

**Public Hearing
Local Law 3-2009 Junk Vehicle Law
August 10, 2009**

A Public Hearing was held in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York, to consider a Local Law modifying Chapter 116 of the Code of the Town of Hamlin, entitled "Junk Vehicle Law of the Town of Hamlin". Meeting called to order at 6:30 pm by Supervisor Roach.

Present: Supervisor Dennis Roach, Councilperson Tom Breslawski, Councilperson Paul Rath, Councilperson David Rose

Also Present: Tom Jenson, Planning Board; Ken Licht, Attorney; Lee Nettnin, Building Inspector, and Peter Terry

Excused: Councilperson Mike Marchetti

Supervisor Roach briefly explained the purpose of this modification is to provide the Code Enforcement Officer authority to issue an appearance ticket for violation of this law.

Under our current code, the Code Enforcement Officer does not have the authority to issue an appearance ticket for failure to respond within 15 days to his written notice to remove a junk vehicle. His prescribed course of action is to report the fact to the Town Board, which would then be required to conduct a public hearing to give the owner opportunity to be heard and then Town Board must rule as to the removal of the vehicle including contracting for the removal and assessing associated expenses to the real property as a lien until such charges were paid or otherwise discharged.

This proposed modification provides a new, alternate enforcement procedure. If there has not been compliance within 15 days, the CEO can issue an appearance ticket. Hopefully, in the vast majority of cases this procedure will result in "voluntary" removal of the junk vehicle and the possible collection of fines. There may be some cases where it is still necessary for the town to actually seize and sell a vehicle. For those instances, we have retained the prior section 116-7, REMOVAL and renumbered it as Section 116-10 and re-titled it "Alternate Procedure."

All other changes are administrative in nature, primarily to renumber the paragraphs, with the exception of the definition of Junk Vehicle. Section 116-3(A) of definitions was renumbered and the word "abandoned" was removed from the old 116-3(A)(3), now renumbered as 116-3(A)(4).

Supervisor Roach then asked the Town Clerk to provide proof of publication of official notice of the Public Hearing.

Supervisor Roach then opened the hearing for any public testimony, statements, comments and opinions. No one wished to speak. Councilperson Rose asked if boats could be added because people are complaining about boats sitting on lots. Councilperson Breslawski has been asked about the same thing. Attorney Licht stated that he didn't think it could be added with Junk Vehicles as it is under its own statute.

APPROVAL TO CLOSE THE PUBLIC HEARING

Resolution #207 Motion was made by Supervisor Roach, seconded by Councilperson Rose and Councilperson Rath to close and adjourn the Public Hearing at 6:39 pm as all business was concluded.

Members polled: Councilperson Breslawski aye, Councilperson Rath aye, Councilperson Rose, Supervisor Roach aye. Motion carried.

Respectfully,

Kathi A. Rickman, RMC/CMC
Hamlin Town Clerk