



# Village of Endicott

Linda Jackson, Mayor

R. Ted Warner, Trustee  
Patrick Dorner, Trustee  
Nicholas Burlingame, Trustee  
Timothy Wright, Trustee

A Quality Community

Anthony Bates, Village Manager

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## Board Meeting December 6, 2021

### Order of Business

#### 1. Pledge of Allegiance – Moment of Silence

#### 2. Fire and ADA Compliance Announcement

#### 3. Mayor Announcements

Working with the school on crosswalks and crossing guards for student safety. Discussing shelters for these guards against the rain and snow while waiting for students.

Got the approval from the Town of Union who are paying for an exercise park in our parking lot behind the new SEPP building.

Attended the opening of the new 'Taste of Bengal' restaurant. Great to have another authentic restaurant on the Avenue.

Donna Lupardo is checking on another grant for some new police vehicles.

Working on the gateways to our Village. A welcome sign for 26 south like the stone arch JC has would be great. A sign at the corner of McKinley and Monroe highlighting the home of Endicott Johnson, Birthplace of IBM. Our clean energy technology, and an arrow to our Washington Avenue business district. A third gateway could be at the end of Washington Avenue at North Street. This is Huron property, but they gave us permission to put something there.

Spoke at Rotary. Someone there had a great suggestion. To try to get a high-end hotel to come to the former Endicott inn site. We could send perspective hotel chains a copy of the DRI video we made with our company representatives.

Attended a meeting with a company who is supplying us with new water meters. We discussed data collection from these meters. I will have more information after the next water board meeting.

The 81<sup>st</sup> holiday parade was fantastic. Floats, bands, and much community participation. The tree lighting was very well attended, the UE band played, and we had a girls scout group sing. Hot cocoa and cookies with Santa at the fire station and fireworks to top off the evening.

#### **4. Trustees**

Dorner-Congratulated the organizers of the Holiday Parade. Commented on an email from the Mayor regarding some items she would like the Trustees to take on

Warner-He welcomed Tim Wright, new Village Trustee, to the meeting. Commented on the Holiday Parade and thanked all involved. He made a motion to add to the meeting under new Business: Keys for the Trustees in which Trustee Burlingame seconded

Konecny-Yes

Dorner-Absent

Warner-Yes

Burlingame-Yes

The Board Meeting Procedures included a permanent and non-changeable agenda format and for the last 2 meetings, it appears there have many changes that should not have been done. He questioned the vendor/ food trailer that is parked on Dr. Pecora's property. He questioned an email from Nancy Spacek re: a gear made for the carousel and who it was made by. There was discussion as to whether the Swearing In would be on the 1<sup>st</sup> or the 3<sup>rd</sup> at the board meeting as well as the meeting start time. Attorney McKertich stated the swearing in process should be done prior to the reorganizational meeting, regardless of the day. Trustee elect Wright agreed to have the swearing in at 5:30 on 1/3/2022, 6:00 for the board meeting and the reorganizational meeting will be held at 7:30.

Burlingame-stated a high end hotel would be great for the Village, commented on the Village festivities over the past weekend. Congratulated the parade committee for a job well done. He has been researching Tree City USA but has not come up with a determination whether this would be good for our community. He would like to continue to look into this. He suggested that the Village board rejoin an agreement with the Town of Union re: not having access to the Scarborough dump site. Winter parking has been a huge issue and would like to hear thoughts from the parking committee re: alternate parking during the winter rules period only. He read aloud a note from the Little Italy group thanking the board and several people for their assistance on their events.

Trustee Warner asked the Mayor to explain the situation with the Scarborough Dr. issue. She suggested we can revisit this with Town of Union.

#### **5. Village Manager**

He stated the playground has been installed at the GWJ Park. A few minor things need to be completed. There has been discussion re: the lower playground such as: benches and mulch. Attended the water board meeting and met with representatives re: ordering additional water meters. Attended a meeting with the BMTS in which they discussed future projects for the Village. They submitted the WIA grant as well as a WIA grant for the Wastewater dept. There will be an open house next Wednesday the 16<sup>th</sup> re: the Washington Ave Revitalization project. This is an opportunity for the public to review the plans as well as give feedback. He gave an overview of all the grants that are in progress and pending.

