

**FEBRUARY 20, 2023**

**STATE OF NEW YORK  
ALBANY COUNTY**

**PUBLIC HEARING**

Supervisor Palow led the pledge of allegiance and called The Public Hearing to order at 6:00PM for the Proposed Local Law # 1 2023 “A local law Regulating Use of Limited Use Vehicles and All-Terrain Vehicles on Town Highways “with the following members present Councilmembers Clayton, Doolin, Thiem and Vane present. Town Clerk Kristin De Oliveira.

The following comments were made:

- Kevin Crosier started off speaking of the current administration’s responsibilities to the Town and was asked to sit down by Supervisor Palow, and after debate escorted to leave by Albany County Sheriffs.
- Laurie Searl spoke of concerns on damage to roadways in Town and that the Town should be able to have more of a say and be able to vote on the Proposed Law.
- Lawrence Zimmerman an Irish Hill Road resident referred to the proposed law as the “I can’t get there from here law” and pointed out the lack of trails in the Town to connect the proposed roadways for usage.
- Karen Storm a lifelong resident of Filkins Hill Road was concerned about losing the peace and quiet on their private property and had concerns with the many seasonal residents at Woodstock Lake that would take advantage of the ATVs on their roadway.
- Tim Lippert, resident, farmer, and small business owner- stated he is opposed to Local Law #2 of 2023 ATVs and the Comprehensive Plan clearly states the goal to “preserve and enhance”. Lippert also referred to the zoning laws that prohibit noise and dust.
- Russell Wilson a landowner asked what is the initiative to do this- will it lower our taxes? How does this benefit the Town and who will be maintaining the damage to roadways.
- James Rapp lifelong resident asked who is paying to clean up the garbage and mud. He also commented on the proposed roadways and that Stewart Road and Gifford Hollow Road have no way to get to them.

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- Dawn Jordan told the Board that the rough draft should not have been presented to the public. She spoke of the noises decibels that ATVs give off and compared it to ambient noise, she also added this proposed law did not correlate with the Comprehensive Plan.
- Ron Jordan spoke of his 150-acre property which is located near the power lines and over 40 years has had many ATV trespassers and with all the phone calls made to local authorities only once was the trespasser caught. Jordan also asked how this effects insurance policies for the town and who is liable for death or injuries.
- Doug Meurs told of the dust already on Filkins Hill Road where he runs often.
- Jim Kaufan of East Berne commented on how much law enforcement would be necessary as well as the many uses of “if” in the draft law.
- Neal Hogan, Captain of the Helderberg Ambulance mentioned his concerns with injuries and the burden it would place on the organization as well on local Fire Districts.
- Helene Goldberger of Gifford Hollow Road enjoys walking and horseback riding and is concerned with the noise and damage to land. She also stated the way the law is written provides no appropriate environmental review.
- Jeffery Baker, attorney for many town residents including Helen Goldberger and Kevin Crosier pointed out legality issues with the proposed law and that there is no jurisdiction, violates vehicle and traffic laws 405 as well not comply with the SEQR.
- Joshua Slingerland of Stewart Road just outside of Berne in Westerlo expressed concerned with his road being listed on Appendix A. Mr. Slingerland stated that over the previous weekend he counted 27 ATVs illegally riding past his property. He ended his comments stating he was extremely opposed.
- Rachel Rapp a resident in Partridge Run worries for farmers and animals and the loud noises that would be disturbing.
- Bryan Christman told of his conversations with Albany County Commissioner Lisa Ramundo found out about the proposed law from the Altamont Enterprise and was not alerted by the Town. He also spoke with others from the county to learn of their opposition to the proposed law.

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- Jeff Marden of Suto Road presented handouts to the board as well as a poster to display listing manufacturer warnings for ATVs and dirt bikes and pointed out that 3 points listed in the warnings that are not advised are allowed in the proposed law.
- Peggy Christman a resident and retired State Trooper spoke of fears of increased crime, trespassing and littering in the town.
- Pat Aronson a resident for 17 years asked the board what benefit does this law offer to the town? He also asked how you will maintain order.
- Dave Martin spoke of his experience as a dirt bike rider in the 1960s and that the one rule he knew and learned was that you only ride where you are welcome.
- Joseph Monette of Berne asked the room who wanted this law to pass? He stated that as a Master Sergeant of the US Airforce that he wrote many laws and regulations and that this proposed law was riddled with issues.
- Dennis Carl told he is 7<sup>th</sup> generation of a family residing in Berne on the “West Mountain” in Partridge run. He says how he would love a place to ride with his family.
- Matty Christopher took the microphone to state that he supports the proposed local law for ATVs.
- Jarett Carl ,8<sup>th</sup> generation in Berne enjoys riding ATVs and said it is already happening in the town. This was way to try to regulate it and give more control as well as accountability. He stressed that himself and the community of riders in the Town want a place to do it legally.
- Cindy Bevington a resident of 38 years and owner on Sawmill Road has concerns for EMTs in the Town and mentioned Switzkill farm as being a recreational area that could be used for ATVs trails in the town.
- Karen Schimmer stated that there was no public cost analysis and pointed out how the Proposed Law violates NYS DMV Law. She also asked the Board if there would be signage, where would people park and if Local EMS and Fire Departments had been contacting prior to issuing this draft law.
- Marika Romero a property owner with 63 acres who herself enjoys riding four wheelers told the Town Board she thinks this is a very dangerous law and was concerned. She asked where the trails are and stated that public roadways are not the place for this type of activity.

