

# DI STASI MORIELLO & MURPHY LAW PLLC

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May 2, 2018

Rosanna Mazzaccari, Town Clerk  
Town of New Paltz  
52 Clearwater Road  
New Paltz, NY 12561

Re: Solid Waste Collection Local Law

Dear Rosanna:

Attached with this correspondence is proposed Lead Agency designation and Type II determination, Resolution Adopting Local Law and Notice of Adoption, all with reference to the above local law, the public hearing for which is scheduled for Thursday, May 3, 2018.

Also enclosed is proposed local law official form containing a proposed revision at section 88-6 regarding the placement of receptacle. In speaking with Building Inspector, Stacy Delarede, she pointed out that the proposed local law as originally drafted provided at §88-6, subdivision C that receptacle be placed "...no more than fifteen (15) hours before the scheduled time of collection or extending no more than fifteen (15) hours thereafter" ( a thirty hour "window"). Although this agrees with the current version of the village's local law, the provision conflicts with §89-4, subdivision C of the town's existing code provisions (Chapter 89 - "Garbage, rubbish and refuse") which provides that receptacles be placed "...not earlier than six hours prior to 12:01 a.m. on the day regularly scheduled for such removal and ending not later than six hours after 11:59 p.m. on the day regularly scheduled for such removal (a thirty-six hour "window"). The proposed revised local law attached with this correspondence highlights the proposed change at §88-6, subdivision C.

I would suggest that the town board consider the amended version of the local law for adoption. Although it may differ with the village's current local law in this respect, agreement on this point does not seem to interfere with the overall intended purpose. Not only would such revision avoid a conflict and resulting difficulties in enforcement, but it would avoid the necessity for additional time and expense to amend Section 89 of our code at a later date.

Although this is a departure from the proposed local law which was made available prior to the public hearing, it is our opinion that such a revision does not constitute a major change to the original local law and therefore would not require adjournment of the public hearing and the necessity for re-publication on this point alone.

I thank Stacy and the members of the board for allowing me to bring this to the attention of your attention.

Very truly yours,

DI STASI MORIELLO & MURPHY LAW PLLC

By. 

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Joseph M. Moriello

JMM

cc: Stacy Delarede, Building Inspector