

A Public Hearing to allow public input on the log trucks on Keese Mills Road was held Tuesday, September 23, 2003, at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Supervisor Robert Tebbutt
Council Members: Alicia Bodmer
Linda Dobson
John Quenell
Steve Tucker

ABSENT: None

OTHERS PRESENT: Elaine Sater-Town Clerk

RESIDENTS: There were 19 residents present and 7 other interested people

Public Hearing was **Called to Order** by Supervisor Robert Tebbutt at **7:00 p.m. for the purpose of public input on the log trucks on Keese Mills Road, a Town road in the Town of Brighton.**

Public Notice was faxed to the Adirondack Daily Enterprise on Thursday, September 11, 2003, and published on September 16, 2003. Notices were posted at the three local post offices and local businesses and on the Town Clerk's Sign Board at the Town Hall.

Supervisor Robert Tebbutt stated that several letters were received on this issue and he would like them to be entered into the record. They are attached to these minutes.

Alicia Bodmer met with a group of residents and the Landvest manager Larry Denis and Nate Gibbs, project manager, at Paul Smith College and a summary of that meeting is attached to these minutes. A copy of the Vehicle Law Article 41, Regulation of Traffic Towns, Section 1660a, Para 28 is also attached.

Introductions: Alicia Bodmer introduced Nathan Gibbs, Project Manager from Landvest, Pat Curran from Seaway Timber, Paul Mitchell, from Paul Mitchell Logging, and Larry Denis, Manager from Landvest, who are all involved with the logging project using Keese Mills Road.

Larry Denis and Nathan Gibbs presented a map of the project and gave an overview.

Landvest is a Land Management Company. In 2001, Landvest was hired by Brandon, LLC, (Brandon Park in the Town of Santa Clara) to manage timber on the property. There had been no forest management in that area for about 30 years. Keese Mills Road turns into the Blue Mountain Road at the Town line and is the access to this property. The map showed a black line and a red line. The black line is hard top road and the red line is a seasonal use road that turns to gravel. It is not a very well accessible or used road.

The property is 28,000 acres; Landvest is on an ongoing sustainable yield harvest schedule. It could go on forever. There is some kind of harvest operation every single year to help offset some of the carrying costs of the projects. There is possibly an alternative to some measures for outgoing forest products but there are no deeded right-of-ways. The only actual access right now is going out the Keese Mills Road. Right now they are treating 1,500 acres a year, with about 23,000 acres to manage, in about 15 years the cycle will start over again.

In the first cycle a fair amount of the forest product removed is low-grade timber. Market availability is the main reason for the kind of timber being taken out. The activity is greater now because it is low-grade timber. The level of activity is out of Landvest's control since the market dictates what type of product is taken out. The poor quality timber has not been taken out in a long time and there is a lot of it to be removed. Once it is removed it will increase the value of the land and remaining timber for the future.

The alternative routes are not usable by the trucks at this time. The Slush Pond Road is a Town Road, the Town could improve the bed but they can't widen the road because they would have to cut trees down on the State Forest Preserve. The road goes through extensive wetlands and along Slush Pond itself. The road is by "prescription" not "deed". The area was purchased by the State in 1881 or 1883 in a tax sale and the DEC wouldn't let the Town upgrade the road. The Blue Mountain Road is similar; parts of it go through State Preserve. It is a one-lane road most of the way, in some places not even two cars can pass much less a log truck. There are curves on the road that cannot be straightened out so the trucks could go through. It is a seasonal road and a heavy snowmobile use trail during the winter. They tried to plow it last year but could not get a truck down the road. There is one curve near a bridge on the St. Regis River where the trucks cannot maneuver. Keese Mills Road is the south access road and is closer to the market in Ticonderoga; by going out the north end it would add 60 miles to the trip to the mill.

The Floor was opened for discussion and this is a summary of the discussion:

Edward Rogers-Keese Mills Road: What consideration has been given to the peace and tranquility to the people on the road by this company? He was woken up again this morning at 3:30 p.m. by the trucks going by and they go by all day long on a quite county road. There is no consideration given to the people on the road. The cavalier attitude of the company is that they could care less about the people on the road. This is not a highway for log trucks.

Nathan Gibbs: At a meeting last week they talked about trying to change the times of the truck runs so they wouldn't interfere with the school busses. They would like to get a run in before the busses. There is no other access for the trucks to use.

Larry Denis: In the history of this area, the Adirondacks grew up around forest and logging industry. A lot of the roads in the area have served the log trucks. There was a slow down in activity on this road for the past 25 years. They are aware it is a shock to the system to have increased activity on the road, but this activity has happened in the past. They do care about the people's concerns. They have showed this by the fact that they are working with the board and are attending these meetings. They are trying to respond in a positive way to the concerns and alleviate them. They are also from small towns in the Adirondacks. There is only one way in and out of the area they are working in.

Edward Roger: Why can't you use radio control and go out the other way?

Neil Surprenant-Keese Mills Road: He is getting woken up every day at 3:30 or 5:30 a.m. It is a major shock to his system. He thinks it is an unreasonable thing to have to put up with every day. No matter what the road situation is or the sales situation is, this is an unreasonable situation.

Robert Tebbutt: Asked if the time can be changed, what time do the drivers start?

Nathan Gibbs: In order to move the low-grade products there has to be a certain number of runs per day because of the cost. If we push it into a smaller time frame, there will have to be more trucks. The consideration for the busses has already reduced the time frame.

Pat Curran: The drivers start at 3 a.m.; some run 24 hours a day but not in this area. They are pulling loads down to the Tamarack Inn and hooking up there early in the morning. The latest they could feasibly start is 5:30 a.m. They still need to be able to work until 6:00 or 7:00 p.m.

Paul Mitchell: His drivers need to start at 4:30 a.m. at the latest. Every minute they are pushed back they will be that much later at night. The same number of trucks will still go out every day.

Robert Tebbutt: Asked if this is a year-round operation?

Larry Denis: The operation is year-round but the trucks can't go year-round. There are times when they cannot go into the woods because it is too muddy. In the spring when the road is posted they don't drive on the road and they have to wait for the woods to dry out. Certain times of year there is more activity than others.

Nathan Gibbs: This year they didn't go from March until the end of June.

Pat Willis-Garondah Road: Asked how late at night do the trucks run?

Paul Curran: The chipping get finished about 5 or 6 p.m. at night but he doesn't send a truck that late into the woods. His trucks are finished between 6 and 7 p.m. It would be very hard to start later than 5:30 p.m. because it is the nature of the business. The drivers are ready to work in the morning. The mills also have hours when they will accept delivery.

Jack Burke-Keese Mills Road: How wide are the trucks and how wide is the road they travel on?

Someone answered the trucks are 8'6" wide and the road lane is 8'6" wide from the white line to the yellow center-line.

Larry Denis: The trucks all have radios so they all know where the other trucks are on the road and don't pass each other.

Nathan Gibbs: That road is not a safety concern for the trucks.

Jack Burke: He has noticed that the trucks have slowed up. The getting woken up is the concern. He moved on to that road back on 1981 because the quiet appealed to him. The road did not go anywhere and the lack of traffic made the road very special. Being woken up at 3:30 a.m. is a drastic change to his quality of life. He would like to see the trucks keep to normal business hours if possible.

Nathan Gibbs: Due to the length of time of the lack of activity is the reason why there is so much now. As time goes on the activity should slow down. There will not be as much low-grade products to remove once they get it out.

Robert Tebbutt: A complaint brought to him was the use of engine brakes.

Nathan Gibbs: They have asked the drivers not to use the "jake brakes".

Alicia Bodmer: She has noticed a difference in the use of the brakes. The people have been making a great effort to work with her to address the concerns of the residents, especially concerning the bus times. Being woken up is still an issue.

Robert Tebbutt: It seems to him the main concern is people don't like being woken up at 3:30 a.m. How many days do the trucks run that early in the morning?

Nathan Gibbs: The trucks run 5 days a week and sometimes on Saturdays when they have to catch up loads. On Saturday they don't usually go early in the morning.

Pat Willis: How many years will it take before all of this is out?

Nathan Gibbs: Some parts of the property are not accessible from the Keese Mills Road. As the operation moves they will have to get right-of-ways and then can go out the north end by avoiding the seasonal part of the road. In a few years they will be working around to the other side of the wetlands. They have no deeded access to the land but by working around the seasonal part of the road they can avoid it. It will take 15 years to work this part of the land. This summer is the busiest that it will ever get.

Pat Willis: This is an economic concern for the company but it is also an economic concern for the property owners on Keese Mills Road. Their property values will decline if this continues.

Gould Hoyt-Keese Mills Road: What about the railroad bed that has been abandoned, does it go north toward Malone? Is it available to use for the last area of the operation?

Nathan Gibbs: The railroad bed turns and goes toward Weller Mountain into the International Paper tract so is not available. It goes through Bay Pond and is washed out in places.

Gould Hoyt: He hears the trucks, his house is fairly close to the road, he turns over and goes back to sleep. It doesn't bother all of us. Someone should explain the "Jake brakes". He lives at the bottom of the hill where the sand pit is, the drivers have to down shift to slow down. He has ridden with them and they do down shift instead of using the "Jake brakes".

Larry Denis: When this issue was brought up the drivers were told to slow down. Pat Curran put a 25 mph speed limit on his trucks. Some have responded. The trucks appear to be going faster than they really are because they are large. They have spoken to the State Troopers about this issue.

Robert Tebbutt: The State Troopers call him and said they had heard about the concerns and would monitor the road. The drivers have not been issued any tickets yet on that road.

Larry Denis: He confirmed that there have been no tickets issued.

Robert Tebbutt: Asked how many people are employed in this project?

Pat Curran had eleven people, **Paul Mitchell** has thirteen, and there are 3 people from Landvest involved.

Alicia Bodmer: She had a question about the stopping distances with a full load. The State Troopers said these were reputable loggers doing this job. The chart she has showed: Cars at 55 mph need 139 feet to stop, a truck with "cool brakes" needs 255 feet and a truck with "hot brakes" needs 430 feet. This doesn't say how much of a load the truck has. What is the difference between "cool" and "hot" brakes and how long will it take a log truck to stop? She is concerned with the number of children on the road.

Larry Denis: By not using the engine brakes the chance of "hot" brakes is greater. On the Keese Mills Road the speed is not great so the stopping distance isn't so great. This is more a concern on a long decent like going down Keene Valley hill.

Nelson Wright-Keese Mill Road: He was wondering with the limited access to the property, the grade of the wood so poor, and the marginal profit so limited, why did Landvest choose this project?

Nathan Gibbs: They were sought out by the landowner to manage the forest.

Larry Denis said it goes back to his profession of trying to improve woods lots. Part of what he learned in schools like Paul Smith College is how to improve forests. By removing the poor wood, the good wood will have a better chance.

Keith Smith-Keese Mills Road: He doesn't think the trucks should be on the road. The problem with the trucks is if they go over 25 mph they go over the centerline. There are students on the road that tend drive a little fast, one of these days there will be an accident. There are a lot of curves on the road and the trucks are over the centerline a lot, there is no place to go to avoid them.

Nathan Gibbs: He said there are laws already to deal with traffic safety and speed issues. He has been driven by off the road by a car with a canoe over the past years but never by a log truck.

Larry Denis: At 25 mph the problem is not the trucks; it is the cars.

Keith Smith: The trucks don't have to be there.

Someone said the trucks have to be there to access the property. It is unfortunate for the people living there, but they bought the property with the road there.

