound is plainly audible in other units in the building.
3. In a commercial district if the sound is plainly audible at a distance of fifty (50) feet from the boundary of the property on which the sound is produced.
4. In a motor vehicle on a public right-of-way or public space in such a manner that sound is plainly audible at a distance of fifty (50) feet from the vehicle.

B. Yell, shout, hoot, whistle or sing on any public place within residential districts of the Town of Chazy so as to annoy or disturb the peace, quiet, comfort or repose of a reasonable person of normal sensitivity.

C. Operate machinery or equipment in a residential dwelling or garage that makes noise that is plainly audible at the boundary of the property or, in an adjoining dwelling unit of a multi-family dwelling, except that, noise made in connection with construction repairs or improvements to the dwelling unit which are made between the hours of 6 o'clock a.m. and 9 o'clock p.m. shall not constitute a violation of this section.

D. Operate any tools or equipment used in construction, drilling, excavation, or demolition work between the hours of 9 o'clock p.m. and 6 o'clock a.m. the following day, except emergency work.

E. Operate a motor vehicle which is not equipped with a muffler or other device which effectively prevents the discharge of loud or explosive noises.

F. Operate a motor vehicle on public streets in such a manner that the tires of the vehicle emit unnecessary noise.

G. Noise caused by a domestic animal's barking, howling, whining, screeching, that continues for more than fifteen minutes and which is plainly audible at the boundary of the property, or in an adjoining dwelling unit in a multi-family dwelling.

H. Noise caused by loading or unloading equipment, material or supplies for deliveries to properties within residential districts between the hours of 9 o'clock p.m. and 6 o'clock a.m. that is plainly audible at the boundary of any adjoining residential property.

SECTION 5. EXEMPTIONS

This Section shall not apply to noise emitted by or related to:

- A. Church bells, horns and sirens of trains and authorized emergency vehicles;
- B. Parades, concerts or other community gatherings.
- C. Non-commercial public speaking and public assembly activities conducted in any public place.
- D. The use of domestic power tools for property repair or improvements, lawnmowers and other lawn maintenance tools between the hours of 6 o'clock a.m. and 9 o'clock p.m.
- E. The use of snow removal equipment at any time for snow removal purposes.
- F. The use of vehicles for agricultural purposes at any time.

SECTION 6. PENALTIES FOR OFFENSES

Any person violating any provision of this Section shall have committed an offense and shall be subject to a fine not to exceed two hundred and fifty dollars (\$250). Persons committing a subsequent offense within twelve (12) months of the date of a prior conviction shall be subject to a fine not to exceed five hundred dollars (\$500). A separate offense shall be deemed committed on each day during which a violation occurs or continues.

SECTION 7. MANNER OF ENFORCEMENT

This Section may be enforced by any New York State Police Officer, Clinton County Sheriff's Deputy, or any Code Enforcement Officer employed by the Town of Chazy.

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MUNICIPAL SEWAGE SYSTEM ASSET MANAGEMENT PROGRAM

Resolution: 16-21 01/11/2016

Motion by: Councilor Jerry Deno

WHEREAS, the Town Board of Chazy recognizes the importance of a Municipal Sewage System Asset Management Program (MSSAM); and

WHEREAS, the New York State Department of Environmental Conservation has a voluntary Pilot Program for a Municipal Sewage System Asset Management Program

and who will select up to 20 municipalities that volunteer to participate in the program for a period of three years; and

WHEREAS, there will be no out of pocket cost for participating municipalities for developing their AMP, However, municipalities that participate will be expected to commit staff resources and time to the process for a period of three years; and

WHEREAS, Liz Tedford of Tedford consulting has agreed to assist the Town of Chazy with the application process for Municipal Sewage System Asset management Pilot Program for a cost of approximately \$200.00.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Chazy does hereby authorize the Town Supervisor to enter into agreement with Tedford Consulting to complete the application process and if ultimately selected by the State of New York to fully participate in the Pilot MSSAM for the three year period.

Seconded by: Councilor Cathy Devins

Discussion: Yes

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

2016 BUDGET TRANSFERS

Resolution: 16-22 01/11/2016

Motion by: Councilor Cathy Devins

RESOLVED, that the Chazy Town Board does hereby authorize the following 2016 budget transfers:

From:	Amount:	To:
A1990.4 Contingent	\$626.93	A1410.420 Postage
A1990.4 Contingent	\$75.00	A1920.463 Hwy.Supt. Dues
A1990.4 Contingent	\$79.23	A9055.8 Disability Ins.

Seconded by: Councilor Willie Giroux

Discussion: No

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

PAYMENT OF CLAIMS

Resolution: 16-23 01/11/2016

Motion by: Councilor Cathy Devins

RESOLVED, that the Chazy Town Board does hereby authorize payment of the following claims:

General Fund claims	in the amount of	\$32,812.91
Highway Fund claims	in the amount of	\$32,390.14
Sewer District claims	in the amount of	\$6,602.17
Water District claims	in the amount of	\$502.28
Light District claims	in the amount of	\$2,816.46

The above claims are being paid by Voucher's 100001-100016, 100018-100020 & 100022-100043. Voucher #'s 100017 and 100021 were voided.

T & A claims – ck #'s 100036-100040, 100042-100045, 100053, 100058, 100059, 100061, 100062 & 100076	in the amount of	\$15,535.72
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TOTAL:	\$90,659.68
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Seconded by: Councilor Jerry Deno

Discussion: Yes

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

Supervisor Henry reminded the board that our next Town Board meeting will be on Monday, February 8, 2016 at the Chazy Town Hall at 7 PM.

ADJOURNMENT

Town Supervisor Mark Henry asked for a motion to adjourn.

Councilor Daniel Vesco made a motion, seconded by Councilor Cathy Devins to adjourn the 01/11/2016 Organizational and Regular Town Board meeting at 8:12 PM. Motion Carried.

Respectfully yours,

Philip F. Beauharnois
Clerk of the Board