

Minutes of a public hearing of the Town Board of the Town of Durham held July 1, 2003, at the Town Building in Oak Hill, N.Y.

Present: Robert Young - Supervisor
Gary Hulbert – Councilman
Linda Sutton – Councilwoman
Robert Elpel – Councilman

Absent: William Carr – Councilman

Recording Secretary: Charles Soderblom - Town Clerk
Others Present: Tal Rappleyea - Attorney for the Town

The Supervisor called the meeting to order at 6:30 P.M. with the Pledge to the Flag. Thirty-one people were present.

The board presented the audience with a draft of the proposed Mass Gathering Law (MGL) as it was amended at the meeting of June 24, 2003.

Tom McGoldrick voiced his objection to the number of 1,000 people he reiterated that in his opinion 5,000 people is an adequate number to use for implementing the MGL. Mrs. Sutton explained that even though the state has regulations that the events need to follow, when the anticipated number is less than 5,000, these agencies do not inform the town of the event. It is the intention of the town board to implement a procedure for Mass Gatherings to inform the town so that proper steps can be implemented to ensure the safety and comfort of the residences. The law is not to impede businesses but to make the two compatible.

Mr. McGoldrick stated that the amount of insurance the proposed law is asking for is excessive; he felt that \$1,000,000 was plenty. Mrs. Sutton explained that the board agreed that the amount of insurance was adequate for an event of this potential. A member of the audience stated that in his opinion the town has reached a reasonable number in light of the fact that the larger gatherings are starting to move off the state highway and the potential for traffic could have an effect on the infrastructure of the road.

Mr. Fried explained his understanding of how the number of 1,000 people was arrived at by the board from having attended each of the meetings held to date. It was felt that the threshold of 500 people would be restrictive for the smaller events that have been held in the town. The threshold of 1,000 people is roughly when the congestion issues would start to affect personal safety as well as other things. In addition, he is involved in the Chamber of Commerce in Cairo who holds events and they have insurance for up to \$5,000,000 and it doesn't cost \$6,000. They also require each vendor and participant at the event to carry \$1,000,000 of insurance and name the Cairo Chamber of Commerce as additional insured. He explained that they could not get insurance for their events if they did not require that of their participants.

Mr. McQuillen suggested the board consider an ordinance rather than a law. He also voiced his concern that if this law were to pass that it would open the town up to additional liability should something happen.

Additional discussion followed with the audience expressing both support and objection to the over all proposed MGL.

Mr. Rappleyea explained that an ordinance differs from a law in the area of enforcement of the violation. In an ordinance, failure to comply is a simple violation with a maximum fine of \$100; a local law violation is a misdemeanor with a maximum penalty of \$1,000 plus jail time.

Additional question were raised concerning:

1. Buffer zone between buffer zone and abutting properties.
2. Security enforcement, provided by town or private, what would be an adequate ratio of security to attendees.
3. Parking on public streets.

Mr. McGoldrick requested that Mr. Sutton share his knowledge of festivals, as he is involved with the festivals at Hunter Mountain. Mr. Sutton made the following points.

1. Their parking plan is for 2,000 people with a 10% over run.
2. Command center has a telephone and first aid.
3. Parking on pavement is an issue however as long as traffic is able to keep flowing and all notifications have been made then an issue is not made of it. If it became a problem parking tickets would be issued and possibly cars would be towed. Keep in mind that the town is partially responsible for any damages that are occurred to the car.
4. Parking is figured at 180 cars per acre, 3 people per car.
5. Insurance with the town named as additional insured, also indemnification helps.
6. Security is difficult to figure, venue needs to be considered, i.e.) a children's festival compared to a musical event where beer is sold. A good starting point is one security person for every 3,000 people.
7. Traffic flow pattern is necessary, scheduling is important; the state and county agencies schedules are generally done three months ahead they aren't able to change schedules as quickly as the town or private enterprise. Keep in mind the 2,000 people is the amount of people on the grounds at any given time (peak period) opposed to the amount that pass through over the course of the event.
8. First aid coverage is usually two people at all times.
9. Hunter carries a \$2,000,000 insurance policy with \$500,000 for injury.
10. Music is stopped at 11:00 p.m.

A member of the audience expressed concern that the neighbors were not notified prior to the construction of the amphitheater on Sunside Road. It was explained to her that the town doesn't have zoning and property owners are not required to disclose their plans to the town unless it involves a subdivision.

The next meeting for this topic will be held July 15, at 6:30 p.m.

Mr. Hulbert made the motion seconded by Mrs. Sutton to adjourn the meeting at 7:30 p.m.

Minutes approved:

Charles G. Soderblom, Town Clerk