

Thomas J. Parisi

18 March 2018

Clay Town Board
Town of Clay
4401 State Route 31
Clay, NY 13041

RE: Ordinance change 2018-02

Dear Sir/Ma'am,

Due to my employment responsibilities, I am not certain if I will be able to attend the public hearing on 19 March 2018 to address the proposed change to CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE of the Code of the Town of Clay, §211-1 "Definitions" of the Town of Clay Municipal Code by adding the definitions in Subparagraph B "Gross Vehicle Weight Rating (GVWR)" and "Gross Combined Weight Rating (GCWR)" to the Town Code. Please accept this written submission as my contribution to the proposed change.

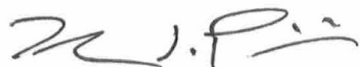
I hereby object to adding the stated definitions **at this time** for the following reason:

1. New York State Town Law §130 "Town Ordinances" states, "The town board after a public hearing may enact, amend and repeal ordinances, rules and regulations not inconsistent with law, for the following purposes in addition to such other purposes as may be contemplated by the provisions of this chapter or other laws...The town clerk shall give notice of such hearing by the publication of a notice in at least one newspaper circulating in the town, specifying the time when and the place where such hearing will be held, **and in general terms describing the proposed ordinance**. Such notice shall be published once at least ten days prior to the day specified for such hearing.
2. In my opinion, stating that the town's intention to define two salient terms, to be used in an ordinance change scheduled for public hearing the very same day, **without actually stating the proposed definitions** for the terms, does not meet the minimum criteria of describing the proposed ordinance in general terms. Simply stated, the public cannot research the validity of a definition that has not been communicated and therefore has no basis to object.
3. Even if, from a legal standpoint, the notice given was sufficient to satisfy NYS TWN §130, the notice certainly does not live up to the spirit of the NYS Town Law, which was to give the public adequate time to research a proposed change to a town ordinance and attend the public hearing with a well prepared coherent objection, should one be appropriate.

For the reasons cited above, as a resident of the Town of Clay, I respectfully request the town to republish the notice for public hearing of 2018-02, to include the definitions of the subject terms, and adjourn the public hearing for at least ten days after the new notification is released. I appreciate you taking the time to read my letter and consider the concerns of the residents in our town. - Not addressed -

I request this letter be made part of the public record for the subject proposed ordinance change and be made available upon any request for information, to include Freedom of Information Law (FOIL) requests, regarding this proposed action.

Sincerely,



Thomas J. Parisi
Thomas241@gmail.com

- Other than the USPS return receipt, no acknowledgment of receipt or reply received. USPS tracking number below.

- I stated my objection in person at the public hearing on 3/19/2018 to the town using any definition of the term(s) other than one(s) established within NYS Transportation Law, United States CFR 49, or by the Society of Automotive Engineers (SAE).

-At the Town Board Meeting on 04/02/2018, this proposed ordinance was voted upon and passed 5-1. Counselor Bick Opposed. No definition was discussed or made public at the meeting.

-Supervisor Ulatowski stated verbally that the Town did look into the definition of the term, as described by US CFR 49, and the Town did not concur with the federal definition of the term. He stated that the definition the town is going to use is more congruent with NYS law. He did not state the definition prior to the vote. As of 4/03/2019, the definition the town voted into law is still unknown to the public.

Sent Via

Email: townboard@townofclay.org, townclerk@townofclay.org

USPS: 7017 1450 0002 3114 3665