

PUBLIC HEARING FOR LOCAL LAW #1-2008
TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
August 14, 2008
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A Public Hearing was held on Thursday, August 14, 2008 for the proposed Local Law #1-2008, Regulation of Junk Storage, at 6:30 p.m. at the Brighton Town Hall, 12 County Road 31 (a.k.a. Jones Pond Road) in Paul Smiths, NY, with the following:

CALL TO ORDER:

The Public Hearing was Called to Order by Deputy Supervisor Steve Tucker at 6:34 p.m.

ROLL CALL OF OFFICERS

PRESENT: Deputy Supervisor Steve Tucker

Council Members: Jeffrey Leavitt and Lydia Wright

ABSENT: Supervisor Peter Martin, Sr, and Council Member Sheila Delarm

OTHERS PRESENT: Elaine Sater - Town Clerk and Paul Blaine - Code Enforcement Officer

RESIDENTS: There were twelve residents present

NOTICE OF MEETING: Notice of this meeting was posted on July 30 on the Town Clerk's Sign Board and at three post offices and businesses in the Town. It was published in the Adirondack Daily Enterprise on July 30 and August 7.

Deputy Supervisor Steve Tucker commented that this new law is being proposed because the prior local law (LL#3-2001) is not enforceable as written. Paul Blaine, Code Enforcement Officer (CEO), drafted this new law from several other laws from around the state.

PUBLIC COMMENTS:

The floor was open to the public (comments are summarized, not verbatim):

Rouse Fountain - Asked about the definitions, who determines the value of the items? Who can people appeal to if they don't like the decision?

Deputy Supervisor Steve Tucker said it is the discretion of the CEO to determine what is junk and not junk.

Paul Blaine, CEO, said it would be up to him to determine what is junk and what is not. People can appeal through the Court.

Nik Santagate - The Court has an appeal system already in place, any town law can be appealed. This law is no different from any other law

Rouse Fountain - What is or is not considered "construction material"? What is considered covered?

Paul Blaine, CEO - Construction materials are determined by their use. Each case would be considered on its own circumstances.

Mark Calderone - Asked about exclusions for seasonal vehicles, has a business that will be closed if this law is passed, no exclusions for commercial businesses. Under "junk" only motor boats are addressed, why are other boats (canoes, row boats, sailboats) excluded. He also restores antique cars, they may be considered junk to someone but not to him.

Paul Blaine, CEO - Businesses can get a junk yard permit under this law. Motor boats were addressed in the previous law so they were included again. Any deteriorated vessel would come under "junk". The seasonal vehicles are addressed by allowing two junk motor vehicles. With no zoning in the Town it makes it hard to make exclusions in the law.

Rouse Fountain - If there are going to be any exemptions they should be listed in the law. How is this law going to be enforced? Are you going to drive onto people's property or just look at what is visible from the road? He is concerned that only the people on State Route 86 will be charged with violations.

Paul Blaine, CEO - If someone files a complaint he will investigate it. He does inspections for Building Permits, if he

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sees violations he is obligated to resolve those violations. This law doesn't call for driving around looking for violations. The Town has decided to hire only a part-time CEO, it's not a full-time position.

Rouse Fountain - Concerned with the cost for people to clean up their yards. Some people can't afford to take their junk to the dump.

Dick McCormick - Asked if there would be an effort by the Town to budget funds to assist people in removing their junk before the law goes into effect. The Town should use its truck that sits around all summer doing nothing. The Town could also hire a private contractor to clean up all the junk. There is a lot of money to be made off junk.

Tracy Santagate - Eight years ago the Town had a clean-up and grant money was used. Could this be done again without going over budget as it did last time.

Steve Tucker - There was a lot more trips to the landfill then was expected during the last clean-up.

Andy Crary - The Town had to pay a lot to dispose of the tires.

Rouse Fountain - Would like to see the exemptions written in the law

Steve Tucker - The heavy equipment used on property is not considered junk if its being used.

Jeffrey Leavitt - Said he has been asked why the Town is proposing this law when there is already a New York State law on the books covering junk.

Tracy Santagate - She has looked at the NYS Property Maintenance Code and it is more strict than the Local Law. This law addresses the need of our community more specifically.

Pat Willis - Asked who enforces the State Law. She heard the County enforces our law.

Lydia Wright - The District Attorney is the one who has to enforce the Town's current law because of the misdemeanor punishment.

Dick McCormick - Anything that is done costs money, the Town can generate money by enforcing this law. It will be well worth the effort.

Rouse Fountain - Would like to see a full board of five people voting on this local law.

Amber McKernan - Asked what is the primary focus of getting rid of the junk, aesthetic or health issues. If a complaint is made about junk and it is just moved around, how does this get resolved if the CEO is not allowed on the property.

Paul Blaine - The focus is on both issues. He has some limited power, he can go to the local court to get a "Court Order" to get on someone's property

Fran McAllister - The Town should be ready to get hit hard "like a hammer" when this law goes into effect. The Town is assuming that people want to comply with the law.

Holly Huber - In Section 3, outdoor storage has no reference to "junk" in it, but all the other paragraphs mention to "junk"

Resident - This is only a definition of "outdoor storage"

Pat Willis - Was this law based on one law?

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Lydia Wright - The CEO used several laws to create this one, the Association of Towns was very impressed with this law.

Dick McCormick - The Village of Saranac Lake has a similar law that has been enforced for a few years. It has helped clean up Saranac Lake,

There were no further comments from the public.

Motion to close the Public Hearing at 7:10 p.m., made by Deputy Supervisor Steve Tucker, **Second** by Lydia Wright, **Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)**

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk