

Town of Fowler June 17th, 2024 Special Meeting and 2nd Public Hearing for proposed Local Law No. 3 of 2024 - Establishing Burning Regulations Minutes at 4:30PM.

The Town of Fowler Special Town Board meeting and 2nd Public Hearing for proposed Local Law No. 3 of 2024 – Establishing Burning Regulations was held on the above date with three board members present. Also present were Town Clerk Tami Gale, CEO Glen Besaw, Hwy. Superintendent Randy Durham, Laurina Greenhill and Paul Lamson. Councilperson Cleveland and Councilperson Bishop were not in attendance.

Supervisor Newvine called the meeting to order at 4:30 PM.

Open 2nd Public Hearing for Proposed Local Law No. 3 of 2024 - Establishing Burning Regulations

At 4:31 PM Supervisor Newvine asked for a motion to open the 2nd public hearing for proposed Local Law No. 3 of 2024 – Establishing Burning Regulations in the Town of Fowler. A motion was made by Councilperson Simmons seconded by Councilperson Knight. All in Favor. MOTION CARRIED.

Public Commentary on proposed Local Law No. 3 of 2024

Supervisor Newvine addressed the meeting attendees and asked their concerns.

Laurina Greenhill:

- Stated that she felt she had voiced her concerns previously.

Paul Lamson:

- Asked Supervisor Newvine if the proposed Local Law was subject to a permissive referendum. Supervisor Newvine stated that it was not subject to a permissive referendum. Mr. Lamson asked why not. Supervisor Newvine reported that there was no need for it to be; as advised by the Town Attorney. Mr. Lamson said he felt the citizens in the Town of Fowler should have the right to vote on local laws.
- Stated the proposed local law is a solution looking for a problem. The problem is already cured by New York State Law.
- He reported that the DEC has written two tickets in the Town of Fowler in the last month for open burning, so the DEC is enforcing the law.

Under Section 4 Definitions (Page 2) Letter E.

- **E. “Fire Chief” means the Chief of the Gouverneur Volunteer Fire Company or other person authorized by the Fire Chief to act on his/her behalf under this law.**
- Asked how the Town of Fowler can authorize a private citizen, the Fire Chief of the Gouverneur Fire Department to have anything to do with this law. Supervisor Newvine stated that the law had been changed, it is just a definition, and he is not mentioned anywhere else in the revised proposed law. Mr. Lamson disagreed.

Under (Page 4) Letter F.

- **Bonfires for ceremonies are allowed only if approved by permit and in accordance with provisions established by the Fire Chief, Town of Fowler, or authorized representative,** and asked how the Town of Fowler can do that, designating the Fire Chief, a private citizen, to issue permits for people to have a ceremonial bonfire in this town.

Supervisor Newvine stated it was allowed if it is approved by one of those three entities: the Fire Chief, Town of Fowler, or authorized representative.

- Asked how you can designate a private individual to enforce a law in this town. Mr. Lamson stated that the next guy may come in and want to do this, and then you will have to change the law.

Under Section 7. (Page 3) Letter E.

- **E. Outdoor campfire cooking or recreation is allowed, provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Campfires shall only be conducted a location at least 125 feet from the nearest building which is not on the same property and cannot be located in the Town, County, or State right-of-way; cannot exceed three (3) feet in height or length; and shall not be located under overhanging limbs or brush or any combustible materials.**
- The proposed local law states campfires shall only be conducted a location at least 125 feet from the nearest building which is not on the same property ...that means virtually every camp on Sylvia Lake is prohibited from having a campfire at their camp under this proposed local law.
- The proposed local law mentions campfire cooking is allowed in a barrel, ...but

Under Section 8. (Page 4) Burn Barrels it states:

No person shall use or maintain a burn barrel in the Town of Fowler.

Under Section 7. (Page 4) Letter L.

- **L. No materials may be burned upon any street, curb, gutter, or sidewalk or on the ice of a lake, pond, stream or waterbody.**
- This means that I can't have a campfire while I am out ice fishing. New York State doesn't prohibit me from having a campfire out on the ice, and asked what the reason the Town of Fowler was, stating it was the safest place of all to have a campfire.
- Asked how many burning complaints the Town has received this year. Code Enforcement Officer Besaw reported he has received between 8 and 10 complaints this year. Mr. Lamson asked how many of those complaints were filed with the DEC. CEO Besaw stated they call him after they call the DEC.

