

REGULAR MEETING OF THE TOWN BOARD

**PALMYRA TOWN HALL
JUNE 27, 2013**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, schedule for Thursday, June 27, 2013, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra , New York.

CALL TO ORDER

Supervisor Miller led those present in the Pledge of Allegiance to the Flag.

PLEDGE OF ALLEGIANCE

Upon roll call, the following board members were present:

ROLL CALL

- Kenneth F. Miller, Supervisor
- James Welch, Deputy Supervisor
- Michael Lambrix, Councilman
- David Nussbaumer, Councilman
- Todd J. Pipitone, Councilman

Also attending: Deputy Code Enforcement Officer Bob Grier, Highway Superintendent Mike Boesel, Catherine Salber, Tracy Vanderwall, Dan Nichols, Bob Grier, Brian Havert, and Marc Carrier.

ATTENDANCE

Motion was made by David Nussbaumer to approve both the May 23, 2013 Town Board meeting, and the June 3, 2013 Village/Town Joint meeting.

**MTN:
APPROVE
MINUTES OF
5/23/2013 &
6/3/2013**

Second: Mike Lambrix

Vote: 5 Ayes. Carried

COMMUNICATIONS

No new communications this evening.

REPORTS OF STANDING COMMITTEES

**Economic Development, Appeals, and Town Clerk's Office
Committee - Todd Pipitone, Chairman**

1. **Town Clerk's Office Report for June:**

- *On June 13th, Celeste lost her youngest sister to Lou Gehrig's disease. Celeste has been instrumental in making funeral preparations, meeting family flying in from out of town, and in comforting her 90-year-old mother. We express our condolences to her as she goes through this difficult grieving time.*

**TOWN
CLERK'S
OFFICE
REPORT FOR
JUNE**

- Lynne: In addition to keying in and following up on the May 23rd Town Board meeting, I took notes at the Joint Town/Village Board Meeting on June 3rd. Both sets of minutes were sent to Town Board members for perusal. Made sure all follow-up items from meetings were taken care of.
- Lynne: Prepared some items for June Town Board meeting, turned them over to Irene for June Board meeting, as Lynne is on vacation during Town Board meeting week in June.
- Lynne: Hill Cumorah Pageant cast team is expected to arrive on July 16th to do "service projects" at Town Hall. Any ideas on short-term projects would be appreciated. Please contact Irene with ideas.
- Irene: As Lynne is away these few weeks, I am continuing with my usual tasks as well as the Town Clerk duties of preparing the agenda, resolutions, board packets, minutes etc for the board meeting, as well as filling in for any special events at the Town Hall, preparing any special mailings, updating calendars, scheduling, FOIL requests, following up on any ongoing issues, etc. Please be sure to e-mail me directly with any town business at taxcollector@palmyra.com until Lynne returns on July 15th.
- Irene: Sent out another large stack of reminder notices to local dog owners whose licenses are up for renewal. Year to date 2013, we have collected \$7477.00 in dog licensing, up about \$1500.00 YTD in 2012.
- Irene: Along with the day-to-day work, answering phones and waiting on customers, making all bank deposits, balancing check book, I am now catching up with ongoing duties and projects (filing, cleaning out files, genealogy requests, updating forms, etc.) that got set aside during tax time and dog enumeration. I am now beginning to gear up (and working with banks etc.) for school tax collection.
- Irene: June showed increase in marriage licenses, fishing licenses!, handicapped parking permits, and Certificates of Residency for Wayne County students. Numerous vital record searches.
- Celeste: Training -Attended a NYSA (New York State Archives) workshop, Document Scanning Essentials, on June 4th at the Cayuga-Onondaga BOCES in Auburn, NY. This is new workshop for the NYSA and reflects the direction that records management is headed. An overview of the workshop is on back.
- Celeste: Digitization & Scanning Project - OCR Issues - While rescanning (importing) records dated 1789-2005, I discovered that our software does not allow for OCR scanning. I spent numerous hours attempting to find a free work-around with no success. It was recommend that we invest in a high-quality OCR application, and that the lower-quality/free OCR applications have a high number of lost characters during scanning. This will delay my scanning goal by a few weeks.
- Celeste: I am researching what may be a workaround to convert all of our existing PDF documents (mostly minutes) to OCR PDF's without timely rescanning. BOCES Monroe County uses Application Xtender and can do this now. I am working with this user to resolve our our OCR issue without the high cost of vendor support. This capability would cut our scanning time dramatically. We have over 300 years of records to import.
- Celeste: Wayne ARC has provided shredding certificate.
- Celeste: Processed end of month cashbook report .

