

Public Hearing on Proposed Local Laws
October 21, 2014

A Public Hearing on Proposed Local Laws for the Town of St. Armand was held on the above date at the Town Hall, Bloomingdale, NY.

BOARD MEMBERS PRESENT:

Town Supervisor Charles Whitson, Jr., Deputy Supervisor Sam Grimone, Councilperson Don Amell, Councilperson Jennifer Fuller, Councilperson D. Joseph Bates

TOWN EMPLOYEES PRESENT: Town Clerk Davina Thurston, Local Laws Attorney Leah Everhart of the Law Firm of Miller, Mannix, Schachner & Hafner, LLC

VOLUNTEER COMMITTEE MEMBERS PRESENT: Ray Tempestili, Tom Burman

GUESTS: Jimmy Dakin, Kim LaDuke, Sandy Hayes, Kevin and Judy Latt, Mike and Lori Davis, Scott Winemiller, Warren McCarthy, Augie Simpson, Kathryn Leigh, Linda Bordeau, Kim and Spenser Branch, David Filsinger, Susan Nolde, Dick and Carolyn Trudeau, Eric and Michelle Fahl, Chris Knight of the Adirondack Daily Enterprise, Linda Godfrey, Bill Latham, Mark McCarty, Gene Reynolds and son.

Notice was posted regarding the date of this meeting.

Town Supervisor Charles Whitson, Jr. called the meeting to order at 6:37 p.m.

Supervisor Whitson led the Pledge of Allegiance.

READING OF THE PUBLIC HEARING ANNOUNCEMENTS

Town Clerk Davina Thurston read the following announcements:

NOTICE IS HEREBY GIVEN that the St. Armand Town Board will hold a public hearing on Tuesday, October 21, 2014 beginning at 6:30 p.m. at the Bloomingdale Town Hall, 1702 NYS Route 3, in the Town of St. Armand, concerning proposed Local Law No. 1 of 2014. Proposed Local Law No. 1 would establish a procedure for Town Board review of conditions that may endanger the health, safety and welfare of the community and to provide for abatement of conditions which constitute a public nuisance.

A copy of the proposed Local Law is on file in the Town Clerk's Office.

PLEASE TAKE FURTHER NOTICE that all interested parties will be heard at this time and place.

NOTICE IS HEREBY GIVEN that the St. Armand Town Board will hold a public hearing on Tuesday, October 21, 2014, beginning at 6:30 p.m. at the Bloomingdale Town Hall, 1702 NYS Route 3, in the Town of St. Armand, concerning proposed Local Law No. 2 of 2014. Proposed Local Law No. 2 would prohibit the burning of garbage and refuse within the Town, as those terms are defined in the law.

A copy of the proposed Local Law is on file in the Town Clerk's Office.

PLEASE TAKE FURTHER NOTICE that all interested parties will be heard at this time and place.

OPENING STATEMENT FROM THE SUPERVISOR

The purpose of this Public Hearing is for the Town Board to gain insight into the thoughts of the members of the Community regarding these two new Local Laws. The Board does not take the passage of these Local Laws lightly, but with awareness of the need for some changes. These

two proposed Local Laws will assist local property owners with resolving problems they are currently having or may have in the future.

The mission behind these two Local Laws is simple:

“To create guidelines for the inhabitants of the Town of St. Armand, providing a safe, healthy and welcoming environment for all residents, guests and visitors. To guarantee the future health of a growing community with an attempt to prevent problematic issues from rising in the future.”

The Town Board asked for volunteers from the Community to form a Committee to assess the needs of St. Armand Residents. Tom Burman, Alexis Gill and Ray Tempestili, as well as Patrick Finnegan, who recently passed away, have all assisted in this endeavor. They have given freely of their time and effort to help the Board create these guidelines.

The Board has also had many Special Board Meetings where discussions were held on the needs for new Local Laws. Many community members have voiced their opinions to the Board and the Committee. Community members were forthcoming with their own views and opinions regarding the need for these new Local Laws. The Board and the Committee have spent well over a year in Special Meetings reviewing the needs of the Community.

The Board recently hired Leah Everhart of the Law Firm Miller, Mannix, Schachner & Hafner from Glens Falls. This Law Firm has come highly recommended to us by other area Town and County Officials, and local lawyers. Attorney Everhart has met with the Board and reviewed the proposed Local Laws. Attorney Everhart is here this evening, and she has finalized the drafts of the Proposed Local Laws.