Lydia Wright: She had questions about the road on the map. The portion of the road that is not improved is on State Land. She spoke with the DEC and the APA and they will work with Landvest to improve the road. They try to work with loggers so they have access in and out of area.

Matt Fuller-Attorney for Landvest and the Landowner: The DEC would work with them if there was no other access, but there is access by the Keese Mills Road.

Lydia Wright: The road is mostly through the landowner's property. The other economic concern is the property values and the damage to the road. There is CHIPS funding but this is not the only Town road that has to use that money.

Nathan Gibbs: The County pays money to the Town for the road maintenance because people pass through the Town on the roads.

Lydia Wright: The quantity of the trucks is what will wear the road down. If this is going to be over a long period of time then the taxpayers of Brighton will have to pay for the road repair. The Town does not benefit from the tax base of the property that is being logged.

Pat Curran: The Town benefits through the county since the property owner pays county taxes. He also lives in Franklin County and taxes are not cheap.

Alicia Bodmer: She asked if Landvest had any luck with the other end of the road? They had said they could bring empty trucks in that way if the road was upgraded.

Larry Denis: He talked to the Supervisor from Waverly and they are not financially in the position to upgrade the road for the trucks to use.

Alicia Bodmer: Loggers lead a very dangerous life. They have to go through a lot of safety inspections. Could the drivers use variable tire pressure to drive on the other road?

Nathan Gibbs: It is the width of the other road that is the problem; trees hang down in the drivers' way. There is a big difference between driving a car versus a log truck on that road. It would be like sitting on top of a chair on top of the car. The brush would have to be removed and that's not easy to do given the nature of the land.

Someone said the trucks have to have a place to pull over when another vehicle is coming. Pull-offs would have to be built on the road going north every quarter mile. If the road was upgraded then they could bring empty trucks in that way.

Deborah McBride – Keese Mills Road: Asked if the speaker could identify himself.

The speaker said he was Tim --- with Landvest. (Did not sign the attendance sheet)

Deborah McBride: She has two small children who ride bikes on the road and the speed of the trucks is a concern. She is happy to report that the drivers do slow down when she is on the side of the road. She has thanked them for this. She has also slowed down herself to 35 mph on the road. She wrote a letter two years ago to the Board about the speed on the road and it was corrected but she is concerned that it is an issue again. Would like it to be on the record so it does not become a concern all over again. She is not so much affected by the early hours of the trucks as others, but has been affected a few times. She noted the loggers and managers from Landvest have come to explain what their project is all about. Nobody is interested in taking away anyone's job but they have been told that it doesn't matter how affected the residents are by the early morning runs. There is nothing that Landvest can or will do to change that. Is that correct?

Larry Denis: He thinks the response has been that the loggers will curtail the early morning runs. Pat Curran said he would not start until 5:30 a.m. and Paul Mitchell said he would go as late as he can (4:30 a.m.).

Tim ----: The loggers are trying to compromise so there is no need for a local law to ban them from the road. He would like to get this taken care of here today. The loggers are compromising and if there is a problem then the residents should call 897-2000 if the trucks are a problem.

Deborah McBride: Her husband goes to work at Paul Smith College about 5:30 a.m. Last fall he had a close call with one of the trucks so she wanted to echo peoples concern of the speed with the bad weather coming.

Robert Tebbutt: Asked the loggers if they could adjust their morning hours, when would they start their runs?

Pat Curran said he could hold off his trucks as late as 5:30 a.m. since he goes north and **Paul Mitchell** said he could start as late as 4:30 a.m. because his market was farther away to the south (Ticonderoga).

Larry Denis: The markets are what determine the activity. For the past two years the time frame for Paul Mitchell is 8 to 10 weeks and this will not change an awful lot in the future. The level of activity this summer is probably as busy as it ever will be. There are plans in place for the next 12 to 15 years so there will be activity for a long time. He said they could try to spread out the level of activity over time in the future. The markets dictate which contractor is in the woods at a certain time. Seaway Timber and Paul Mitchell Logging were both in the woods at the same time doing different jobs this summer. That won't always occur, but it could in the future.