Under Section 12: Enforcement and Penalties (Page 5)

- A violation of the forgoing law or any section thereof shall be considered an act of disorderly conduct, punishable by a fine of not more than \$250.00 or by imprisonment for not more than five (5) days, or both such fine and imprisonment, for a first offense; and a fine of not more than \$500.00 or by imprisonment for not more than five (5) days, or both such fine and imprisonment, for a second violation, and each subsequent violation. All authorized federal, state, and local officers, including the Town of Fowler Code Enforcement Officer, shall be empowered to issue tickets under this law.
- He was glad to see that under this section that the misdemeanor was removed but reported in New York State disorderly conduct is still considered a criminal offense, and asked who was going to file the charges, who was going to prosecute the ticket issued, and how much was it going to cost the Town to do so, when the DEC already enforces this violation.

Supervisor Newvine discussed that the Town has received multiple complaints regarding burning and the proposed local law is intended to help fill in the gap as a fail-safe when the DEC cannot immediately respond to a burning complaint call. He stated that if the DEC doesn't respond, then CEO Besaw can at least go and speak to the violators and make them aware of their violation and ask them to stop. If that stops the burning, then we have accomplished what we wanted to do.

- Mr. Lamson stated that there are laws already in place in New York State for this that are enforceable and that have teeth and asked again why we are doing this.

Supervisor Newvine asked if there was any more public commentary.

Laurina Greenhill:

- Stated she would like to reiterate all that she has said previously, and she doesn't feel that we need this proposed local law either.
- She feels that there seems to be a rush that isn't necessary to get the proposed law adopted.
- If the board insists on having such a law, she thinks it would be a good idea to pump the brakes and have it vetted thoroughly.

CEO Besaw:

- Reported the reason this local law was proposed to begin with was because of his communications with the St. Lawrence County Sheriff and the DEC. They are not always available. He reported he has had serious calls from people on County Route 22 (Emeryville Road), County Route 24, and Little York Rd, where people have called him because they have called the Sheriff, and the DEC and no one was available, and they had to leave their home at 10:00PM because their home was full of smoke from someone burning garbage.
- He reported DEC Officer Atwood is who told him about other towns passing a local law to give another person the authority having jurisdiction to fill that gap.
- He reported you can't blame the Deputies or the DEC for being spread so thin, that they can't always come when they are called.

Paul Lamson:

- Stated if the proposed law was written to cover the burning of garbage, then no one is going to oppose that...the problem with it is it is too broad, and it covers too much.
- If it was solely designed to cover the burning of garbage it would be fine, but you have written a law that is trying to regulate other things, and that's the point that is trying to be made.
- He suggested making a law that covers only the burning of garbage and waste and take everything else out of it, we shouldn't be regulating things that don't need to be regulated.

Closing the 2nd Public Hearing for Proposed Local Law No. 3 of 2024 - Establishing Burning Regulations

Supervisor Newvine asked if there were any questions from the public before the proposed local law was considered for passage.

At 4:49 PM, having received no further commentary from the public, Supervisor Newvine asked for a motion to close the 2nd public hearing for proposed Local Law No. 3 of 2024 - Establishing Burning Regulations in the Town of Fowler. A motion was made by Councilperson Knight seconded by Councilperson Simmons to close the public hearing, All in Favor. MOTION CARRIED

RESOLUTION

RESOLUTION #14 of 2024

Enacting Local Law No. 3 of 2024 – Establishing Burning Regulations

Supervisor Newvine asked for a motion to adopt Resolution #14 of 2024, enacting Local Law No. 3 of 2024 – establishing burning regulations in the Town of Fowler.

A motion was made by Councilperson Knight seconded by Councilperson Simmons to adopt Resolution #14 of 2024 enacting Local Law No. 3 of 2024 – establishing burning regulations in the Town of Fowler. All in Favor. MOTION CARRIED.

Roll Call on the Vote:

AYES: 3 NEWVINE, SIMMONS, KNIGHT

NAYS: 0

ABSENT: 2 CLEVELAND, BISHOP

Supervisor Newvine thanked Laurina Greenhill and Paul Lamson for attending the public hearing and voicing their concerns. Supervisor Newvine stated that the board respects their opinions as taxpayers and understand where they are coming from. Supervisor Newvine stated that we hope that this is the best thing for everyone.

RESOLUTION #15 of 2024

Speed Limit Reduction on Popple Hill Rd

Supervisor Newvine asked for a motion to adopt Resolution #15 of 2024 to ask the State for a Speed Limit Reduction on Popple Hill Rd.

A motion was made by Councilperson Simmons seconded by Councilperson Knight to adopt Resolution #15 of 2024 . All in Favor. MOTION CARRIED.

Roll Call on the Vote:

AYES: 3 NEWVINE, SIMMONS, KNIGHT

NAYS: 0

ABSENT: 2 CLEVELAND, BISHOP

With no further business, on a motion of Councilperson Knight, seconded by Councilperson Simmons, the June 17th, 2024, Special Town Board meeting and 2nd Public hearing for proposed Local Law No. 3 of 2024 was adjourned at 4:59 PM. CARRIED UNANIMOUSLY.

Tami Gale; Town Clerk