Every person that is here will have the opportunity to voice their opinions to the Board. Each person will be awarded five minutes to make a statement. Please make sure that you have signed in and when you stand to speak, please state your name for the record.

Does any Board Member or Committee Member have anything to add before we begin hearing from the Public?

As no committee member or Board member had a statement, the Public Statement session began.

STATEMENTS FROM THE PUBLIC

- Augie Simpson gave the Board a photo a house near his that had a pile of garbage on the front porch. Mr. Simpson stated that he had problems with the neighbor's dog barking constantly, and prohibiting him and his wife from enjoying sitting on their deck. Mr. Simpson also stated that naked mannequins are on a neighbor's lawn.
- Linda Godfrey stated that she has problems with a local landowner that does not keep up the private road on which she lives. She stated that trees have been knocked over the road and no plowing can take place, deliveries are interrupted due to the lack of road maintenance and she feels that this is a fire hazard as fire trucks would not be able to get access to a house if there was a fire.
- Mike Davis stated that he understands that the Board has problems to solve that have to do with personal responsibility. Mr. Davis feels that the word “comfort” in the law should not be in the law, as it can be “beefed” up. Mr. Davis feels that the Law is too vague and that the Town could be in the crosshairs of legal action.
- Kim LaDuke stated that his property has been a farm, forest, and mining property. Mr. LaDuke feels that the law is extremely vague and opinionated, and lacks recognized mathematical standards, for example airborne coli, septic in the ground water. Mr. LaDuke stated that with this Law, the opinion of the Board would be the Law. Mr. LaDuke stated that any Board member who supports this Law should be dismissed.
- Maureen McCarthy stated that a residence on School Street has been a public display of a garbage dump, that gets worse every day and she feels that something needs to be done to clean up that property.
- Spencer Branch stated that the vacant property located at 40 Vine Street is a health hazard and he is afraid children will be hurt if they go inside. Mr. Branch feels this property should be cleaned up.

- Bill Latham stated that he is a long-time resident of Bloomingdale. Mr. Latham stated that the Law has nothing measurable, with no way to define what a nuisance is. He also asked if Local Law supersedes Federal Law.
- Linda Bordeau stated that she agrees with some of the other statements, that the Law has nothing measurable with no way to define what a nuisance is.
- Susan Nolde stated that she has worked in Code Enforcement. She also stated that a Law like this is much needed due to the fact that the Town has areas that look very trashy and need to be cleaned up. She feels that the Board needs to enact a Law that the Code Enforcement Officer can have a standard to refer to.
- David Filsinger stated that he has been studying Bloomingdale history. Mr. Filsinger stated that the Veteran's Park is very and he appreciates the efforts of the Board. Mr. Filsinger stated that the Board needs to have authority.
- Gene Reynolds states that he is leery of more laws. Mr. Reynolds stated that there are over 150,000 laws on the books in New York State. He stated that you can bring your neighbor in front of the judge if you have a problem with them. Soldiers are fighting for our freedom, people should have the ability to make mistakes, and otherwise you are eliminating people's rights. Laws take away rights and freedoms. Mr. Reynolds feels the Board is setting us up to lose all of our freedom and property rights are part of what was written by the founding fathers'.
- Lori Davis stated that high level nuisance laws in the past 15 years have been misused and over used. New regulations can be misused for environmental and equal rights, smoking, prostitution, gun clubs, etc. Ms. Davis stated that the Town does have a problem that needs to be addressed. Ms. Davis spoke about article 78 and special interest misusing this law against the Town and this may be expensive. Ms. Davis stated that morality and ethics should stop property owners from doing things that affect their neighbors, but since this is not happening, the Board does need Laws to get people to be personally responsible for their yards and any activities that are negatively affecting the neighbors.

QUESTION AND ANSWER SESSION

A very lengthy discussion ensued where residents asked questions and voiced opinions. The topics that were discussed include public vs. private nuisances, farming, odors, best practice definitions, personal opinions of many vs. the few, Zoning Laws, Common Law, complaints that Town Board and personnel have received, changing the current draft of Local Law 1 of 2014, incorporating guidelines and definitions, NYS Dept of Agriculture and Markets, exemptions, details, etc. etc.

MOTION TO ADJOURN

Supervisor Whitson adjourned the meeting at 8:05 PM.

I, Davina M. Thurston, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Special Board meeting minutes held on the above-referenced date.

Davina M. Thurston
St. Armand Town Clerk

October 21, 2014