

The July 22, 2015 Town Board meeting was called to order by Supervisor Daniel Sturm at the Dr. Duggan Community Center.

Councilmembers present: Vicky Simpson  
Dawn Ryder  
Lillian Hendrickson  
Bernie Cohen

The meeting was opened with the Pledge of Allegiance.

**Supervisor's Report – June**

Supervisor's Month for June has been received. Mr. Sturm reviewed the reports for General Fund and Highway Fund. Motion by Mrs. Ryder to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Discussion on Parks and Rec. Director Salary**

Mrs. Simpson reported that the revenues are up at the pool, everything is running smoothly. One director working very hard, handles paperwork for camp registrations, all programs, fees collected, tracking registration for all 160 campers, running camp, pool, park and all programs. Mr. Sturm reported the salary is currently \$9700/year; there was \$4300 budgeted for a second director; suggested increase salary to \$10,700/year. Mrs. Ryder asked is she get the 3% in January, Mr. Sturm answered yes. Mr. Sturm indicated the new salary is within budget. Motion by Mrs. Simpson to increase salary for Cathy McFadden to \$10,700/year effective immediately, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Letter of resignation from Robert Yakin – Zoning Board**

Letter of resignation has been received from Robert Yakin, Zoning Board Member effective immediately. Mr. Yakin was recently appointed as an alternate member to the Planning Board. Motion by Mr. Cohen, to receive, file and accept resignation, seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Public Hearing 7:45 p.m. – Local Law #2-2015 Chapter 199 - Junkyards**

Mr. Sturm reviewed the proposed local law for Chapter 199 – Junkyards. Chapter 345 prohibits establishment and operation of a junkyard this was done in 2006-2007 by a prior board (not this board). If you operate a junkyard now, you are okay, fine. New junkyards are already prohibited in current law. Mr. Sturm explained nothing has been decided, want to hear public comments, revise if we have too, not adopting tonight. Town Clerk read legal notice. Motion by Mrs. Simpson to open public hearing at 7:45 pm. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Mr. Jacobs asked how many permits have been granted in the last ten years for junkyards. Mr. Sturm reminded that this is a public comment period, if you have a question I will try and answer, this is not a question and answer. Mr. Sturm about 8 or 9 per year, renewals. Mr. Jacobs new – Mr. Sturm, no renewals, new junkyards have not been allowed since 2006. What is the definition of a new junkyard if there is a non-conforming use you deem to be junkyard is that new junkyard or grandfathered as an existing non-conforming use? Mr. Sturm if it's a new junkyard it did not exist there before. Mr. Jacobs so if it existed but did not have a permit, its not new junkyard, right, its non-conforming, not new. Mr. Sturm – yes. Mr. Jacobs – so let's say someone has a junkyard they are non-conforming, they have been in existing for 10-20 years, they submit an application they get granted? Mr. Sturm – if you never had a permit? Mrs. Simpson if they existed but never had a permit to operate a junkyard. Mr. Jacobs – what is a junkyard, does the law define a junkyard? Mr. Sturm, yes,

Junkyard: The outdoor storage or deposit of any of the following, whether in connection with another business or not: 1) three or more junk motor vehicles. 2) three or more junk accessory vehicles. (3) two or more junk manufactured homes.

(4) five or more junk appliances. (5) five or more pieces of junk furniture. (6) Any combination of the above that totals ten or more items.

Notwithstanding the foregoing, the outdoor storage of up to five unregistered motor vehicles no longer in condition for legal use on the public highways shall be permitted at a motor vehicle repair shop duly registered with the state of New York in accordance with 15 NYCRR §82.3.

That is our proposed definition in our proposed local law. Mr. Jacobs – an individual has been operating a business that meets your definition for 5, 10, 20 years, they don't have a permit, you are aware of it, they submit an application and they meets the requirements, they get a permit, they comply with the requirements of the permit, that ok, right. Mr. Sturm, it may be, they need to be assessed by the Building Department for the viability, if they have not had a legal permit for 8 years then they are not a legal junkyard. Mr. Jacobs – so you are putting them out of business. Mr. Sturm we are not putting anyone out of business. Mr. Jacobs – how do they stay in business? Mr. Sturm – that is something we will have to discuss, I don't know what property you are talking about. Mr. Sturm – that is a great question, thanks for your comments.