Robert Tebbutt: He asked the loggers to send him a letter for the files stating their commitment of the self-imposed speed limit of 25 mph and the 4:30 a.m. start time.

Pat Curran and **Paul Mitchell** said they could do that.

Randy Lewis-Keese Mills Road: She met with the loggers last year and asked if there was any possibility of a compromise so there would be a time during the week when she could sleep. She was told there was no possibility of a compromise. She wondered if they could reconsider to go three days on-three day off or a week on-a week off so a person could get a couple of nights sleep in a row.

Nathan Gibbs: Said it is not feasible to set a different schedule due to the nature of the business.

Randy Lewis: She understands that she will be woken up every day at 4:30 and 5:30 for the next 12 to 15 years.

Larry Denis: He said the trucks do not run 365 days a year so this is not true. There will be certain times of the year when there are no trucks. There may be some years, if it can be worked out with adjacent landowners, when the movement of trucks is to the north on the other road.

Keith Smith: He asked if Landvest thought of having a meeting to work stuff out with the residents before they started logging or did they just start logging?

Larry Denis: He said he has been in the business for over thirty years and this is the first time he has come up against these issues, they have never come up before.

Neil Surprenant: The fact that this is going to go on for 15 years or forever, the fact that maybe there will not be as much activity in future years as this year, no they cannot reach any compromises about the early morning hours beyond 4:30 a.m., these are all reasons why the Town needs a local law to protect the well being of the residents on the Keese Mills and take them into consideration above and beyond these other issues.

Edward Rogers: He heard a comment from one of the gentlemen that the residents bought the property and the road runs through it; he could care less.

Tim ----: The statement was taken out of context. He said that the road has not changed; the houses are still in the same place they were when the road was built. The road is not going to change the houses are not going to move further away from the road. The trucks have to drive down the road.

Several people said no, the trucks did not have to go down the road.

Tim---: He said that was up to the people. They have to drive down the road to have access to the property. There is no other way.

Edward Rogers: He said they need to check and see if they can go out another way.

Robert Tebbutt: Asked how many round trips the trucks are making in an average day?

Pat Curran said he averages 12 round trips a day to Cornwall and Tupper Lake; **Paul Mitchell** said he averages 7 to 9 round trips per day to Ticonderoga.

Robert Tebbutt: Asked what the impact would be if they reduced the number of roundtrips a day so they did not run early in the morning.

Pat Curran said the wood would just pile up in the woods. The same amount of wood has to be taken out; it would just increase the amount of time to get it out.

Nathan Gibbs said the payroll cost alone would escalate and it becomes a non-viable operation. The cost of the equipment is a fixed cost so the longer an operation last the more it costs. The fixed costs dictate the number of trips per day.

Larry Denis: There is a certain amount of timber to be moved; based on equipment and if a 6-week operation is changed to a 10-week operation the man-hours increase and there is a 22% reduction of income.

Someone said the logging operation is not a very profitable operation to start with and to loose 22 % in income to appease the townspeople is ---- (the residents started to protest).

Alicia Bodmer: The town doesn't loose much by limiting the hours. There are a lot of things to look at and the constituents who vote for the board members are saying they want limited hours and have safety concerns. The town has the ability to do that. She would rather find a balance without legislation but would like the loggers to not take that lightly.

Matt Fuller: He said that someone had a great point earlier about slowing down on the road herself. He has talked about striking a balance somewhere; there is a middle ground that can be found here. The Town has to weigh the rights of not only the property owners along the road but this landowner too.

Alicia Bodmer said this landowner is not part of this Town. She doesn't have to answer to them.

Matt Fuller said he knows they are not part of the Town but he would caution the Town strongly about basing a decision on the fact that they are not in the Town. They have retained him to work with DEC to see what can be worked out. If the Town is thinking about taking any action you need to quantify those things and have a rational basis and factual information. Is there really an impact on the structure of the road? Has the Town Superintendent of Highways been consulted on this? There has to be a bases for what is being talked about.