#### **6. Attorney for the Village**

A reminder that the Noise Law will on the next agenda. The SEPP project has been approved by the Planning board for Washington Ave. He mentioned to the Mayor that she may want to speak with Chief Garey re: the timing of grant money and funding for police vehicles due to already bidding out for these. He stated the grant may not cover something that has already been purchased. Trustee Warner commented on the signage as you enter into the Village and feels that if you allow a businesses name at the entry, other businesses should have the same opportunity.

**7. Special Presentations- None**

**8. Public Hearings**

Mayor Jackson requested a call for a public hearing on 1/3/2022 – to discuss allowing the Village Manager to run the Board meetings when the Mayor is not available to attend. Trustee Warner suggested waiting until the 1/3/2022 meeting for the Mayor’s decision on a Deputy Mayor. Attorney McKertich stated that NYS Village Law states that the Mayor has the responsibility to appoint a Deputy Mayor among the Trustees. Mayor Jackson then stated per the law she does not have to appoint a Deputy Mayor in which the attorney agreed. It is his recommendation that she does not have a vacant Deputy Mayor position. He stated that if the Mayor is incapacitated and cannot perform her duties and if there is an emergency, there needs to be someone ready and prepared to step in and take affirmative acts on behalf of the Village; such as issuing a State of Emergency.

**Public Comment re: LL#07-2021-Property & Building Nuisance Law**

George Fiedler-asked in reference to this law, how will this be communicated to property owners who are absent from the Village of County. Attorney McKertich answered by saying these amendments are communicated through the public hearing process, this was advertised and they are able to come in to speak at this public hearing. He stated there is a lot of process such as letters sent first. He suggested sending a notice of amendments to property owners and/or absentee landlords.

As no one else wished to speak, the Mayor closed the public hearing.

**9. Resolutions/Local Laws**

a. R#53-2021 to approve LL#07-2021-Property & Building Nuisance Law

A motion to approve was made by Trustee Konecny and seconded by Trustee Burlingame  
Roll Call

Mayor Jackson- Abstain      Konecny-Yes      Dorner-Absent  
Warner-Yes      Burlingame-Yes

b. R#54-2021- 384d Reopener Resolution- J. Quinn

A motion to reopen the resolution was made by Trustee Konecny and seconded by Trustee Burlingame

Roll Call

Mayor Jackson- Abstain      Konecny-Yes      Dorner-Absent  
Warner-Yes      Burlingame-Yes

**10. 1<sup>st</sup> Hearing of Visitors**

Michael Colella- 121 and 524 W. Main St., Endicott- stated an objection to the Mayor saying the Trustees did not have her back. Comments re: properties owned by the Mayor and asked the Mayor, if during the recent election, use the Village of Endicott website to promote political candidates.

Heather Staley- wanted to follow-up on the status of Tree City USA

Christine Ellison- a special thank you to Trustee Konecny for all that she has done as a Village Trustee, comments related to Tree City USA and strong comments re: Mayor Jackson appointing a Deputy Mayor.

Terri Farrell-, 404 Hazel Ave- Comments and concerns re: Tree City USA

Brian Steele- thanked the Village board for placing the crosswalk at Jennie F. Snapp School. He asked if the striping could be redone due to the narrowness of the crosswalk . Parking at this location is now an issue. He thanked the EPD for patrolling this area.

George Fiedler-Comments re: the Holiday Parade and the importance of appointing a Deputy Mayor

As no one else wished to speak, the Mayor closed the 1<sup>st</sup> hearing of visitors

### 11. Approval of Minutes

VOE 11/15/2021

A motion to approve was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain	Konecny-Yes	Dorner-Absent
Warner-Yes	Burlingame-Yes	

### 12. Communications for Filing

a. Town of Union Meeting 11/3/2021, 11/17/2021 & Agendas 11/17/2021 & 12/1/2021

b. Notice from Charter Communications – 11/19/2021

c. Fuel Source & Air Submission Notice- 2019

d. Town of Union 239 Review Submission Form- 2305 Country Club Rd.

