

# ***Hinsdale Town Board***

## ***Meeting Minutes***

October 10, 2016

### **I. Call to order**

Supervisor Hooper called to order the regular meeting of the Hinsdale Town Board at 7:00pm on October 10, 2016

### **II. Roll call**

The following persons were present: Thomas Hooper- Supervisor, Gerald Maerten, Mary Ann Powley, Joseph Noll, Douglas Wilson- Board members, Ann Carr- Town Clerk, Robert Nupp- Deputy DCO, Jerry Dzuroff, Robert Mikolajczyk, Lisa & Jasen Gobien, Carol Hooper, Dorsey Moore- residents.

### **III. Approval of minutes from last meeting**

Clerk Carr presented the minutes from the last meeting. The minutes were approved as presented on a motion from Councilman Maerten, seconded by Councilman Noll Ayes all.

### **IV. Supervisor's Report: Received Sept. 2016**

### **V. Hwy. Supt. Report: None Received.**

### **VI. Town Clerk's Report: Received Sept. 2016**

### **VII. Justice Report: Received**

### **VIII. Dog Control Report: None Received for Sept... Dog Census is coming along, should be finish in a few weeks.**

### **IX. Code Enforcement Report: Received Sept. 2016. All issues that were sent notices have been cleaned up.**

### **X. Water Dept. Report: Received Sept. 2016. Some late notices have been sent out.**

### **XI. Open issues**

- a) Motion to pass Local #1 of 2016 Noise Law made by Councilwoman Powley, seconded by Councilman Noll.

Roll call Vote: Councilman Maerten – Abstain, Councilwoman Powley – Yes, Councilman Noll- Yes, Councilman Wilson- Abstain, Supervisor Hooper Yes. 3 yes Votes, 2 abstain. Local Law 1 of 2016 passed.

**Town of Hinsdale**  
**Local Law 1 of 2016**  
**Noise Law**

October 10, 2016

**Be it enacted by the Town Board of the Town of Hinsdale as follows;**

(1) Purpose.

It is found and declared that:

(a) The making and creation of loud unnecessary or unusual noises within the limits of the Town of Hinsdale is a condition which has existed for some time and the extent and volume of such noises is increasing.

(b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Hinsdale; and

(c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Hinsdale and Its inhabitants;

(d) The causing or performance of any noise prohibited herein, which occurs in anyone day shall be considered as a separate violation of this local law. Each day during which the prohibited activity continues shall be considered a new violation.

(2) Noise prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which, either annoys, disturbs, injures or endangers the comfort, health, or safety of others within the limits of the Town.

(3) Acts prohibited.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

(a) Horns, signaling devices, etc.

The sounding of any horn or signaling device or any automobile, motorcycle, or other vehicle on any street or public place of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(b) Radios, phonographs, etc.

The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or person who are in the room, vehicle or chamber in which such machine or device, is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of ten PM and seven AM in such a manner from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(c) Loudspeakers, amplifiers for advertising.

The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure or to a candidate in an elections campaign.

(d) Yelling, shouting, etc.

Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of ten PM and seven AM or at any time

or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons, in the vicinity.

(e) Animals, birds, etc.

The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(f) Exhausts.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) Defect in vehicle or load.

The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(h) Construction or repairing of buildings.

The erection (including excavating), demolition, alteration or repair of any building or the performance of any construction work, tree removal, debris removal, operation or maintenance of equipment other than between the hours of ten **PM** and six **AM** on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of ten **PM** and six **AM** and if he shall further determine the loss or inconvenience would result to any part in interest, he may grant permission for such work to be done within the hours of ten **PM** and six **AM**, upon application being made at the time the permit for the work is awarded or during the progress of the work.

(i) Schools, courts, churches, hospitals.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court when the same are in use, or adjacent to any hospital, which unreasonably interfere with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(j) Drums.

The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise of any performance, show or sale.

(4) Penalties.

Any person who violates any provision of this ordinance shall be deemed guilty of a violation and upon conviction thereof shall be fined not exceeding Two Hundred and Fifty Dollars or by imprisonment for not more than fifteen days for each violation or by both said fine and said imprisonment.

(5) Separability.

It is the intention of the Town Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intentions of the Town Board that if any provision of this ordinance shall be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

(6) Special Events.

These events such as "Give the Dog a Bone" can have a band but with a special permit from the Town Code Enforcement Officer. That permit normally expires at midnight.

(7) This ordinance shall take effect immediately.

- b) Boiler at Food Pantry has been shut down until it can be fixed. Waiting on Quotes from Comfort Zone.
- c) Application for Permission to use the site on Gile Hollow for the Boat Launch has been filled out and will be e-mailed to the DOT by Councilman Wilson.
- d) **Motion** to wait until Nov 1, 2016 to charge the \$5.00 Dog enumeration fee made by Councilman Wilson, Seconded by Councilwoman Powley. Ayes all. We are still finishing up going door to door and this will give all residents an equal chance to register their dogs.

**XII. New business**

- a) The Board Received a financial statement from the Youth Commission for Jan through Sept. of 2016
- b) **Motion** to set Trick or Treat times on Oct. 31, 2016 from 6pm to 8pm made by Councilman Noll, Seconded by Councilman Wilson. Ayes all. Also Trunk and Treat will be set up at the Fire hall parking lot for those who want to participate during those hours.

**XIII. Public Comment:**

- a) Residents would like board to get together and give the Code Enforcement an agenda on his job description.

**XIV. Motion to pay the bills made by Councilman Maerten. Seconded by Councilman Noll Ayes all.**

**General Fund Claims: 203 thru 227- \$5993.24**  
**Highway Fund Claims: 91 thru 98- \$11,228.06**  
**Water Fund Claims: 39 thru 43 - \$ 868.97**

**XV. Adjournment; Motion made by Councilman Wilson to adjourn the meeting. Seconded by Councilman Noll Ayes all.**

Supervisor Hooper adjourned the meeting at 7:20pm.

Next Board meeting to be Nov. 7, 2016. Public Hearing for a raise in Water use rates to be held at 6:30pm. Public Hearing for the Preliminary Budget at 6:45pm. Regular Board meeting at 7:00pm

Minutes submitted by: Ann L. Carr

Minutes approved by: