

Town of Westville
Public Hearing Minutes

August 11, 2014

I. Call to order

Rodrique Lauzon, Town Supervisor called to order the Public Hearing at the Westville Town Hall at 6:30 p.m. on August 11, 2014 of the Westville Town Board with the Pledge to the Flag.

II. Roll call

PRESENT: Councilman Mike Armstrong
Councilman Vince Cartier
Supervisor Rodrique Lauzon
Deputy Supervisor, Dean Fleury
Highway Superintendent, Kevin Nichols
Councilman Robert Reynolds

ABSENT: Code Officer Robert Crossman
Dog Warden Kim LaPage

ALSO PRESENT: Edward Blier; Gary Connors; Anne Gaggin; Kathy Nichols; David Loeb; Shirley Kelly; Nolan LaBrake; Nancy LaBrake; James LaBrake; Larry LaPage; Clayton Pickering; Troy White; Karen Wilson; Clyde Wilson; Jamie Dustin; Jesse Rockhill; and Natalie LaPage

III. Public Hearing

Supervisor Lauzon addressed the Board and Public with a general statement regarding rules for the Public Hearing: 1) Each person will be given three minutes to speak; 2) No swearing; 3) No name calling; 4) Stick to the topic; 5) No one will intimidate another person; 6) Should any of the above rules be broken, the Public Hearing will be closed.

Supervisor Lauzon indicated that he had been receiving numerous calls regarding noise complaints. He indicated that he had contacted the EPA to get their input. He was informed that there are Noise Control Regulations that are currently in effect and they would get back to him with more information. Supervisor Lauzon then opened the floor to the general public for comments:

Ed Blair: Where did you get these times? I start my day at 6:00 a.m. I can't start my day at 11:00 a.m. The day is half over. I have stuff to do.

Clyde Wilson: I do not have questions. However, I have some general statements that I would like to make. Is it ethical for a Town Supervisor to contact Board Members on his own?

Is it ethical for the Town Supervisor to go after one member and bully them until they lean the way he wants them to? Is it ethical for a Town Supervisor to contact Board Members at home at all hours of the night? I have had dealings with the Town Supervisor and have been at several meetings with him and I know how he can be. How can you pass a law that is illegal? Who gave you authority to make the revisions to the law? I am waiting for the Clerk to read her meeting minutes. When is that going to happen? This is all illegal. You had no authority by the Board to make these changes. What was written in the Malone Telegram was simply false.

Response from Town Supervisor: I have no control over what the Telegram reports. It is my understanding that that reporter is no longer employed by the Telegram. As to your statements, we have been involved in two meetings over the years and that was to do with the land fill, which is irrelevant to the proceedings here today. As to me calling my Board members, I do what needs to be done prior to the Board meetings, some things simply can't wait a month. I address the needs of the Town.

Jamie Dustin: I have been derbying for 20 years. I have no trouble shutting down my cars at 9:00 p.m. at night. This woman came onto my property and demanded that I shut my cars down or she was going to call the State Troopers. Yes, I may have said some inappropriate things to this woman. I admit that. I run my cars out in the field behind Rhoades, with his permission. You all attend the Franklin County Fair. I have a lot of fans in the stands; I put on a good show. I do not do my derby cars on Sundays until after noon. Rod, you see me in Church on Sundays, I take my daughter to Church, and then we go to the diner for breakfast, when we get back from Church and breakfast, that is when I work on my cars.

Nancy LaBrake: I have been woken up in the middle of the night. I have kept a log of all the noise. I am amazed by the amount of days that I can't say that it's been quiet.

Karen Wilson: On Jamey's behalf -- He does not run his engines during the day, he runs them at night. He works during the days. He has contacted a lawyer, because this is illegal and the way that this has been done is wrong. He knows his rights.

Anne Gaggin: Maybe we should be looking at doing a noise ordinance instead of revisions to the Junkyard Law.

Natalie LaPage: Presented the Board with a Petition against the new laws. She indicated that farmers put in 60-80 hours a week.

Dave Loeb: I want to know what the procedure is to put a public law into place.

Response from Town Supervisor: A motion has to be made to hold a public hearing, the public hearing is publicized and the public is given an opportunity to make comments. Once the public hearing is closed, the Board will vote on making the revisions. If accepted, then it is sent to the Secretary of State for filing.

