

MINUTES OF PUBLIC HEARING AND  
WORKSHOP MEETING OF THE TOWN BOARD OF THE TOWN OF  
HUNTER HELD ON TUESDAY, AUGUST 24, 2021, AT 6:00 PM AT THE  
TOWN HALL LOCATED ON RTE. 23A IN TANNERSVILLE, NEW YORK

Present:	Daryl Legg(left 7:30 PM)	Supervisor
	David Kukle	Councilman
	Raymond Legg	Councilman
	Sean Mahoney	Councilman

	Corina Pascucci	Town Clerk
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Others Present:	Lara Hamrah-Poladian(left 7:45 PM)	Secretary to the Supervisor
	Larry Gardner	Town Attorney
	John Farrell	Superintendent of Highways
	Marc Czermerys	Planning Board Chairman
	Sgt. Robert Haines	Officer in Charge
	Plus, all names on attached listing.	

Absent:	Dolph Semenza	Councilman
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Supervisor Legg calls the meeting to order and opens the Public Hearing at 6:00 PM with the Pledge of Allegiance to the Flag.

**EXECUTIVE SESSION**

Councilman Kukle makes a MOTION to go into Executive Session at 6:00 PM. Seconded by Supervisor Legg.

Ayes -4-	Noes -0-	Absent -1- (Semenza)
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R. Cologero invited to attend.

Supervisor Legg makes a MOTION to come out of Executive Session at 6:17 PM. Seconded by Councilman Legg.

Ayes -4-	Noes -0-	Absent -1-(Semenza)
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**PUBLIC HEARING: HAINES FALLS AUTO**-Scrap Facility Renewal Application

The attached letters were read for the record by James Nihan, Margaret Nihan and on behalf of Mary Ellen Cariseo.

At the August 2017 Town Board meeting this Board unanimously approved a MOTION to hire an independent inspector to handle junkyards and scrap facilities.

Unfortunately, 4-years have gone by without the board implementing that Motion.

An independent inspector is needed to objectively determine if the junkyards and scrap facility are operating in a safe manner and meet industry standards.

The Local Law includes this expense in the License Fee.

It is unreasonable to think that any town Code Enforcer has the time or expertise to handle this task.

A renewal license should NOT be issued until a qualified independent inspector can assure this community that Haines Falls Auto is working within the framework of the local laws and its site plan.

## TOWN OF HUNTER

Local Law No. 13 of 2016

### THE TOWN OF HUNTER SCRAP FACILITY LAW

#### ARTICLE E: LICENSE PROVISIONS

1. License fees shall be set by resolution of the Town Board and shall be paid at the time of application for license renewal. The sum shall cover not only the cost of reviewing the application, but also the cost of making necessary inspections of the premises to ascertain compliance with the license conditions and regulations.

In addition to the 7 pressing issues I just read, there are several concerns that date back over the last 10 years. Some of these on-going problems were addressed in the Local Law No. 13 of 2016: The Town of Hunter Scrap Facility Law. Unfortunately, they were addressed in name only. There is no consistent enforcement of these scrap laws.

#### "Section 3. Purpose

The purposes of this local law are to promote a safe, clean, wholesome, and attractive environment; protect the health, safety and well-being of residents; protect water quality and other natural resources; help preserve the scenic and aesthetic qualities of the Town to encourage tourism and outdoor recreation; prevent depreciation of property in the neighborhood and community; and further the goals of the Comprehensive Plan. The Town of Hunter is a nationally recognized Preserve America Community whose major roadways are designated by New York State as the Mountain Cloves Scenic Byway."

The Local Law No. 13 of 2016: The Town of Hunter Scrap Facility Law:

p. 6, Specific Regulations, #3

Only the premises covered by the license shall be used in the licensed business. All motor vehicles, and parts thereof, and all junk and scrap materials as hereinabove defined, stored either permanently or temporarily by the applicant, shall be kept within the enclosure of the facility except for reasonable transportation of same.

P. 7 #4

Motor vehicles or other junk or scrap materials shall be piled or stacked in a safe manner and shall not be visible from the Scenic Byway based upon topography.

A sitting Town Board member stated that he didn't see the violations or conditions of complaint because he doesn't drive past HFA/NER.....this has been a matter of voiced public concern and outrage for the past 10 years! This is a blatant dereliction of duty. Although we have been called "two-monthers" by this Town Board member, we are tax paying residents. Some home owners have lived on this mountaintop for more than 8 decades. We vote in local elections, support our local community and are active in preserving and protecting our environment and our cherished way of life. The Town of Hunter went through an arduous ordeal amending our Town Laws and our Comprehensive Plan. However, this is all for naught if these laws and visions are not enforced and protected.

Despite the TOH Scrap Facility Law, this facility has continued to grow, and the owner, Mr. France, has continued his unsafe practices with no regard for the public's outcry. The current scrap facility is inadequate to safely house the current operations. It is unsafe for the public. It is a scar which crosses the Scenic Byway. Tell me, how does this scrap facility in anyway approach satisfying the TOH's stated Purpose of The Town of Hunter Scrap Facility Law? It is long past time for the Town Board to enforce its local laws. You owe it to the citizens who you took a public oath to protect.

The following are 7 reasons **not** to issue a renewal license.....unfortunately there are more than seven.

1. The Scrap Facility Renewal Application was received on 5/27/21. That is almost 2 months after the required submission date of 4/1/21.
2. An Inspection was done on 8/2/21 more than a month after the current license expiration date.
3. The Inspection indicated the following problems:
  - a. Storing more than the allowed 1,000 tires
  - b. Cars not identified as either for sale or parts. This is the same issue as in the 5/29/20 inspection
  - c. Cars parked in areas not allowed by site plan
  - d. According to the Code Enforcer's Inspection Report of 8/2/21 - "Water discharged is not from metal its runoff from catch basin on Northside of yard." This statement raises questions whether HFA is in violation of the SWPPP
4. Before the 8/2/21 inspection, junk cars were located outside the junkyard gate. Be aware that there was a frenzy of activity to remove these junk cars before the announced inspection date of 8/2/21.
5. The Scrap Yard Application states hours of operation are 8am -5pm Mon.- Sat. Recently there was work being done on Sundays and well after 5pm.
6. Only one ingress & egress point has signage. That "Entrance Only" point is almost always used as an exit point.
7. Tractor trailers continue to back into both the north & south sides without traffic control.

From Mary Ellen Cariseo

August 24, 2021

Regarding: Public Hearing - HFA Scrap Facility License

1. All the ingress & egress points still don't have signage.
2. Have repeatedly seen Rory backing tractor trailers into both north & south sides, rarely with any traffic controls/flaggers.
3. Is the former Reem property is now part of the southern junkyard, if so was the site plan updated to include runoff into SWPPP, was the SWPPP upgraded to include the additional flow, & why isn't there fencing around the junk vehicles on that parcel?
4. No vehicles are labeled for sale.

5. Are there updates & reports from DEC regarding his permits & inspections?

Supervisor Legg reads a letter from Twilight Cottagers – see attachment.

C. Arleo states that the Stormwater Pollution Prevention Program (SWPPP) has been insufficient for years and that the Town Board is not following their laws and are putting residents in danger. She adds that the Town Board had stated the project was beyond the scope of what the Building Inspector could manage. She makes the following points:

A truck trailer on the North side to the East parked over the curb for two months

The promoting of safety and wellbeing of residents is not happening.

Scrap piles are higher than the law allows as they are above the fence.

Roadway hazards – multiple complaints have been lodged.

Mercury storage – Code Enforcement Officer reports show an N/A for this item.

R. Bates states his feeling is that the biggest problems lie with the Town Board when they passed their new laws. He felt that New York State was doing a fine job of regulating this type of business. He adds that mercury switches no longer exist in vehicles which could explain the N/A on the CEO's reports. He feels that not all the blame should lie with Rory France, he feels that the Town Board should have been sitting down with Rory over the years to work out the problems that they were seeing. He feels that if the Town Board puts this license through, they will just have two more years of complaints. He feels that the Town has placed the liability upon the Town.

Councilman Legg states that Town Board members have had conversations with Rory over the years., there has been no lack of communication between the Town Board and Rory.

Ed and Helen Ezrick would like to see signage warning drivers of potential road hazards ahead as they have seen things being unloaded on the NE side which they feel obstructs traffic. They add that they find the large number of rusty vehicles unsightly.

M. Nihan states that she appreciates all the work the Town Board did on their laws, she asks that they be enforced. She adds that they have been pleased with Robert Cologero's work.

C. Arleo states that this topic has been discussed for ten years and multiple complaints and videos have been submitted to the Town Board. She adds that the residents don't feel like they are being heard.

Supervisor Legg makes a MOTION to close the Public Hearing at 6:54 PM. Seconded by Councilman Mahoney.

Ayes -4-

Noes -0-

Absent -1- (Semenza)

Supervisor Legg makes a MOTION to call the regular meeting to order at 6:55 PM. Seconded by Councilman Mahoney.

Ayes -4-

Noes -0-

Absent -1- (Semenza)

#### SCRAP PROCESSOR LICENSE

Supervisor Legg makes a MOTION to extend the existing Scrap Processor License for Haines Falls Auto for two weeks until the regularly scheduled Town Board meeting to allow the Town Board to digest and review public comments. Seconded by Councilman Mahoney.

Ayes -4-

Noes -0-

Absent -1- (Semenza)

GRANTS- Acknowledged completed packet final 2 recipients sent to C. Phillion @ NYS OCR.

ARPA (American Rescue Plan Act)- Acknowledged receipt of \$83,658.19/additional funds coming from non-responsive municipalities: (\$683.11 total)

PLANNING- Acknowledged canceled Public Hearing on Proposed Local Law #2

FIRE DISTRICT- Fire Protection Districts meeting on 8/31/21 @6pm Tann Rescue Bldg.

#### HAMLET DESIGNATION

Possible sale of two properties to the DEP through the Streamside Acquisition Program. (See attachment).

Supervisor Legg requests this item to be placed on the 9/14/21 agenda.

#### TOWN HALL – HANDBOOK

Bereavement Leave – Town Board feels this should be five days. Extended bereavement leave should be at the discretion of the Department Head and there should be no length of service requirement for the benefit. Sgt. Haines states that a Domestic Partner should be added to the list and the board agrees.

FMLA – Town Board to make sure that what is written in the draft still complies with FMLA.

OVERTIME – Town Board to get clarification on the 86- hour requirement for the Town Police. Sgt. Haines feels that having to contact the Supervisor every time an employee needs to overtime is not reasonable. Board wishes to take out wording for Department Head needing approval from the Town Supervisor.

Supervisor Legg leaves at 7:30 PM.

STIPENDS – If the Town Board states an employee or Department Head must attend meetings as part of their job, they will not receive additional pay for that. The Board states that job descriptions are needed to spell out salaried versus hourly. The Board would like Department Heads to provide them with job descriptions for their employees.

CALL OUT – Sgt. Haines states he pays his Officers 3 hours for call out time. Board to check with E. Gold about call out time.

DRUG TESTING – Department heads are looking for a closer location to go to for drug testing.

JUNETEENTH – Discussion on adding this to the handbook and combining Lincoln and Washington’s birthdays into President’s Day.

ELECTION DAY - C. Pascucci states that the handbook should read that the Town Offices shall remain open on Election Day and take the day after Thanksgiving, not just the Town Clerk’s office. Sgt. Haines states that the Police Department used to get a floater for holidays, now they get 8 hours added for the holiday. He adds that the handbook reads that it would go back to having floating holidays and he would like to keep it as they are currently doing it. Board to ask E. Gold.

VACATION LEAVE – C. Pascucci states that the handbook doesn’t specify how vacation time will be earned, lump sum on anniversary date or monthly. Councilman Mahoney feels that the appropriate language needs to be added about ability to take vacation.

SCHEDULING (vacation) – Discussion about giving 48 hours’ notice for vacation versus one to two weeks’ notice. Board determines they are okay with 48 hours’ notice but will leave it up to the department heads. Board would like to remove the 5-day vacation limit but leave in that the department head will have total discretion in the approval of vacation leave.

ACCUMULATION (vacation) – the draft handbook reads that vacation time can’t accumulate. Sgt. Haines feels that the employees who have accumulated substantial vacation time should have a time frame to use those accruals by and would have to possibly speak to a financial advisor if forced to cash it all in at once. J. Farrell suggests allowing employees to keep a cap of maybe 50 days. He adds that the Town does not offer Disability to if an employee gets hurt outside of work, they need to have time banked so that they can continue to receive a paycheck. Discussion on other municipalities allowing employees to use their banked accruals towards health insurance at retirement.

Stopped on page 28 Vacation Accumulation – to be continued at the next workshop meeting.

Department heads are to submit to the Town Board a job description for themselves and their employees.

Councilman Mahoney makes a MOTION to adjourn at 8:32 PM. Seconded by Councilman Legg.

Ayes -4-

Noes -0-

Absent -1- (Semenza)

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Corina Pascucci, Town Clerk, RMC

Town of Hunter