Cirino Bruno – my understanding of the amendment takes a pre-existing 35 years junkyard, grandfathered at time junkyards were deemed not to be capable of being established and known, what that statute as proposed does if that junkyard is current in the process of applying for a junkyard and does not receive that junkyard license by the time this resolution passes, that would be a junkyard that would be operating without a valid current permit, would be put on the treadmill, forever bar them because they did not have at the time the resolution was passed a valid junkyard license and cause them to according to what the town would like, what the statutes says, not be able to get a junkyard license. The town should rethink this, to do such a thing will never hold up at the end of the day. You really need to let these people understand what they need to do to conforming and if there applications pending and they are trying to make an effort to conform you should not pass this law and prevent them to conform. Mr. Sturm I understand what you are saying, I am aware of one applicant in town that would be effected by exactly what you are saying, I have even in contacted that property owner and I can assure you and them I am not passing this law until the every opportunity is afforded that applicant to get their junkyard their permit, we are not passing this law until we are comfortable with that provision.

Mrs. Hendrickson there really are two that have been trying to conform to everything the town wanted. This law should not be passed the way it is until legislation goes through it again, I don't like the law because it is going to harm a lot of people in town, and I don't believe in people losing jobs. Mr. Sturm no one said anything about people losing jobs, not one provision about losing jobs, this has nothing to do with people losing their jobs. Mrs. Hendrickson, yes it does. Mrs. Simpson we want to hear from the public, we are not making a decision tonight, what you say will be taking into consideration.

Ray Neuenhoff, did not make an exclusion about people who build stock cars, in the old law there was an exclusion.

Mr. Jacobs – the law is great prospectively but retroactively you should consider a carve-out exemption for people who currently have junkyards now, so they can sufficient time to make application and make the requirements for existing.

There were no further comments. Motion by Mrs. Simpson to close public hearing at 7:55 p.m., seconded by Mrs. Hendrickson, put to a vote and carried 5-0. Mr. Sturm suggested to table for further discussion.

#### **Table Proposed Local Law #2-2015**

Mrs. Hendrickson, I would like a lot more discussion, and not to table until the next meeting. Motion by Mrs. Ryder to send it back there are a lot of things that need changed, seconded by Mrs. Hendrickson. Mr. Sturm send it back to who? Mrs. Ryder to you, the attorney.

Motion by Mrs. Ryder to table proposed local law #2-2015 to amend Chapter 199 Junkyards, seconded by Mrs. Hendrickson, put to a vote and carried 5-0. Mr. Sturm indicated our attorney will be back on Monday for any comments.

**Correspondence from Elizabeth Cassidy–re: Boymelgreen Septic Waiver**

Correspondence has been received from Elizabeth Cassidy, attorney for Boymelgreen, regarding the septic waiver application. Motion by Mrs. Simpson to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

**Bid results for W. Delaware Place (Gomez)**

Sealed bids were received and publicly read at the Town Clerk’s office on July 20, 2015 at 10:00 a.m. for remediation of property located at 10 W. Walnut (Gomez) as follows: NGS Construction \$11,225.

Motion by Mrs. Hendrickson to award bid to NGS Construction in the amount of \$11,225; seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Bid results for 5 Hilltop (Burekovich)**

Sealed bids were received and publicly read at the Town Clerk’s office on July 20, 2015 at 11:00 a.m. for removal of unsafe structure located at 5 Hilltop Road (Burekovich) as follows: Enviro-Pure \$27,000

Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0. Mr. Sturm is asking for clarification on the bid from our town attorney, does not want to rebid, the bidder wants to lower the price after the bid was opened. Motion by Mrs. Hendrickson to table bid award until August 12<sup>th</sup> Town Board meeting, seconded by Mr. Cohen, put to a vote and carried 5-0. If the owners goes into contract by the next meeting the town won’t need to award bid.

**Correspondence Country Club Property Owner’s Assoc. – 5 Hilltop**

Correspondence has been received from the Country Club Property Owner’s Association regarding the unsafe condition of 5 Hilltop Road. Motion by Mrs. Simpson to receive and file, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Property Violations Update and set Public Hearing Taconic Trail (Egan)**

Building Department notice of violation was hand delivered to tenant and mailed to the property owner for the property located at 52 Taconic Trail (Egan/Bues), tax map #46.-15-2.4. Motion by Mrs. Simpson to receive and file, seconded by Mrs. Hendrickson, put to a vote and carried 5-0. Mr. Sturm indicated it is not an emergency but wants it cleaned up; sent notice of violation after new law adopted and hand delivered to tenant; property owner/tenant has 10 days from 7/21 to clean-up; need to set public hearing. Motion by Mrs. Simpson to set public hearing for August 12, 2015 at 7:45 p.m., seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Notice of Order – 35 mph CR 115 starting 7/20/2015 through 8/9/2015**

Notice has been received from the Sullivan County Dept. of public Works regarding paving on CR111/112 the entire length from Route 17B south from July 20<sup>th</sup> for twenty days. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Ryder, put to a vote and carried 5-0.

**Correspondence from Zoning Board – Vacancy**

Correspondence has been received from the Zoning Board requesting advertising for the vacancy for a term to expire December 2017. Motion by Mrs. Ryder to post for vacancy, seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Certificate of Closing – Route 55 East**

Certificate of Closing has been received from the Sullivan County Department of Public Works for County Road 14/State Route 55 in Kauneonga Lake from August 4<sup>th</sup> through September 25<sup>th</sup> for repairs to County Bridge 128. The town has requested that large trucks be diverted onto Airport Road. The town will monitor Royce Road and Broadway the best we can, if there is a problem there are alternatives. Motion by Mrs. Hendrickson to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

**Correspondence from Frances Randazzo–Boymelgreen Septic Waiver**

Correspondence has been received from Frances Randazzo regarding the Boymelgreen Septic Waiver application explaining their concerns. Motion by Mrs. Simpson to receive, file and send to Building Department and Planning Board, seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

**Town Board Comments**

Mrs. Hendrickson asked the Building Department to inspect the first house on Sullivan, the roof is caving in.

Mrs. Hendrickson thanked Mr. Crumley and his men for cleaning the Gabriel Pond are for the Jim DiCarlo bench, she also thanked Maryellen DiCarlo for the planters and clearing the area by the pond.

Mrs. Simpson stated it feels really good to sit up here and finally be able to do something about the clean-up and to accomplish something, the number one complaint is eyesores.

Mr. Cohen was concerned about Taconic Trail court date, but the date was September. Mr. Sturm he has been in court for a year and asked for a jury trial, we are not waiting for the court to remedy, whatever happens in court is aside than what the town board does.

**Junkyard Law Discussion**

Babette Ross asked if there will be a cap on the number of junkyards. Mrs. Sturm understands that the existing provision the only way to qualify is if you're a licensed junkyard, so yes, only the ones that have their permit. If there are other ones out we will have to discuss.

Eric Alleva, so will I still be existing? Mr. Sturm correct, pre-existing non-conforming, do you have a current permit, not quite, but we are working on that.

Maryellen DiCarlo, thanked the Town Board for the bench for looks really nice.

Warren Brey - does recycling come under junkyard? If someone collects trash and picks through it and sells the rest, that's recycling right? Mr. Sturm that is pretty broad question. Recycling is in the current section of the codes, with revision in 2008.

**Adjournment**

There being no further business, Mrs. Ryder moved to adjourn the meeting, seconded by Mrs. Simpson, put to a vote and carried 5-0.

Respectfully submitted,

---

Rita J. Sheehan, Town Clerk