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- Josh Duell an East Berne resident in favor of the proposed law said this was the sixth meeting he had attended were this had been discussed and said it has a long way to go.
- Mame Kennedy lived on Peasley Road and told the board once the road was paved there have been more ATV and dirt bike riders and some do not even use helmets. She reiterated many things that had been said- signage, what about budgetary issues, where is the map of the trails and what about lights or patrol men.
- Forest Raston an Irish Hill Road resident spoke of being concerned for his children and that police officers do not and cannot chase at high speeds. He read a business card he received for Hilltown Riders and believe the subject should be left alone entirely.
- Aubrey Jeune told she is in favor and prefers for kids to be outside riding than inside and behind screens. She said this is something already happening in the town with people riding on roads and this would just be a way to regulate it.
- Mary Ann Roncori asked where the democracy is if only a handful of people want this law to pass. She lives on Beaver Road and says after one day of ATVs it is a mud wallow, she has been a resident for 34 years and is opposed.
- Charles Ver Stracten wanted to talk to the public and not directly address the board, he stated was against this and believed that the residents should have control over who comes onto our land as we know that people will not simply stay on the roads.
- Gwen Weinstock from Pinnacle Road said they just moved her a year and a half ago for the peace and quiet. Concerns of high-speed vehicles going over 55mph and said there are already ATVs being driven on Wolf Hill/ Pinnacle. Not only safety concerns but the effects on the environment and asked the board to consider this proposed law and to have respect for the taxpayers.
- Josh Winestock said he understands the culture of ATV riding, but he also understands the culture of peace and quiet. The idea of inviting outsiders should be out of the question, at least if this law were to be considered it should be for residents only. He questioned how residents would be turned in and if they would have their own license plates.
- Lynn Love Vice President of Hycuk Preserve and an active hiker in Partridge run talked of the problems and legalities with the proposed law. She continued to say she is not against legal ATVs and grew up in the Finger Lakes riding dirt bikes.

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The idea does not serve the public and all Town adjacent will be affected if this law passes.

- Kris Delucia from Schenectady stated he was in favor of the law.
- Fred Atkins a resident of 40 years on Woodstock Road said he had been trying to piece together information he could collect over the last few months pertaining to the Draft Law. He talked about Tug Hill and Lewis County being models for this which doesn't even make sense as they are much larger than Berne. The cost would be enormous and would not benefit the Town at all he said, there is no due diligence aside from helping ATV enthusiasts.
- Apryl Duro living on Woodstock Road with a 25-foot set back asked how will people be contained, what about trespassers? She expressed concern for her children and dog's safety. She commented to a resident who expressed wanting this law for her children and she stated she was against it as it will jeopardize her children's safety.
- Kathy Brown a previous Planning Board Member said she believes this law to be dangerous and full of gross negligence. The idea of the law stating 20mph is laughable.
- Samuel Perry from the city of Albany is an herbalist who owns land on Canaday Hill Road and said he loves the beautiful peace and quiet. The idea of ATVs would destroy the beauty and peace and be reckless to our town.
- Michael Vincent a resident and snowmobile advocate stressed that education is needed and there is a long way to go.
- Susanna Raeven a 20-year resident opposed to the proposed law owns a business on Canaday Hill that promotes relaxation, medicinal medication, and herbalism. This would destroy my business that I have worked so hard to create a healing space for others to come and enjoy.
- Mr. Tadmor stated he was opposed to the law and that the 3-mile narrow stretch of roadway on Canaday Hill cars already exceed 55-60 mph and that he thinks the road is very dangerous for ATVs and dirt bikes.
- Cynthia Bartnick of Irish Hill read a statement of behalf of her neighbor Chris Sheldon who could not attend who stated he stands in opposition to ATVs on Town Roads and that there is no benefit to the Town and only creates a liability. Cynthia continued with her own statements that she is concerned with safety, noise, dust, liability, hazards, the hours of operation and lack of enforcement.

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Supervisor Palow thanked everyone for coming to comment and that the Proposed Law would not be voted on anytime soon and that extensive research and changes would still be needed.

Respectfully submitted,

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Kristin De Oliveira, Town Clerk