Alicia Bodmer said this is not the issue; the Town isn't going to pay an engineer to look at the structure of the road. The Town is addressing the residents concerns about safety and the right of the town to limit the road.

Robert Tebbutt: He said he hasn't hear any more complaints about speed or noise from the trucks, other than the fact that the people are being woken up at 3:30 a.m. and the gentlemen have agreed to change that a few hours (1 hour for one and 2 hours for the other). The biggest issue seems to be getting woken up at 4:30 or 5:30 a.m. Is this correct?

Alicia Bodmer said that seems to be secondary and safety is the issue.

Keith Smith said there is the deterioration of the road; the trucks are off the shoulder of the road half the time, especially over by Top Ridge.

Larry Denis said there is no substantiation that the road is deteriorating.

Nelson Wright said that part of the road was just paved this summer and it's been a month. Today it rained and water is collecting in two tracks because the trucks are so heavy.

Lydia Wright: She would like someone to look at the road and see where there are diagonal pulls on the side of the road where the trucks go it looks as if the road is being pulled apart on the shoulders. She has seen this within the past year. She is not saying the log trucks are doing it, but that is deterioration of the road.

Larry Denis: He lives on a town road and the heaviest trucks he sees are snowplows and busses. The road is deteriorating in the same way. It was just resurfaced and it didn't take long for that type of stress to show up.

Lydia Wright: How far into the snow covered months will the company be logging?

Larry Denis: During the winter the loggers can access parts of the land that they can't during the summer so the activity will be on going.

Lydia Wright: During the winter the road will get narrower from the snow banks caused by the volume of snow. The road gets more slippery and dangerous and this is a concern.

Larry Denis: The highway department can help this situation by cutting back the banks and putting down more sand or salt on the road. This operation has been going on for two years and the highway department is aware of what they have to do to keep the road safe.

Lydia Wright: She said pulling out of driveways in the winter is also a concern. The banks are high and not only the trucks but also the snowmobiles are a concern. The concern is not just being woken up in the early morning but the safety on the road. This has been brought up twice now to the Town Board so liability is now a concern. If something were to happen on the road how would this impact the Town, who would be held responsible other than the logging companies?

Alicia Bodmer: She said this is something to ask the Attorney for the Town to see if the Town is in jeopardy for not acting.

Matt Fuller: It is getting harder to sue a Town. He said if defects on the road have been reported, such as a deep pot hole or broken guard rail, and nothing is done, the Town can be found negligent if a car goes off the road and someone is hurt due to the defect. Here we are dealing with traffic and traffic is meant to be on the road. The town is not liable for traffic incidents on a road.

Alicia Bodmer said this is a preventable traffic issue and the Town can do something about this issue.

Matt Fuller: He said this is something that has to be quantified by the Board. He is waiting to hear evidence of this. The Town does have rights under the law and so does the landowner.

Alicia Bodmer: One of the reasons the Town was not aware of this project was that Landvest did not need a permit for this project. If a permit were necessary, the Town would have had the opportunity to provide input on this issue.

Nathan Gibbs: If his company had realized that the Town desired to have input on this project they would have talked to the Board.

Lydia Wright said they did know this last year.

Alicia Bodmer said she was talking about prior to the project starting.

Pat Willis: Asked if the owners of Ross Park were aware of the aggravation their project has caused?

Robert Tebbutt: Asked if it was possible that Bay Pond may start a logging operation in the future?

Nathan Gibbs: He said yes the owners are aware and yes it is possible for Bay Pond as well as Paul Smith College to have a logging operation in the future. Yes the owners do care but this is something they need to do.

Edward Rogers: What happened to the road they built, they spent \$25,000 on it. Why can't they put up the money to get the trucks out the other way?

