

JUNKYARD COMMITTEE MEETING
February 21, 2018

Present: Legislators Bryan Moser, John Lehman and Andrea Moroughan; Sr. Codes Officer Ward Dailey

Meeting was called at 12:55 p.m. Ward distributed his update report (attached).

Ward noted that Junkyard Review Board member Kenneth Johnson has a violation, but Mr. Johnson has assured that he will comply with junkyard regulations.

Ward reported that he and the Code Officers are not going out specifically to look for non-compliance, but they are documenting identified non-compliant issues during their normal travel.

An application has been received for a new junkyard in a location within the Adirondack Park. Ward will forward the application for required approval by the Adirondack Park Agency. If approved, then the application would be presented to the Junkyard Review Board.

Ward is taking over flood plain management for the Town of New Bremen. A flood plain plan is needed for FEMA designated flood plains, in order to be eligible for FEMA reimbursement after a flooding event.

The meeting adjourned at 1:05 p.m.

Respectfully submitted,
Terry Clark, Clerk of the Board



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Report to the
Legislative junkyard committee
February 21, 2018

December 12, 2017

During the December 12, 2017 meeting, the Junkyard Review Board directed that the following individuals be Issued Notice of Violation and Order to Remedy along with a Summons to appear before the Review Board

Arnold Widrick 8609 Erie Canal Road, Town of Croghan on December 8 2017 officer observed numerous unlicensed vehicles along Erie Canal Road

Richard Greenfield 5047 Rogers Crossing Road, Town of Croghan, numerous unlicensed vehicles to include numerous vehicles in the woods behind the residence.

Shawn Richards 7776 State Route 3, Town of Diana on December 8, 2017 enforcement officer observed numerous unlicensed vehicles

Richard C. Greenfield 4915 Rogers Crossing Road, Town of Croghan, Mr. Greenfield appeared and addressed the Board. After considering Mr. Greenfield's situation the Board directed that Mr. Greenfield is to relocate vehicles to a portion of property that is not readily viewable from Rogers Crossing Road.

The Board Provided until June 12, 2018 to bring the property into compliance. The Board judged that the majority of the vehicles in question were in fact Derby vehicles, more closely aligned with a motor vehicle not required to be licensed or a motor vehicle not usually used on public highways. And those derby cars as rule are seasonal in their nature and can remain un-used for (six) 6 months.

Arnold Widrick Jr. 9609 Erie Canal Road, Town of Croghan, addressed the Board as members as an "unknown Person" After considering Mr. Widrick's situation the Board directed Mr. Widrick to relocate vehicles to portion of property that is not readily viewable from Erie Canal Road.

The Board Provided until June 12, 2018 to bring the property into compliance.

Shawn Richards 7776 State Route 3, Town of Diana Failed to appear

The Junkyard Review Board directed that Mr. Richards be issued a summons to appear before the Town of Diana courts.

An appearance ticket was drafted, a copy of that appearance ticket has been provided to the Sheriff Civil Office for service, a copy provided to the County Attorney for prosecution. Date of court appearance is slated for March 15, 2018 at 6PM

February 13, 2018

During the February 13, 2018 meeting, the Junkyard Review Board directed that the following individuals be Issued a Notice of Violation and Order to Remedy along with a Summons to appear before the Review Board

- o **Lori Hirsch** 9793 State Route 812. Village of Croghan.

- **Patrick Patterson** 7734 Number 4 Road, Town of New Bremen
- **Jane Ferencz** 8268 State Route 3, Village of Harrisville
- **Thomas E Valentine** 7487 State Route 3, Town of Diana
- **David W Norton Jr** 11052 State Route 126, Town of Croghan
- **Royal Nuffer** 10101 Third Road, Town of Croghan
- **Scott M Shaw** 10456 State Routes 126, Town of Croghan
- **Kenneth Johnson** 2054 Roberts Road, Town Of Denmark
- **Richard Altmire** 10709 Limburg Forks Road, Town of Denmark
- **Joseph Morczek** 1286 State Route 26, Town of Lewis –this is a violation that has been ongoing for years, the violation is being re-addressed under the new junkyard law
- **John Rauscher** 1419 State Route 26, Town of Lewis this is a violation that has been ongoing for years, the violation is being re-addressed under the new junkyard law
- **William Nugent** 1504 Florence Road, Town of Osceola is a violation that has been ongoing for years, the violation is being re-addressed under the new junkyard law
- **Donald R. Furney** 6065 State Route 3, Town of Diana, Mr. Furney contacted me, requesting that I clarify if a junkyard license was required for his auto recovery business. At present there are 8 vehicles upon the Furney property. During the February 12, 2018 meeting the Board did not provide the Enforcement Officer with a directive, this matter will be brought back in front of the Junkyard review board at their March 13th meeting.

Meetings

The Current Junkyard law is Local Law No. 5 of the year 2017. Article G, Section 3 (a) of the junkyard law states: that, if the Enforcement Officer reports an apparent violation of this law to the Junkyard Review Board and the Board determines that a violation is present.

The Junkyard Review Board shall direct the Enforcement Officer to issue a Notice of Violation and Order to Remedy and further Direct the property owner to appear in front of the Board at the next scheduled meeting of the Junkyard Review Board.

However, Article G, Section 3 (a)(4) of the junkyard law directs that the Enforcement officer must offer a statement that steps or actions to remedy the violation shall commence within 30 days of the service of the Notice of Violation and be completed within 60 days thereafter unless extended by the Junkyard Review Board for good cause shown

The Junkyard Review Board is of the opinion that if the Board remains with a bi - monthly meeting (in essence a 60 day cycle). The Board is not affording those that are served with a Notice of Violation and a Order to Remedy an opportunity to appear and have their individual cases heard in timely Manner.

The Board Feels that by holding a special meeting at a 30 day interval, provides an opportunity for those individuals in alleged violation to have their specific circumstances heard by the JRB **before** they must begin remediation and **before** the allotted 60 days to Remedy is reached.

The special meetings are to facilitate the mandated appearance before the Board in proximity to the mandated 30 day commencement of a remedy of violation. To that end the Junkyard Review Board has set the following meeting dates

- The Junkyard Review Board has a Special Meeting scheduled for Tuesday, March 13, 2018 at 5 PM
- The Junkyard Review Board has a Regularly meeting scheduled for Tuesday, April 10th at 5 PM
- The Junkyard Review Board has a Special Meeting scheduled for Tuesday, May 8th at 5 PM
- The Junkyard Review Board has a Regularly meeting scheduled for Tuesday, June 12th at 5 PM

Complaint's Before County Attorney / Courts

Ernest Smith, 9740 Main Street, Town of Croghan, at direction of County Attorney, an appearance ticket was issued to the Town of Croghan Court for a court date of 7 PM September 26, 2017

On October 10, 2017 the County Attorney stated that Ernest Smith - appeared before the Town of Croghan Court, the Town Judge gave him another court date to follow up .

Derek Farr, 6948 Wetmore Road, Town of Watson, Derek Farr, The County Attorney is Waiting upon the Judge to re-schedule and impose fines on Mr. Farr. On February 13, 2018 I spoke to judge Burkner who indicates this is still pending.

Regards,

Ward John Dailey
Code Official
County of Lewis