

Minutes of the special work session held on July 30, 2008 at 7pm held in the Constantia Town Hall

Present: Andy Kelsey - Supervisor
 John Metzger, Richard Colesante, Daniel Buck – Council Members
 Clare Haynes – Town Clerk
 Nancy Butler – Supervisor’s Clerk
 Warren Bader – Town Attorney
 Paul Baxter – Tug Hill Commission

Mr. Kelsey opened the meeting explaining the purpose of the special meeting was to speak about noise complaints, operating permits and related issues.

Mr. Kelsey read a letter from Mrs. Ruth DeWitt from Cleveland, she would like to board to know of the noise problem that she and other residents are having with Checkpoint located outside of Cleveland.

Mr. Metzger asked Mr. Bader if he had the chance to look into the Public Assembly Ordinance. Mr. Bader does not think this will fix the problem the town is currently having with noise, the town can try to tack on some conditions, but not a good idea.

Mr. Colesante questioned if the operating permit can be modified so it is for less occupancy. Mr. Bader responded by saying that the operating permit is based on a New York State Law and we must follow it, we cannot change the text of the law. The town can put conditions on the permit that is issued as outlined in the law that deals with public safety and welfare.

Mr. Ferris from The Old Boathouse would like to know if they could come to some kind of verbal agreement. Both Mr. Colesante and Mr. Metzger reminded him that we have been dealing with this issue for a few months now and it has been said in the past that they would be responsive to complaints and both feel not enough has been done to help citizens with their complaints.

Mr. Warford told the board that the music can be heard for 3 miles down the lake in both directions. He feels the board must get a handle on this so that the many taxpayers can get the use out of their properties that they should.

Mr. Kelsey feels the complaints would be less if the volume could be lower. Number of weekends and time is much easier to enforce, level of sound is hard to qualify. He feels if the town could set regulations on the operating permit with the understanding that if problems persist, the permit will be changed to be more stringent.

Mr. Warford asked if the Public Assembly Ordinance is enforceable, it is but it is for temporary structures, not permanent businesses.

Mr. Illingworth the town’s code enforcement officer feels that the operating permit is the shortest way to go to give business their guidelines.

Mr. Colesante asked Mr. Bader to please look into the Public Assemblies Ordinance and also a possible noise ordinance. If you could get the board something to review for the August town board meeting that would be good, something needs to be done.

At 8:03 pm Mr. Metzger made the motion to adjourn, seconded by Mr. Buck.

Carried: Buck – Yes Metzger – Yes Colesante – Yes Kelsey - Yes