A motion to approve was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain	Konecny-Yes	Dorner-Absent
Warner-Yes	Burlingame-Yes	

### 13. Communications for Action

a. En-Joie Golf Course Agreement- extended through 12/31/2026

A motion to approve was made by Trustee Burlingame and seconded by Trustee Konecny

Roll Call

Mayor Jackson- Abstain	Konecny-Yes	Dorner-Absent
Warner-Yes	Burlingame-Yes	

b. AFSCME Tentative Agreement- VOE Street & Water

A motion to approve was made by Trustee Konecny and seconded by Trustee Burlingame

Roll Call

Mayor Jackson- Abstain	Konecny-Yes	Dorner-Absent
Warner-Yes	Burlingame-Yes	

c. IAFF Negotiations 2021

A motion to approve was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain	Konecny-Yes	Dorner-Absent
Warner-Yes	Burlingame-Yes	

d. Holiday Parade Donation

Attorney McKertich is to draft a contract for a future contractual relationship in the amount of \$2,500.00 for the Holiday Parade

14. Bid(s)

a. A request from Fire Chief Joe Griswold to award the Code Enforcement building Roof bid to Brent Dyer Construction in the amount of \$39,969.00- **HELD OVER**

The bids were publicly opened on 11/29/2021 at 2:10pm with the following bids received:

Brent Dyer Construction	\$39,969.00
Titan Roofing	\$98,500.00
Marchuska Brothers Construction	\$96,275.00

A motion to approve was made by Trustee Konecny. There was no 2<sup>nd</sup> motion was made and Trustee Konecny held this over so the Engineer can review due to the disparity of bids.

b. Smith Drive Watermain Replacement Construction Bid

A request from VOE Water dept recommends to award the Smith Dr. Water Main Project to Chicago Construction in the amount of \$159,000.00 plus \$200.00 per LF for service replacement if needed.

The Following bids were received:

FP Kane	Base Bid	\$344,000.00	service replacement	\$250.00 per LF
Vacri	Base Bid	\$281,000.00	service replacement	\$125.00 per LF
G DeVincentis	Base Bid	\$338,000.00	service replacement	\$180.00 per LF
Chicago Construction	Base Bid	\$159,000.00	service replacement	\$200.00 per LF

A motion to award the Smith Dr Watermain Project for construction to Chicago Construction in the amount of \$159,000.00 was made by Trustee Burlingame and seconded by Trustee Konecny  
Roll Call

Mayor Jackson- Abstain	Konecny-Yes	Dorner-Absent
Warner-Yes	Burlingame-Yes	

c. Smith Drive Watermain Replacement Material Bid

A request from VOE Water dept recommends that T. Mina Supply East Inc. be awarded the bid for the Smith Drive Water Main Project material bid.

The Following bids were received:

Core & Main	Base Bid	\$79,364.35
FW Webb	Base Bid	\$80,522.16
T. Mina Supply East Inc.	Base Bid	\$76,007.20
EJ Prescott	Base Bid	\$80,594.50

A motion to award the Smith Dr Watermain Project for materials to T. Mina Supply East in the amount of \$76,007.20 was made by Trustee Konecny and seconded by Trustee Dorner

Roll Call

Mayor Jackson- Abstain	Konecny-Yes	Dorner-Absent
Warner-Yes	Burlingame-Yes	

<b>15. Accounts Payable for Action</b>	<b>\$1,559,980.96</b>
<b>GENERAL</b>	<b>\$738,165.44</b>
<b>LIGHT</b>	<b>\$91,180.49</b>
<b>WATER</b>	<b>\$106,823.36</b>
<b>WASTEWATER</b>	<b>\$152,757.31</b>
<b>CAPITAL</b>	<b>\$458,015.33</b>
<b>LIBRARY</b>	<b>\$8,923.61</b>
<b>PARKING</b>	<b>\$1,627.34</b>
<b>TRUST &amp; AGENCY</b>	<b>\$2,488.08</b>
<b>TOTAL</b>	<b>\$1,559,980.96</b>

A motion to approve was made by Trustee Konecny and seconded by Trustee Warner  
Roll Call

Mayor Jackson- Abstain      Konecny-Yes      Dorner-Absent  
Warner-Yes      Burlingame-Yes

**16. Unfinished Business-None**

**17. New Business**

a. Petition from Dave Powell re: No Parking, 1900 Block/Monroe St and Alternate St. parking during the winter months

A motion by Trustee Burlingame to refer to the Parking Authority Committee

b. Trustee Office

A motion to open up the Trustee office in the Admin part of the Municipal building was made by Trustee Warner. Motion failed.