Nathan Gibbs: That road was built to allow access to part of their land. They used the road the first year they were in there. They can't legally widen the road to go out the other way.

Robert Tebbutt: Asked for clarification if both the logging companies have a self-imposed 25 mph limit or only one?

Seaway Timber and Paul Mitchell Logging both have a self-imposed 25 mph limit on their drivers.

Pat Willis asked how it is enforced?

Pat Curran said he enforces it by constantly staying on the drivers. He can enforce it by adding it to his safety program for the drivers.

Robert Tebbutt: He is trying to put a list together of the issues. He sees the issues as safety and the truckers have addressed that by reducing their speed. The early hours waking people up have been addressed by moving up the time the trucks will be on the road. There is the issue of the road being worn down by the increased truck traffic. The response to that issue is that there are funds being paid by the county and other sources to help maintain the roads. Real estate values are a concern but Landvest cannot control that issue. The issue of liability towards the Town will be checked out with the lawyer. Are there any other issues to add to the list?

Nick Frankos-Keese mills Road: He suggested that the 35 mph speed zone be extended past the Hoyt's house.

Alicia Bodmer: She said the speed zone already goes from her house to the Town line; there is a sign at each end. The speed has already been reduced once in the past few years due to the increase in traffic and people on the road.

Nelson Wright: He said more speed signs should be put up; one sign is not enough for the whole road.

Robert Tebbutt: He said he drove down the road the other day and was confused by the signs. The loggers have reduced their speed to 25 mph.

Alicia Bodmer would like to have a Memorandum of Understanding (MOU) with Landvest. She would like to contact the Attorney for the Town to discuss this to see if it would be legally binding and if the Town would have any recourse with it.

Lydia Wright: The problem with an MOU is that you would have to renegotiate with any other company that comes in.

Neil Surprenant said if the other owners decide to log, the Town would have to negotiate with them as well.

Matt Fuller: A MOU would be a good idea; he would like to see it because it would give the Town the ability to negotiate in the future. If it doesn't work the town still can legislate with the Vehicle and Traffic Law (V&T Law). This would keep anyone under control.

Gould Hoyt: Now that we have heard the issues is it too soon to get a hint of how the Board is going to move on this? What is the procedure from this point on?

Robert Tebbutt said he needed to process the information before he can come to any conclusions.

Alicia Bodmer said she needed to contact the Attorney for the Town and nothing could be done before the next meeting. She needs time to look through everything and talk to everyone involved.

Gould Hoyt: Asked if the term "residential street" can be bought into the legality of this somehow?

Robert Tebbutt said this is a public use town road.

Alicia Bodmer said No, because Section 1660 of the V& T Law only covers commercial trucks and certain things that the Town can limit.

Matt Fuller said there are other laws that also cover this such as Section 1684 (V&T Law), which has a large impact on Section 1660.

Alicia Bodmer said she looked at this and is not planning to set up a permit system.

Matt Fuller cautioned the Board about saying "the landowner is not a tax payer" in the Town; the issue is bigger than just the Town road. Interstate commerce is affected by this project so Federal Laws also apply. There are many issues here that need to be addressed that the Attorney of the Town needs to advise on. He thinks there is a middle ground here and a large part of this is right here. Landvest has given a lot of options.

Robert Tebbutt asked how many people live on Keese Mills Road at this meeting? He counted 15 hands. As a board member he would like to know how the residents feel about what these people have said they are willing to change. If in fact the loggers are driving at 25 mph and if in fact they start at 4:30 instead of 3:30 a.m. can the residents live with that or do they want the board to be further involved with this?

Ed Rogers said he thinks the board should go as far as they have to on this.

Keith Smith asked if the Board wasn't concerned about the damage to the road and the cost to repair it?

Robert Tebbutt said yes he was concerned but that was not the issue right now and he wanted to know if the residents could live with the compromises or if the board should do more than what is being compromised here tonight? He asked for a show of hands.

Some residents said yes the board should do more but there was not a verbal hand count given for the record.

