

Hearing tomorrow May 16, 2013 at 1:30 p.m. as witnesses. Councilman Gritsavage has offered to be present for this hearing as witness. Leah Everheart represented the Town in Court on Monday, May 13, 2013 and she will also be there in court tomorrow.

The Town Board reviewed the application submitted by Deborah Bant today and has discussed the process line by line of "The Special Event Permitting Law" in its entirety.

Matthew Ginter stated he has not received for this event the Department of Health approval and proof of adequate liability insurance (Umbrella insurance). He mentioned the possibility of having a line item for the security for an event.

Councilman Roosa mentioned should we be notifying the ambulance?

Councilman Ellsworth: There was discussion on whether this should be provided on the permit.

Councilman Roosa: Are we still going to be liable if the judge approves this tomorrow?

The Town Board discussed the process for the Special Event Permitting Law that the board is to consider.

b. It lacks proof of liability

8. The Town shall render a decision on each Application within 45 days of receipt of a complete Application.

Response: This was waived per court order.

Factors considered the following factors will be considered by the Board before granting or denying a Permit:

10(a) No more than one sign may be displayed.

Response: there is no indication of any sign that will be posted for this event

10(b) The Special Event should not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

Response: the map didn't adequately indicate the streets. How do we know if it will cause undo traffic congestion?

10(c) The Special Event Should not cause the overcrowding of parking facilities; given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.

Response: we don't know how many vehicles will be coming and how many the field can handle.

The Board can't tell by application if it will be over crowded, not sure how many people are coming to the event.

There is no parking control indicated. There is no way of knowing if it would be over crowded.

Plus, there is no letter from adjacent landowners allowing parking on their land along with insurance to cover their property.

10(d) The Special Event should not endanger the public health, safety or welfare given the nature of the activity, its location on the site and its relationship to parking and access points.

Response: the applicant doesn't have Department of Health permits.

10(e) The Special Event should not impair the usefulness, enjoyment or value of adjacent property. In making this determination, the Town Board shall consider the generation of excessive noise, smoke, odor, glare, litter or offensive visual appearance.

Response: we only can go by past experience.

Councilman Ellsworth: We have had several years of neighbors complaining to the Town Board.

Supervisor Kemper: it was predominantly excessive noise.

Councilman Ellsworth: and odor

10(f) Any structure used in conjunction with the Special Event shall be subject to all applicable building codes and any tent or temporary structure shall be promptly removed upon the cessation of the event.

Response: our understanding is that there is a stage on the property. We're not sure if David Curtis, Code Enforcer gave a building permit and no power inspection to the stage.

10 (g) No Special Event may be conducted in a residential zone.

Response: It is very much Residential

10 (h) The duration and hours of operation of the Special Event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed three (3) consecutive days. An event shall not be in operation during "Quiet Hours", which are: Sunday through Thursday, quiet time 10:00 pm to 8:00 a.m.; Friday and Saturday from Midnight through 8:00 a.m.

Response: there is no indication of hours of the event. There is advertisement on face book, May 16-19, 2013 until 1 a.m.

Question: What about liability for the vendors?

Does Department of Taxation come and check to see if the vendors have proper documents for Sales Tax?

We need proof of insurance for the event and to view Ms. Bant's insurance to see if it covers the vendors.

We need to get copies of Ms. Bant's contract with vendors.

10 (i) In no case shall there be more than (4) events in any calendar year, for a maximum total of twelve 12 event days at any site.

Response: does it apply?

10 (j) For a business located within a plaza, the prior grant of another Special Event Permit within the plaza must be taken into consideration when determining whether the criteria for issuance of the requested permit can be met.

Response: does not apply?

10 (k) Water supplies of potable quality shall be reasonably spaced throughout the area to be used, with a minimum amount available of 1 ½ gallons per day per person expected to attend.

Response: there is no indication of water or whether it is reasonably spaced. Don't know how many people are coming to the event. Is there enough water for the amount of people? What is the source?

10 (l) Separate male and female portable toilet facilities shall be made available. At each toilet facility, there shall be hand washing facilities.

Response: no indication of whether port-a-potties are marked male or female.

Mr. Ginter: The DOH in the past has informed them of having to have hand washing stations on either side of the port-a-potties.

Councilman Gritsavage: There is no indication of how she gets the water there.

10 (m) Adequate security is provided.

Response: there is no indication of security.

Supervisor Kemper: Let the record reflect that Deborah Bant's Special Event Permitting Law application dated 5/14/2013 is not a complete application.

Mr. Ginter: If Ms. Bant comes in tomorrow with the insurance information will it be provided to the court?

Supervisor Kemper: The Judge court ordered us to have this meeting and we had no time to consider anything or invite anyone to properly convene. Ms. Bant had months to file for this Special Event application.

MOTION

Councilman Gritsavage motioned the application received from Deborah Bant is not complete.

The drawing to scale is incomplete.

Parking on adjacent properties-there should be a letter from the property owners allowing parking on their property.

There is no proof of insurance.

There is no indication of a sign; the map doesn't adequately indicate the streets.

There is no parking plan. Just a sketch of a field, there are no lines, or attendants for parking.

There is no Department of Health permit.

Adjacent property neighbors have complained on impaired enjoyment.

There is no indication of stage inspection or a building permit or power inspection.

There are other structures on the property and they are not indicated on the property sketch.

There is no indication of the hours of this specific event.

Potable water reasonably placed, it is not on the sketch through out the area covered by the function.

How much water and how many people?

There is no male and female toilets indicated. There might be hand washing facilities, we're not sure.

There is no indication of security.

It was asked if the Solid Rock Ranch charity status with the State is revoked. If it is revoked, then they become a business. They should then have a copy of authorization of Sale Tax Certificate. A business is not permitted in a residential. They need a valid 501 (c) (3).

Councilman Anderson seconded the motion and passed by,

VOTE:

Linda Kemper	Aye	Darryl Roosa	Aye
Bob Ellsworth	Aye	William Gritsavage	Aye
Ivar Anderson	Aye		

Councilman Ellsworth motioned to adjourn the meeting at 8:08 p.m. and Councilman Anderson seconded and passed by,

5-Ayes: Supervisor Kemper, Councilmen: Anderson, Ellsworth, Roosa and Anderson
0-Nays

Respectfully submitted,

Elaine Mihalik, RMC
Town Clerk