Irene Unterborn, Palmyra Deputy Town Clerk
June 27, 2013

In addition to the Town Clerk report was a one page follow-up (included in board packet) from the meeting that Celeste Finewood attended.

2. **Scrapping of Microfiche reader:** Supervisor Miller inquired with Highway Superintendent Mike Boesel as to whether or not he would be able to include the obsolete, stored, microfiche reader in a scrap run. Mr. Boesel said he did have a run scheduled and would take care of the removal of it.

**SCRAPPING
OF
OBSOLETE
MICROFICHE
READER**

Highway Committee - James Welch, Chairman

1. **Highway Report for June:**

*Highway Superintendent Report
For Town Board Meeting 06/27/13*

Since the May 23rd Town Board meeting we have completed the following work:

- *Ditching/Drainage work – Hogback, Port Gibson, Palmer, Parker, Cambier, Desmith, Floodman*
- *Wedging – Parker Road, Cole Road*
- *Hauling – 3/8 stone and sand*
- *Inter-municipal Assistance*
 - *6/19/13 & 6/20/13 - Palmyra trucks to Macedon for surface treating*
 - *6/21/13 - 1 Palmyra truck to Williamson for paving assistance*
 - *6/25/13 & 6/26/13 - Palmyra & Marion crews wedge Parker Road*

Other miscellaneous items include:

- ***Training –***
 - *On 06/06/13 the entire highway crew completed our workplace violence training.*
 - *From 6/3/13 – 6/5/13 I attended Annual Highway School in Ithaca, NY. I have been on the Highway School Planning Committee for the past 3 years. Some of the sessions I attended were as follows: Improving Safety along your Highways, Improving Roadside Ditch Management, NYS DOT Local Programs Update, Warm Mix Asphalt, Improving your Communication Skills, Moving Work Zones, Keeping Good Roads Good, Legal and Regulatory Panel, Stormwater in a Climate Change, Safety in Lifting, Preventative Maintenance Best Practices.*
- ***Drainage Work –*** *With the extremely wet Spring, we have been trying to keep our ditches flowing. Thus, we have spent a fair amount of the past 30 days on several roads throughout the Town, which are listed above. We also replaced a culvert on Hogback Road and installed some weep pipes.*
- ***NYS Dept of Labor Inspection:*** *- On 6/12/13, Sherry VanNortstrand from the NYS DOL/PESH re-visited the highway facility to follow-up on our corrective actions. She was impressed with our updates. I have 2 remaining issues to address and have been making progress on these, which is our Lock-Out-Tag-Out policy update and the hook on our loader bucket. We have until mid-July to correct these 2 remaining citations.*

**HIGHWAY
DEPT.
REPORT FOR
JUNE**

- **Speed Radar Signs** – *The Village received a Safe Routes to Schools grant which helped to purchase two speed radar signs for the Village. The intent is for these signs to be portable and thus they will likely not be seen in the same spot on a routine basis. They are currently installed on W.Main and E.Main Street*
- **Surface Treating/Wedging** – *This past week we worked with the Town of Marion Hwy to complete hot asphalt wedging on Parker and Cole Roads,. Over the next couple months, we intend to surface treat and/or wedge the following roadways; Floodman, Leroy, Hanagan, Cole, Parker, Goldsmith and Lusk.*

Any questions, comments or concerns I will be glad to answer.