Attorney McKertich urged that the Mayor and board come to some type of agreement and suggested they use the conference room and setting up scheduled times for use.

**18. 2nd Hearing of Visitors**

Alberta Fiori-Gazda-Comments re: Tree City USA application and its 12/31/21 deadline. Commented on her prior time as Trustee in which she did not have an office here. Heartfelt comments directed to Trustee Konecny and her time at the Village.

David Powell- added items to his petition for filing and suggested items for the Parking Authority.

Christine Ellison- Suggested that the Trustees be set up with offices to conduct Village business

Diane Hunter, 519 E Main St- Comments re: the Holiday Parade, suggested a sound system and possibly shutting down a lane or block due to the speed of traffic. Commented on the issue of setting up an office for the Trustees

George Fiedler- Comments re: Tree City USA

As no one else wished to speak, the Mayor closed the 2nd hearing of visitors

### **19. Mayor Comments**

Mayor Jackson read a statement to thank Trustee Konecny for her service and devotion to the Village for the past 8 years.

### **20. Trustees Comments**

Dorner- Comments re: setting up a Trustee office

Burlingame- stated that the replanting of the South St trees is not dependent on the Village becoming a Tree City USA. There will be trees replanted on this street.

### **21. Executive Session**

Discussion of collective bargaining and the employment history of particular employees

A motion to enter into executive session was made by Trustee Konecny and seconded by Trustee Burlingame

### **22. Adjournment**

A motion to adjourn was made by Trustee Konecny and seconded by Trustee Burlingame

Roll Call

Mayor Jackson- Abstain

Konecny-Yes

Dorner-Absent

Warner-Yes

Burlingame-Yes

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**From:** LINDA JACKSON  
**Sent:** Tuesday, December 07, 2021 9:49 AM  
**To:** JANICE ORLANDO  
**Subject:** Long version of my announcements

### MAYOR'S ANNOUNCEMENTS DECEMBER 6<sup>TH</sup> 2021:

Working with the school district with additional plans for the Jennie F. Snapp crossing and crossing guards. We do have a couple more people who applied to be crossing guards. Anthony and I have discussed shelters for these guards against the rain, snow, and wind.

We did receive the approval from the Town of Union for their fitness grant to do the exercise park behind the SEPP building.

We have another new authentic restaurant on the Avenue. Taste of Bengal. The cuisine is from Bangladesh. These people came here to open a restaurant on Washington Avenue because of our reputation for authentic food. We are so happy to welcome them to the Village of Endicott. At their grand opening they presented me a beautiful glass crest to display here at the Village.

While we have not had any luck in attracting police from another area to transfer here yet, but our police have made another request. They could use new police vehicles. I asked Congresswoman Lupardo to investigate a grant for this, and she replied that she would see what she can do for us. We are so lucky to have her, she has done a lot for our Village.

Gateways are included in our Greater Binghamton Washington Avenue grant. Here are the latest plans.

On route 26 south coming into the Village of Endicott is the property of the Department of Transportation. There was a green sign that read 'Village of Endicott – incorporated in 1906'. It has been taken down because they are working with us on a new sign like the stone arch sign at the entrance on Main Street for Johnson City. The DOT retains control over the size and material of this sign. It will keep the original message.

On the corner of McKinley Avenue and Broad Street is a garden kept up by the church. Huron owns this property. Huron has given us permission to erect a sign there if it says 'Home of Endicott Johnson, Birthplace of IBM and points to the Washington Avenue business district. Anthony has this slated as one of the



gateways in the beginning of the project. That is why the Village spent so much money on upgrading this intersection.

Over McKinley Avenue, coming in from route 26 south, was a sign about Huron, EIT, etc. BAE Systems wanted this replaced a while ago. As soon as Phoenix comes up with a name for the campus, they will work with the other companies in the campus to make a new sign - at their expense.

We were also given permission from Huron to do a gateway on their property at the end of Washington Avenue on North Street. I have requested Delta to start working on a design for this area with Huron.

I spoke at the Rotary club and gave them an update on many things going on in the Village. Some people gave me ideas for the Village. One idea was to have a high-end hotel here the Village. One that gives out points, etc. It was suggested to send our DRI video to some hotel chains to entice them to look at our area. On tis video are three of our biggest employees here in the Village.

Attended a meeting with the company who are supplying us with the new water meters. We had a long discussion regarding the date collection system. We will be having another discussion at the water board meeting next week about this.

Our 81<sup>st</sup> traditional holiday parade was a huge success. A lot of the Avenue businesses came out in support. EPAC had some well-known figures to greet us as we drove by. It was nice to see the Village Trustees had a float this year. The Town has had one, and it is nice we are represented. Next year we hope for even more floats! Dr. Upreti from Imperium 3 and his family thoroughly enjoyed riding on Randy's carousel float. Shelish said that next year he will have an '1 3' float! Phoenix had two trucks in the parade as well. It is wonderful to see our new businesses participating. We are very grateful for all the donations from BAE, the banks, and Visions, as well as many others. Without these donations this parade would not be possible.

Linda

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**From:** LINDA JACKSON  
**Sent:** Tuesday, December 07, 2021 9:50 AM  
**To:** JANICE ORLANDO  
**Subject:** My goals to accompany my long version of announcements.

## MY GOALS AND PLANS FOR THE VILLAGE

I will continue:

to represent the Village at the Towns and Villages meetings. This time as president.

to attend the Village commission meetings that I have attended for many years. As well as the Town of Union Board meetings where we make plans to work together on beneficial projects.

my participation with Endicott Proud and with the police, fire, code, and my department heads participating in our CPTED group.

to work with the school district on anything we in the Village can do to assist with the safety of the students – like the crosswalks at the high school and JF Snapp middle school, and our need for more crossing guards, etc.

working on the Washington Avenue revitalization project has been a long process, but it is now nearing to be a reality! I continue to work with the business owners and our residents on their preferences for this wonderful transformation, and our new gateway projects. Looking forward to work starting in the spring!

working more closely with our Assemblywoman, Donna Lupardo, on additional grants. She and I have been discussing her assistance with our water infrastructure, as well as a new grant for the next five years for the airport. I have had other politicians offer to tell me about grants, but she is offering to ‘lend a hand’ in applying. I hope to involve Senator Akshar as well because he has been very good to our Village.

Right now, my secretary is continuing with our clean energy grant until we can secure our intern. Then she will turn her attention to our EMT and fire department reimbursement issue. We had planned on working with NYCOM, but we may now have a closer person with the Union Volunteer emergency squad to help us. With so many new tasks and ideas, volunteers to organize, etc. I may be looking for someone soon to fill the part time clerk position I still have.

My biggest goal is to continue to support our many businesses at the former Huron campus and work with the new owners. I have already had a conversation with the Phoenix executive in charge of acquiring new businesses to come to Endicott. We discussed both Imperium and Ubiquity's plan to have their suppliers be only from North America, all to come preferably here to Endicott. He said he will work on contacting possible new companies immediately. It is great to see all our hard work paying off! We must keep up this momentum!

Linda

**From:** LINDA JACKSON

**Sent:** Tuesday, December 07, 2021 9:51 AM

**To:** JANICE ORLANDO <asstreas@endicottny.com>

**Subject:** My good bye speech to Eileen at very end of meeting.

## DECEMBER 6, TO EILEEN:

I want to thank Deputy Mayor Eileen Konecny for her devotion to the Village of Endicott over these past eight years. Bringing our community together with the many events she has organized has proved to be a valuable enhancement to the quality of life for many of our residents. We hope she will continue to be involved with the Applefest and visitor center concerts with our event coordinator, Monica Jordan. The community really needs you and these events! From the Applefest, to the concerts, to the sip and shop, many more, and your masterpiece – our hero parades. Your energy will be missed.