Jamie Dustin: I have no problem starting until 11:00 and getting done by 9:00 p.m. I try to shut down by 9:00 p.m. anyway, I am getting older. I have 15 cars and I can't keep up like I used to. My grandmother is 96 years old, and she isn't complaining about the noise and I live

with her. What about my welder? Can I weld in my garage past 9:00 p.m. I try to shut my engines down by 9:00 p.m. But I may work in my garage past that time.

Clyde Wilson: Some of the noise that these people are hearing are not all derby cars.

Gary Connors: I moved out of Malone because of the restrictions. I run a welder, and I am not going to stop doing it. Exhausts are not too loud. The Code Officer got after me at the restaurant. That's not right.

Vince Cartier: Who is here because of the noise?

Nolan LaBrake: I am here with my parents. I do believe that the owner of the property should be present to handle the noise. They should have the control to shut it down. The day before a derby work can be done up until midnight/one am. It has just been something that I have had to put up with. I will be leaving soon for college.

Vince Cartier: What Changes would you like to see made?

Nancy LaBrake: Right now? I am upset. The noise funnels through my windows. I bought and paid for my house. I am not going anywhere.

Vince Cartier: Jamey, do you think you and your neighbors could come back and agree on some compromises? Or are you just looking to have them shut down completely?

Karen Wilson: I raised him with respect.

Gary Connors: I am a welder, and I am not going to stop welding. I start my day at 6:00 a.m. I can't start work at 11:00 a.m. Half of the day is gone.

Vince Cartier: Jamey, your 10:00 p.m. may be your neighbor's 9:00 p.m. Don't get me wrong, I am not calling anyone old.

Robert Reynolds: I just think that we need some common courtesy. I do not want to pass this law. I get that these people can't open their windows during the day. I think we need to understand that we are neighbors that we need to respect each other.

Karen Wilson: How can you put these type of restrictions? What do you expect him to do? Work 500 feet from his garage? Work in the field and walk 500 feet to the garage to get a tool? My parents have lived here for 55 years, and they have been here for 20 years ...

[interjection by Supervisor Lauzon] -- Mrs. Wilson, please stick to the topic at hand, that statement has no bearing here. It does not matter how long someone has been a resident of our town. Please stick to the topic.

Clyde Wilson: When I went to work construction it was 6:00 a.m. and there were never any complaints by the neighbors. Not everyone starts work at 8:00 a.m. Are you going to restrict construction work too?

Vince Cartier, Jamie Dustin and Nancy LaBrake held a conversation with regard to shutting down the cars at 9:00 p.m. and Vince told Jamie and Nancy that he would be over to see them both (separately) to see how things are.

Jamie Dustin: Vince, that is all well and good, but you have pulled into my house with a flat tire, and I have changed it regardless of what time it was. Are you going to tell me that if you pull in after 9:00 p.m. with a flat tire, that I can't help you? Because it is past 9:00? There are times that the only day we have to get ready for a derby is on Sunday. We may have a derby on Saturday and then we have to work them until late in the night on Sunday to get ready for the derby on Monday.

Robert Reynolds: I, as a Board member, cannot in good conscience pass this law.

Dean Fleury: I agree with everything my fellow Board members have said. I cannot pass a law that may affect someone's hobbies. I can't do some of these hobbies, but I am not going to take away someone else's right to do so.

Michael Armstrong: I just want the neighbors to get along. I don't want to have to pass laws in order to make that happen.

Nancy LaBrake: I was not a rude person. I said "I can't take this you have to shut it off."

Clyde Wilson: I would like to commend the councilmen here tonight.

Clayton Pickering: I would like to tell you what she said. She came up to me and said "this has got to stop or I am going to call the State Troopers." I tapped Jamie on the shoulder and she told him "this has got to stop or I am going to call the State Troopers."

Vince Cartier: We are beyond that, that part is over.

Natalie LaPage: Why is she complaining now?

Shirley Kelly: Can we compromise?

Jamie Dustin: 9:00 p.m., I will shut my engines down by 9:00 p.m.

Kevin Nichols: I know this is not related to the topic at hand, but can you have the cars pull off the road more. You are right at that intersection and cars are backing out of your yard, or they are pulling off the intersection and are pulling out blind because they cannot see around the vehicles parked there.

Jamie Dustin: Sure will.

Supervisor Lauzon: I want to thank everyone for coming tonight and we are now going to close the public hearing.

IV. Motion to Return to Regular Meeting

At 7:20 p.m. a Motion was made by Mike Armstrong to close the Public Hearing, and to return to the regular meeting, the motion was seconded by Robert Reynolds. All in favor.
Approved

Minutes submitted by: Ann Brady, Town Clerk