Someone said that this needs to be looked at further and there is a lot of information to consider. A decision couldn't be made at this time.

Larry Denis said that they have compromised and he doesn't see the residents willing to compromise.

Rouse Fountain- State Route 86: He said he was in the excavating business for 25 years and he drove the Keese Mills Road many times. Is this regulation the board is talking about going to affect the contractors in any way? Some of their equipment weighs 20 tons.

Alicia Bodmer said there were copies of the V&T Law, Section 1660, available for anyone to read and that if the Town went in that direction they would have the ability to limit vehicles over 8 feet for set hours.

Rouse Fountain: If the town hopes to enforce this law they need to write it so it can be enforced. The Town needs to study this thing pretty closely.

Leo Demong-Town of Franklin: He is interested in this because he used to be a resident of the Town and still pays taxes here. He was astounded that this was an issue when he first heard about this. He thought the roads were like the mail, they are a public thoroughfare and everyone depends on them. The issues are more complicated than he first thought. He asked what the counter proposal is? What do the residents want the Town Board to do?

Robert Tebbutt asked the same question. Did the residents want to try the compromises from Landvest and the loggers and see if it works for a while? Is this a first step?

Matt Fuller would like to rule out the possibility of legislation at this time.

Jack Burke: He wouldn't like to stand up and say this is it, this is fine, but would like to keep the door open. There is a lot to be discussed and he would not like to rule out any options.

Deborah McBride: She agrees with Jack and has a question about Saturdays and the runs until 5:00 p.m. Is there any room for compromise on Saturdays as far as time frames?

Nathan Gibbs: If the loggers are working on Saturday it is due to time off during the week due to rain or falling behind the schedule.

Robert Tebbutt: He asked if people could agree to try and work with the compromises for a month or so and see how the residents feel. Does anyone object to that? Things can't get worse if they try the compromise.

Deborah McBride: Will the board continue to work the issues from their side?

Nathan Gibbs: The time constraint is a big compromise on the Seaway Timber's part when they are trying to run a 24 hours schedule to get the wood to the mill. Paul Mitchell likes to start at 2:30 a.m. and has agreed to go to 4:30 a.m.

Robert Tebbutt asked if the loggers and Landvest would be willing to return for another public hearing if this doesn't workout. He would like to see if people can live with what has been proposed and the board will pursue issues with the Attorney for the Town as was discussed. Does anyone object to that? He guesses some progress was made.

Lydia Wright: She responded to the statement that the residents were not willing to compromise. Prior to this meeting the trucks have had free run over the road and no one has said anything. The residents are giving up a lot by letting the trucks wake them up early. They are giving up a lot by realizing that they need to make a living; she would like to sleep late but understands that people depend on them for a living. It is difficult to make a living in the Adirondacks what ever you do, but she hopes they realize how much the residents are compromising also.

Nathan Gibbs: The loggers have given concession before this; the air brakes are an example.

Nelson Wright: When he bought his home four years ago on Keese Mills Road one of the reasons he bought it was because it was not accessible by other roads, very secluded and quite. He doubts that he would have bought the house today. His life style has been upset up the traffic.

Nathan Gibbs: He apologized for the company and said he knows the trucks are noisy. He realizes now that since she started talking that 4:30 a.m. is acceptable.

Robert Tebbutt said he knows this could go on all night and he would like to suggest that the Town try this. If this continues to be a problem please contact the Board.

Nathan Gibbs: This is the first time he was approached by the Board. He did speak to Randy Lewis last year.

Pat Curran said he has runs scheduled for the next two Saturdays for two runs at 5:30 a.m. that he can't change.

There were no further comments from the public.

Robert Tebbutt thanked everyone for coming.

Motion to Adjourn the Public Hearing was made by Alicia Bodmer **at 8:50 p.m.**, second by John Quenell; Aye5

Respectfully Submitted,

Elaine W. Sater
Brighton Town Clerk