

A Public Hearing to discuss proposed Local Law Number 4 of the Year 2001, entitled Litter, Clutter, and Debris in the Town of Brighton was held Tuesday, June 26, 2001 at 6:45 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Supervisor Christopher Leifheit
Council Members: Alicia Bodmer
Linda Dobson
John Quenell

OTHERS PRESENT: Elaine Sater-Town Clerk

RESIDENTS: There were 19 residents present

ABSENT: Council Member Roger Smith

Public Hearing was **Called to Order** by Supervisor Christopher Leifheit at **6:49 p.m. for the Purpose of public input on proposed Local Law Number 4 for the Year 2001 entitled Litter, Clutter and Debris in the Town of Brighton.**

Public Notice was published in the Adirondack Daily Enterprise on Tuesday, June 19 (corrected copy on June 20), 2001 and posted at the three local post offices and local businesses and on Town Clerk's Sign Board at the Town Hall.

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

People who spoke for the Local Law:

Williams Stebbins-Easy Street: Feels that a neighbor who has junk in his front yard is affecting the value of his property and he can't enjoy his own front yard because of the view of the neighbor's yard full of junk. This law is about properties in the Town that have had junk in the yard for years.

Elizabeth Caldwell -Easy Street: The vehicles in the back yard of same neighbor could possibly be a health hazard to the water that runs behind the property.

Keith Bassage-Keese Mills Road: Would like to see a definition of "junk" boats included in the law. If a problem currently exists can the Code Enforcement Officer use his own initiative to address the problem or does he have to wait for a complaint from a Town resident?

Council Member John Quenell stated the Code Enforcement Officer works for the Town and can use his own discretion to enforce the law.

Margaret Pierce-Easy Street: Has a real estate friend who was going to sell her house who told her the environment around her house affects the value of her property, she started a business at her house instead and has put a lot of money into her house recently. Her house has been devalued because of the neighborhood. She has complained to the Town Board about the junk in a neighbor's yard.

Tom Willis-Garondah Road: Would like to convey from **Betty and Bob Scott-Beech Hill Road-** who couldn't attend, they are supportive of this legislation and thank the Town Board for it.

The worse cases in the Town should be looked at first, such as a trailer that has caved-in on the Jones Pond Road that has been empty for years. How will the variance procedures (Section 4) be administered?

Lionel Schuman-Rainbow Lake: How does the Law get amended or revised?

Supervisor Christopher Leifheit stated that to revise a law it would go to a Public Hearing just like this one.

People who spoke against the Local Law:

Alvin Fuller-Easy Street: Feels he is the target of the Law, explained what he plans for the items in his yard. Would like to have the Town Board add something about a weather clause to the law, since stuff is frozen into the ground from December to May. Seems to be a reasonable law with time frames people can comply with. Health, safety, or noise pollution should be concerns of the Town not what people do in their yards.

Ruth Woodward-Easy Street: What is the Town's liability if the Town removes the personal property from private property? Can the property owner sue the Town?

Rouse Fountain-Easy Street: What about damage to private property by the Town, such as a septic system? Does insurance cover Town equipment of private land? Who has final determination of definition of "junk"?

Council Member John Quenell stated the Town's insurance should cover these cases.

Supervisor Christopher Leifheit stated the term "junk" is defined in the law and the Code Enforcement Officer will enforce the law

Kathy Grimard-Easy Street: Lives down hill from Mr. Fuller, her well is below his property. She has had no water problems from the vehicles in Mr. Fuller's yard.

Mary Fisk-Easy Street: What is junk to one person may not be junk to her, who will determine what is "junk"? People can get petty with this law, against Town trying to control people's private property.

Supervisor Christopher Leifheit stated the Code Enforcement Officer would determine if the situation exists to apply the law. People can contact the Town Board to file complaints.

Hawley Snyder-Easy Street: Where is Code Enforcement Officer to answer questions tonight? Who can file complaints? Whose opinion is the final word? Does not feel the Town should have an opinion of what people should do with their property.

Supervisor Christopher Leifheit stated that the procedure would be the same as any other disturbance, such as barking dogs or water problems. The neighbor can file a complaint with the enforcing officer: DEC would respond to water problems, the Dog Control Officer would respond to dog problems, the Code Enforcement Officer would respond to "junk" problems.

Girard Williams-Easy Street: The Code Enforcement Officer should be here tonight to answer questions.

Supervisor Christopher Leifheit stated the Code Enforcement Officer was at training and could not attend; his presence should not affect the process to discuss this local law, he is only the enforcer of the law not the creator.

Chris Woodward-Hobart Road: Why is this law being brought up at this time, is it really needed? Don't State laws already cover most things in the law for safety and health purposes? Is this purely for aesthetics because people don't like the way their neighbor's yards look? What is the intent of the statement "...no longer intended or

in condition for ordinary and customary use...(Section 2, Clutter, Litter and Debris)? What if people want to recycle items for another use, such as a boat hull for a garden planter in the front yard?
Supervisor Christopher Leifheit stated that each incident would be looked at to see if the situation concerns "...actions and conduct to offend the sensibilities and tend to debase the community and reduce real estate values..." (Section #3)

There were no more comments from the public.

Motion to Adjourn the Public Hearing was made by Supervisor Christopher Leifheit at 7:49 p.m., second by John Quenell; Aye 4, Absent 1 (Smith)

Respectfully Submitted,

Elaine W. Sater
Brighton Town Clerk