2. Superintendent Boesel explained that drainage, and keeping ditches flowing has been a priority with all the rain we have been getting, as well as asphaltting in the Town. He stated he was hoping they would be stoning in August. Councilman Welch questioned the problem hook on the pay loader. Supt. Boesel said that cost for a certified welder to fix it (approx. \$500.00) was cost prohibitive, and that he was still doing his homework on it. For the time being the buckets on the excavators can be used.

In addition to the June 27th report, Mr. Boesel also prepared a report to be shared at the joint meeting on June 3rd, before the Town Board members were excused. That report was included in this meetings information packet for the board members as well as in last months meeting minutes.

Planning and Operations Committee

- Mike Lambrix, Chairman

1. **Planning Board Minutes:** Mike Lambrix told Board Members the minutes to the Planning Board meeting of June 10, 2013 were included in the packets this evening. There were no Board comments.

2. **Planning Board Replacement:** Mike Lambrix said that he has spoken to several people about the Planning Board member vacancy, but has had no word back yet. He will continue to look for someone interested.

3. **Local Law #2 - NYS Fire Prevention and Building Code - Discussion:** The Board Members had no further questions regarding this, and Supervisor Miller stated they all had a chance to read the letter from the Town's legal council.

DRAINAGE ISSUES AND PAYLOADER HOOK

PLANNING BOARD MINUTES 6/10/2013

PLANNING BRD. REPLACEMENT

DISCUSSION LOCAL LAW #2

4. **Update from NYS Department of Labor:** From the Notice of Violation and Order to Comply checklist, follow-up for item #5 "Training on Risks, of workplace violence" is scheduled for July 11, 2013 at the Town hall, and item #6 "Listed or labeled electrical equipment install correctly" was scheduled for June 29, 2013.

**UPDATE DEPT.
OF LABOR
COMPLY LIST**

**Zoning and Assessor's Office Committee
- David Nussbaumer, Chairman**

1. **Assessor's Office Report for June:**

*REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
JUNE 27, 2013*

GRIEVANCE DAY:

Grievance day went well this year. The Board of Assessment Review met from 1 to 5 pm and 6 to 8 pm on May 28th and again from 2 to 5 on June 5th. About 75 property assessments were disputed, with Bamberger's having 20 and Tracy Vanderwall having 7 appointments with the BAR. They had their executive meeting on June 5th from 10:30 am to 1 pm and again from 5:30 to 8:45 pm. They were able to make all their determinations during these two sessions. The notices were sent out to the property owners on June 21st. The backup to produce the Final Assessment Roll was given to the County on June 18th. By the time you read this I should have the Final Roll so I can file it with the Town Clerk's office on Friday, June 28th, before the July 1st deadline.

**ASSESSOR'S
REPORT FOR
JUNE**

We still have to put all the paper work and files back where they belong, as Joan has been working on the minutes of the meeting and getting the notices ready for mailing.

The next step for the property owner is small claims assessment review (SCAR). In order to file a small claims application, they must go to the County Clerk's office in Lyons and get the paper work. It is then filed with the County Clerk who gives them to the Courts who in turn assigns a hearing officer to officiate over the case. The hearing officer will contact both the assessor and the property owner and set a date and time for this review. This occurs in July and August usually. We normally do not have any SCAR's, but in an update year, we will get some.

If you have any questions or concerns, please do not hesitate to contact me at any time.

2. **CEO Report for June:** Prior to the Town Board meeting, CEO Dan Wooden submitted a list of permits issued May 24th thru June 26, 2013. Deputy CEO Bob Grier was questioned about the status of properties on Main St. scheduled for demolition after the fire. He stated that demolition was planned for July 8th, that it looks as if it will happen this time, and that the Town was going thru the normal progression of code enforcement. There was concern voiced for the extra tourists that will be arriving in July, but Mr. Grier pointed out that once begun, this should not be a problem as the demolition should only be a two day project.

