

Town of St. Armand  
Special Board Meeting  
Tuesday, December 15, 2020  
5:30 PM

*These Meeting Minutes were approved by the St. Armand Town Board on January 12, 2021.*

A Special Board Meeting of the Town of St. Armand was held on the above date and time via a webinar conducted from the Town Hall, Bloomingdale, NY. The webinar meeting was advertised and made available to the public.

**BOARD MEMBERS PRESENT:**

Town Supervisor Davina Winemiller, Deputy Supervisor D. Joseph Bates, Councilperson Donald Amell, Councilperson Jennifer Fuller and Councilperson Karl Law.

*A quorum of the Board was in attendance.*

**TOWN EMPLOYEES PRESENT:**

Town Clerk Barbara Darrah.

**GUESTS:** Sue Abott-Jones, Justyna Babcock, Chris Blanchard, Keith Bordeau, Erin Cass, Diane Chase, Tyler Chase, Josh Colby, Renee Darrah, Dean Everritt, Cheryl Faucher, Kelly Hass, Ernest Hough IV, Andrea Johnston, Ben Kline, Melissa Kline, Adam Mayville, Warren McCarthy, Ethan Mikesell, Stephanie Mikesell, JP O'Neil, Al Shrage, Margaret Stanton, Joe Waters, Loweyl Willette, all from the community.

Public Notice was published in the Adirondack Daily Enterprise regarding the date and time of this meeting, and posted on the Town of St. Armand's Facebook page and the Bloomingdale Neighborhood Facebook group.

Supervisor Winemiller called the meeting to order at 5:30 p.m. and asked everyone to join in the Pledge of Allegiance.

Supervisor Winemiller began the discussion stating there were many comments received from the public to the effect of why the Town Board would even consider entertaining a complaint from one resident regarding the loud music coming from Hex and Hop Brewery. Winemiller explained that the Town Board represents all taxpayers in the town and the Board is responsible for listening to any complaint and investigating the complaint, no matter what the complaint is. Winemiller gave two examples of issues where the complaints of residents resulted in new Town local law and ordinances: One being the parking issue at Moody Pond. Parking tickets are now being issued for illegal parking and, number two being the Nuisance Abatement Law.

Winemiller went on to explain the purpose of the Special Meeting this evening was to review the noise complaint issued against Hex and Hop Brewery by a nearby resident. The resident's complaint states the noise caused by live music being played outside has caused them harm by being excessively loud when they are sitting in their backyard. The resident states they are often forced inside due to the music volume. The resident asserts that this has caused the resident to lose reasonable and peaceful enjoyment of their property.

Supervisor Winemiller invited Diane Chase to speak regarding her petition written in support of Hex and Hop Brewery. Diane Chase thanked the Board for allowing her to speak and read her petition aloud. Diane reported there were 558 signatures for a show of support for Hex and Hop Brewery. 106 of those signatures were residents living in Bloomingdale, and the remainder were residing outside of Bloomingdale. The three basic point of the petition were:

- 1) Dates/Times: Hex and Hop commits that live outdoor music will end by 9:00 pm on Friday and Saturday night, as well as holidays. On all other days, Hex and Hop will ensure that the music ends by 8:00 pm.
- 2) Hex and Hop will monitor outdoor music to ensure it is below comfortable noise levels (decibel level measured on business premises.)
- 3) Music will continue to be outdoors while weather permits. Once COVID restrictions lift and seasonal business decreases, Hex and Hop will ensure that musical acts are brought inside to reduce potential impact on the community.

Ethan Mikesell, owner of Hex and Hop, stated he could fully commit and agree to items 1, 2 and 3 of the petition with no problem at all. Ethan stated he felt the issue of noise could be settled with a verbal agreement. Supervisor Winemiller asked Ethan if the decibels would be measured at the property line. Ethan responded that the decibels would be measured within 25-30 feet of the stage area, which was less than the property line. Resident Ben Kline recommended that the property line closest to the concerned resident should be used in order to keep consistent with the decibel measurement.