Our fire and police do expect you to keep in contact. You have been a great liaison these eight years. No one can replace you!

Eileen, you and I are proof that people from different political parties can overcome politics for the advancement and future of our Village residents and their economy.

Your unwavering support of the Huron campus and the business who ventured to come here is a testament to your tenacity. After the contention over manufacturing and our industrial campus in the Village last year, many companies kept their distance from Endicott. These companies would not have reconsidered

coming to Endicott if we had not provided them the support to reconsider. You have always been dedicated to business in Endicott.

Our future is now much brighter with many additional good jobs, and our economy has a chance to flourish. We Village residents and taxpayers owe you a debt of gratitude for not giving up. You leave the Village much better than when you started your political career.

Linda

# VILLAGE OF ENDICOTT

## LOCAL LAW NO. 1 OF THE YEAR 2022

### A LOCAL LAW TO ENACT A NOISE CONTROL LAW AND AMEND THE ZONING CODE REGARDING NOISE LIMITS

Be it enacted by the Board of Trustees of the Village of Endicott as follows:

Section 1. Purpose.

The purpose of this local law is to repeal Chapter 300 Article 50 of the Zoning Code, entitled “Noise Limits”, in its entirety and to enact a new non-zoning law entitled “Noise Control”.

Section 2. Amendment to Chapter 300 Article 50 of the Zoning Code

Chapter 300 Article 50 of the Village of Endicott Zoning Code shall hereby be deleted in its entirety.

Section 3. Enactment of a New Chapter of the Endicott Village Code Entitled “Noise Control Law”.

There shall be a new Chapter added to the Village of Endicott Code, entitled “Noise Control Law”, which shall read as follows:

**Section 1 Short Title**

This Chapter shall be known and may be cited as the Village of Endicott “Noise Control Law”.

**Section 2 Declaration of Policy**

It is hereby declared to be the policy of the Village of Endicott to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting and promoting the public health, comfort, convenience, safety, welfare and the peace and quiet of the Village of Endicott and its inhabitants.

This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall be construed to abridge the powers and responsibilities of the Village of Endicott Police Department to engage in any proper or necessary activities.

**Section 3 Definitions**

**Administrator** means the Chief of Police of the Village of Endicott, and his/her designee, and the Code Enforcement Officer of the Village of Endicott, and his/her designee.

**Authorized emergency vehicle** means every ambulance, police vehicle, fire vehicle and civil defense vehicle.

**Burglar alarm** means any device designed and intended to produce an audible sound signal upon unauthorized entrance into a building, premises or motor vehicle.

**Commercial** means any business or commercial activity that involves the purchase or utilization of goods or services.

**Construction** means any activity necessary or incidental to the erection, reconstruction, demolition, assembling, altering, installing or equipping of buildings, highways, roads, premises, parks, utility lines or other property, including but not limited to related activities such as line clearing, grading, earthmoving, excavating, blasting, filling and landscaping.

**Construction material** means any material, regardless of its composition, designed and customarily used in construction.

**Container** means any receptacle, regardless of contents, which is manufactured from wood, metal, plastic, paper or any other material including but not limited to any barrel, basket, box, crate, tub, can, bottle or refuse container.

**Device** means any mechanism which is intended to or which actually produces and/or amplifies sound when operated or handled.

**Emergency** means a public calamity or an exposure of any person or property to actual or imminent danger.

**Emergency warning device** means any device that is designed to be used and is actually used to warn of an emergency.

**Motor Vehicle** means any vehicle operated or driven upon the public highway which is propelled by any power other than muscular power, except electrically driven wheelchairs being operated or driven by a handicapped person, vehicles which run only upon rails or tracks and snowmobiles.

**Person** means any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any person or employee thereof.

**Real property boundary** shall mean an imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.

**Sound reproduction device** means a device intended primarily for the production or reproduction of sound including, but not limited to any musical instrument, radio receiver, tape recorder, phonograph, or sound amplification system.

**Unnecessary noise** means any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary noise exists in a given situation, include but are not limited to the following:

1. The volume of the noise.
2. The intensity of the noise.
3. Whether the nature of the noise is usual or unusual.
4. Whether the origin of the noise is natural or unnatural.
5. The volume and intensity of the background noise, if any.