**CEO REPORT
FOR JUNE -
UPDATE ON
BUILDINGS
SET FOR
DEMOLITION
ON MAIN ST.**

**ZONING BOARD
MINUTES**

3. **Zoning Board Minutes:** David Nussbaumer told Board Members the minutes to the Zoning Board meeting of June 13, 2013 were included in the packets this evening. There were no Board comments.

INFORMATIONAL ITEMS**SHERIFF'S
REPORTS**

1. **Reports by Sheriff:** Included in the board packets was a copy of the April and May 2013 Sheriff's Monthly column report, as well as a January thru May "Tickets by Town", with details of the Palmyra statistics.

**PARKER/COLE
WATER SURVEY**

2. **Follow-up to Parker/Cole Water Survey:** There were 12 "yes" responses (including no response that are considered "Yes" per survey letter) and 13 "No" responses. Due to survey results, this particular project will not proceed forward at this time. Brief discussion ensued about the Macedon town wide project that happened years ago (more money was granted to that project) and the fact that costs are more prohibitive now.

**WORKPLACE
VIOLENCE
SEMINAR**

3. **Report on Workplace Violence Prevention Seminar by NYS Dept. of Labor:** Included in the board packets was an Executive Summary of the Public Employers Workplace Violence Prevention Programs that are now required of public employers on a yearly basis. This information and training is now required at the "time of hire and annually thereafter". The training seminar for the Town will take place on July 11, 2013.

**EMPLOYEE
SMOKING
POLICY**

4. **Employee Smoking Policy on Town Property Update:** Supervisor Miller is waiting for a reply from Mayor Piccola before this can be discussed further. Mayor Piccola is waiting to hear from the union rep who has been out of state. Supervisor Miller will be following up with this item.

**UPDATE ON
FOLDING
DOORS**

5. **Update on Folding Doors in Gymnasium:** Supervisor Miller met with a gentleman that did not believe there parts available for the doors any longer, but was waiting to hear back from him for a final answer. Mike Lambrix suggested contacting the school to see who they might use to fix their doors. Discussion included switching the two sets of doors, making the opening in the gym smaller to make possible replacement less expensive, was it a really a necessity, and finally getting bids on the work.

**MATT KROLAK
AND WC
PLANNING
BOARD**

6. **Follow-up letters to Matt Krolak and Wayne County Planning Department:** Included in the board packets were copies of the follow-up letters, as well as Resolution #14-2013, officially approving the appointment of Matt Krolak as the Palmyra Representative to the Wayne County Planning Board.

7. **2012 Town Financial Report:** The 2012 Town of Palmyra Financial Report was filed with the NY Office of State Comptroller. A copy of the legal notice dated May 31, 2013 was included in the board packet.

**2012
FINANCIAL
REPORT**

8. **Wayne Wellness Coalition and Council on Alcohol and Addictions of the Fingerlakes:** Local Palmyra businesses, including Express Mart, Breen's Bells, Hansel's Liquor, Hasseltine Liquor, Palmart, Rite Aid, and Newcomb Oil, were all recognized for their continued commitment to refuse alcohol sales to minors. Of the 64 businesses that took part in Wayne County, 51 were successful. All businesses that took part in Palmyra were successful!

**RECOGNITION
OF LOCAL
BUSINESS FOR
NON-SALE OF
ALCOHOL TO
MINORS**

9. **International Joint Commission - Canada/United States:** Members of the Wayne County Board of Supervisors were invited to testify at a public hearing of the IJC on its Proposal for Lake Ontario and the St Lawrence River. Supervisor Miller explained there are 3 US and 3 Canadian members on this commission, and that they are perhaps looking into raising the levels to increase wetlands along the lake. Of course there are many issues that could ensue for Sodus if this occurs. Interested Town board members are also invited the Williamson IJC meeting on July 16, 2013.