Currently, there is no specific Noise Ordinance in the Town of St. Armand. Winemiller emphatically stated the goal of this Special Board Meeting was not to seek a Noise Ordinance but rather to come to a mutual agreement between Hex and Hop Brewery and the residential neighbor to establish reasonable and acceptable times and volumes for live music to be played at Hex and Hop. It is understood that it is in the best interest of Hex and Hop to have live music played at their establishment. Live music draws people in their establishment and helps them generate income. Winemiller then displayed a basic noise measurement document on the screen with various sound levels and decibels measurements of common sounds, asking what is reasonable? Three main factors influence the severity of hearing damage: Sound level,

proximity, and how time (how long you are exposed to it.) The following was copied from an existing Noise Ordinance from another town: *A person may not operate sound equipment at a business that produces sound in excess of 85 decibels between 10:00 am and 2:00 am, as measured at the property line of the business or is audible at the property line of the business between 2:00 am and 10:00 am, and so on.* The discussion then centered around Noise ordinances in various towns and without enforcement officials in a town, noise ordinances are not enforceable.

Ben Kline asked how the Town would enforce the decibels? Supervisor Winemiller responded that she does not have a decibel meter and never measured the Highway garage. She continued to state that a verbal agreement cannot be enforced and that is not ever what this issue was about. She asked Ethan to address this.

Ethan Mikesell stated a decibel app can be downloaded and used to measure the decibel level of the bands playing at Hex and Hop and for example, if 85 decibels is too much, they would want to shoot lower to an enjoyable level. He wants to be respectful of all concerned.

Alan Shrage suggested the first step might be to bring in a band to Hex and Hop, have them play a quick set and see what the band's decibel output is. They might already be below the acceptable decibel range.

Joe Waters, a sound engineer who was present at this meeting, liked the idea. He also stated the same type of sound check could be done with a stereo and speakers.

Ethan Mikesell stated he is convinced that if the band set up on the opposite side of the building from the resident's house, the level of noise would probably be 75 decibels and he is comfortable with 75.

Erin Cass stated that for every time you double your distance 10' – 20', the sound will go down 6 decibels.

At that point in the meeting, a verbal agreement was stated between Ethan Mikesell and Joseph Bates that in the late Spring when the outdoor music will be set to come back, an exact number of acceptable decibels can be determined. Ethan Mikesell said he was good with that and Joe Waters (who will be coming out to Hex and Hop at that time to assist) agreed he was good with that, also.

#### QUESTIONS OR COMMENTS

Supervisor Winemiller then opened the meeting to anyone with questions or comments?

Diane Chase thanked the Board for conducting the meeting and listening to the petition. She also thanked Davina Winemiller and Barbara Darrah for the hard work they do for the town.

Melissa Kline thanked Ethan and Hex and Hop for supporting the book drop on their property, stating Hex and Hop provided a lot of positive events through the pandemic, and stated there were a lot of pros at Hex and Hop.

Warrene McCarthy stated she went to Hex and Hop and sampled the root beer that she had heard about and she concurred it was the best root beer she had ever had. She commended Hex and Hop for what they have done.

Karl Law thanked Diane Chase and Warrene McCarthy for putting the petition together and the support for Hex and Hop is just overwhelming. He thinks it speaks volumes of what Ethan is doing there at Hex and Hop. He continued by stating that when people talk to him about Bloomingdale, Hex and Hop is always one of the positive spots that are talked about. They talk about what a great addition it is to Bloomingdale and the family-oriented atmosphere it is there. Karl also thanked Joe Waters for bringing his professional expertise to the conversation. Karl thinks Ethan and Joe Bates are right on track with the mutual agreement.

Ethan Mikesell stated he would like to thank the last three speakers and appreciated the compliments and support of Hex and Hop.

Jennifer Fuller thanked all who participated in this meeting.

#### MOTION TO ADJOURN:

Councilperson Jennifer Fuller made a Motion to Adjourn the Special Board Meeting. The Motion was seconded by Councilperson Karl Law and the Special Board Meeting adjourned at 6:30 pm.

I, Barbara J. Darrah, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Special Board Meeting minutes held on the above-referenced date.

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Barbara J. Darrah  
St. Armand Town Clerk

Dated: December 15, 2020