6. The proximity of the noise to sleeping facilities.
7. The nature and the neighborhood within which the noise emanates.
8. The time of the day or night the noise occurs.
9. The duration of the noise.
10. Whether the sound source is temporary.
11. Whether the noise is continuous or intermittent.
12. Whether alternate methods are available to achieve the objectives of the sound producing activity.

#### **Section 4      General Prohibition**

No person shall make, continue, cause or permit to be made any unnecessary noise. It shall not be a defense hereto that the person does not reside at the property where the violation occurred.

#### **Section 5      Enumerated Prohibitions**

The following acts are declared to be prima facie evidence of a violation of this chapter and are prohibited. However, such enumerations shall not be deemed to be exclusive.

##### **A. Vocal Noise**

No person shall create unnecessary noise by shouting, yelling, whistling, singing or other vocal exclamations between the hours of 11:00 p.m. and 7:00 a.m. in, on, near or adjacent to any public street, park or place in the Village of Endicott.

##### **B. Burglar Alarms**

No person shall operate or cause to be operated an audible burglar alarm unless such alarm is capable of and shall automatically terminate operation within fifteen (15) minutes after such alarm is first activated. Notwithstanding this provision, any member of the Village of Endicott Police Department shall have the authority to take such steps as may be necessary to disconnect said alarm at any time when in operation.

##### **C. Construction**

(1) Except as otherwise provided herein, no person shall conduct or permit to be conducted construction, alone or in combination with other construction conducted or permitted by such person in a manner as to cause unnecessary noise between 9:00 p.m. and 7:00 a.m. Monday to Saturday, or at any time on Sundays or holidays, unless otherwise exempted under this chapter or the Village Code.

(2) The provisions of this section shall not apply to the following:

- (a) Emergency work, and safety and protective devices.

(b) Domestic power equipment and tools subject to section K herein.

#### **D. Containers and Construction Material**

No person shall handle or transport or cause to be handled or transported in any public place, any container or construction material in such a way as to create unnecessary noise.

#### **E. Commercial Purposes**

No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, in such a manner as to create unnecessary noise distinctly audible from a distance of fifty (50) feet outside the building, premises or structure where produced, or sufficiently audible upon any public street or place to attract and congregate a crowd thereon.

#### **F. Defect in Vehicle or Load**

No person shall operate or permit the operation of any motor vehicle in such a manner or so out of repair or so loaded as to create unnecessary noise such as grating, grinding, or rattling.

#### **G. Emergency Warning Devices**

No person shall operate or cause to be operated any emergency warning device, except:

- (1) To give notice as a warning of any emergency;
- (2) On an authorized emergency vehicle when such vehicle is engaged in emergency operations provided that such device is not operated for a period of time longer than is necessary to respond to such emergency;
- (3) When such device is under test.

#### **H. Exhausts**

Except as otherwise provided in the Village Code, no person shall cause or permit the discharge into the open air of the exhaust of any device, including but not limited to any steam engine, motor vehicle engine, diesel engine, internal combustion engine or turbine engine, so as to create unnecessary noise.

#### **I. Institutions**

No person shall cause or permit the creation of any unnecessary noise through the use of any device on any street, sidewalk or public place adjacent to any school, court or church while such structure is in use, or adjacent to any hospital at any time, provided that conspicuous signs are displayed so as to identify such school, court, church or hospital.

#### **J. Loudspeakers and Public Address Systems**

- (1) No person shall use, operate or permit the use or operation of any loudspeaker, public address system or similar device for any noncommercial purpose between the hours of 9:00 p.m. and 9:00 a.m. of the following day, such that the sound therefrom creates unnecessary noise across a residential real property boundary.



(2) No person shall use, operate or permit the use or operation of any loudspeaker, public address system, or similar device for any commercial purpose:

(a) Such that the sound therefrom creates unnecessary noise across a real property boundary, or

(b) Between the hours of 9:00 p.m. and 9:00 a.m. of the following day on a public highway.

#### **K. Power Equipment and Tools**

No person shall operate or permit to be operated any domestic power tool including but not limited to mechanically powered saws, sanders, grinders, and lawn and garden tools used outdoors in residential areas between the hours of 9:00 p.m. and 7:00 a.m. of the following day so as to create unnecessary noise across a residential real property boundary.

#### **L. Sound Reproduction**

No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

(1) In such a manner as to create unnecessary noise across a real property boundary, except for activities open to the public and for which a permit has been issued.

(2) In such a manner as to create unnecessary noise audible from a distance of fifty (50) feet from such device, when operated in or on a motor vehicle on a public highway.

(3) In such a manner as to create unnecessary noise to any person other than the operator of the device, when operated by any passenger on a common carrier.

(4) In such a manner as to create unnecessary noise that enters an apartment or dwelling unit that is separate and distinct from the apartment or dwelling unit from which the unnecessary noise originated.

#### **M. Squealing Tires and Horns**

No person shall operate a motor vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires of such motor vehicle or by sounding the horn or other signaling device of any motor vehicle, except as a warning signal pursuant to the provisions of § 375 of the Vehicle and Traffic Law of the State of New York.

#### **N. Street Sales**

No person shall offer for sale or sell anything by shouting or outcry causing unnecessary noise within any residential or commercial area except by permit.

### **Section 6 Authority for Special Exceptions**

The Administrators shall have the authority to grant special exceptions to any of the provisions of this chapter upon such conditions and for such reasonable time to best serve the public health, safety and welfare of the Village of Endicott and its inhabitants.

## **Section 7 Enforcement**

### **A. Enforcement Powers**

The provisions of this chapter shall be enforced by the Administrators who shall have the power to:

- (1) Order the owner of any device which causes or is maintained or operated so as to cause a violation of any provision of this chapter to install any apparatus which can reasonably be expected to correct the violation, or to repair, properly maintain, replace or alter such device in a manner which can reasonably be expected to correct the violation.
- (2) Order any person to cease and desist from any activity which causes or is conducted so as to cause, a violation of any provision of this chapter.

### **B. Penalties**

Any person found violating the provisions of this chapter shall upon conviction thereof, be punished as follows:

- (1) Any person committing an offense against this chapter shall be guilty, upon conviction, of an offense punishable by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment, not to exceed fifteen (15) days, or both such fine and imprisonment.
- (2) Violations, regardless of the number, on any one day, shall be considered as one violation for that day. Continuation of a violation for each separate day shall be deemed a distinct and separate offense.
- (3) An action or proceeding may be instituted in the name of the Village of Endicott, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this chapter. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board. Abatement proceedings shall be in addition to any penalties prescribed in this section.
- (4) Nothing herein contained shall prevent the Village of Endicott from taking such other lawful action as necessary to prevent or remedy an infraction.

## **Section 8 Miscellaneous Provisions**

### **A. Non-Applicability to the Village of Endicott and Other Governmental Bodies**

Sections C, D, G, I and K herein should not be applicable to activities of the departments of the Village of Endicott while acting in the course of their governmental responsibilities. The Board of Trustees of the Village of Endicott, or their designee, in their discretion, and upon reasonable terms and conditions, may permit other governmental entities acting in the course of governmental responsibility to be exempt from all or part of the requirements of Sections C, D, G, I and K.

Section 4.     Remainder.

Except as hereinabove amended, the remainder of the Village Code of the Village of Endicott shall remain in full force and effect.

Section 5.     Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 6.     Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**CERTIFICATION**

I, Anthony J. Bates, do hereby certify that I am the Village Manager of the Village of Endicott and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Village Board at a meeting thereof held via Zoom Video Conference on the 3<sup>rd</sup> day of January, 2022. Said resolution was adopted by the following roll call vote:

A motion to approve LL#01-2022 was made by Trustee Burlingame and seconded by Trustee Warner

Said resolution was adopted by the following roll call vote:

Trustee Warner- Yes

Trustee Dorner- Yes

Trustee Burlingame-Yes

Trustee Wright- Aye

This notice is given pursuant to a resolution of the Board Duly Adopted at a regular meeting thereof held on the 3<sup>rd</sup> day of January, 2022

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Anthony J. Bates, Village Manager  
Village of Endicott