**IJC MEETING
ON LAKE
LEVEL ISSUES**

10. **NYS Directory:** Supervisor Miller received a NYS Directory that includes all Town, Village and business contact listings, and pointed out that these are probably available via internet. The directory is available for temporary viewing until a vote can be brought up at the next meeting as to whether or not the town should keep it. If it is kept, the cost would be \$145.00.

**NYS
DIRECTORY**

11. **Wayne County Water/Sewer Hook-Up Program:** Wayne County has been awarded grant funds under the Community Block Grant Program to assist income eligible owners with one time costs to connect to existing water and sewer lines. A fact sheet was provided to the board with income limits and guidelines for the program.

**GRANT FOR
WATER/SEWER
HOOK UP**

12. **Public Input:** Catherine Salber had concerns about an abandoned property located at 4775 Tellier Rd. She explained to the board that all doors and windows have blown off, in the last big windstorm an entire wall blew off, and that she fears the entire structure will end up on the railroad tracks. Someone has also unloaded tires on the property. This problem has been going on for years. Supervisor Miller has been looking into this hazardous property for the last two years, and explained it has been up for auction twice, but received no bids. He also explained that the county had it removed from our tax rolls, and

**PUBLIC
INPUT:
CONCERNS
FOR
ABANDONED
PROPERTY
NEAR
RAILROAD
TRACKS**

now considers it a "Roll Section 8". Roll Section 8, which is the exempt part of the Assessment roll, is difficult for the town to deal with, and would make it expensive for our taxpayers. The fire department was also contacted to see if they would want it for an "open burn", but declined because they would need a DEC permit.

Supervisor Miller will go back to the county to see what else might be done.

Marc Carrier spoke of his concerns of landfill properties located on Garnsey Rd. that appear to have eroded with "stuff coming out of the bank", and shared a picture of what he was talking about. Deputy CEO Bob Grier is aware of these landfills and said they were given a "clean bill of health" by the DEC. Mr. Carrier asked that three points get further attention. #1 - That the town makes sure these are in the State Registry for Location of Landfills, #2 - These sites get put on the agenda for further discussion, and #3 - These sites get posted as to what they are, "Municipal Landfills". Tracy Vanderwall also added that she owns property on Hammond Rd, and there is sometimes a terrible smell from the creek that contains overflow from Koeberle's Farm. It is also sometimes foamy and she has told her daughter to no longer play in it.

**PUBLIC INPUT:
CONCERN FOR
LANDFILLS ON
GARNSEY RD.**

AGENDA ITEMS

1. **Approve Local Law #2 for 2013 - Uniform Fire Prevention & Safety Law:** The following resolution was presented for Board Approval:

**APPROVE LOCAL
LAW#2 FOR
2013 -
UNIFORM FIRE
PREVENTION &
SAFETY LAW**

RESOLUTION #8-2013

Proposed Local Law No. 2 of the year 2013
Town of Palmyra, County of Wayne

A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Local Law # 2 of 2013.

Be it enacted by the Board of the Town of Palmyra, in the County of Wayne, as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town.

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

SECTION 2. DEFINITIONS

In this local law:

Building Permit shall mean a permit issued pursuant to section 4 of this local law. The term Building Permit shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

Certificate of Occupancy/Certificate of Compliance shall mean a certificate issued pursuant to sub-division (b) of section 7 of this local law.

Code Enforcement Officer shall mean the Code Enforcement Officer appointed pursuant to sub-division (b) of section 3 of this local law.

Code Enforcement Personnel shall include the Code Enforcement Officer and all Inspectors.

Compliance Order shall mean an order issued by the Code Enforcement Officer pursuant to sub-division (a) of section 15 of this local law.

Energy Code shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

Inspector shall mean an inspector appointed pursuant to sub-division (d) of section 4 of this local law.

Operating Permit shall mean a permit issued pursuant to section 10 of this local law. The term Operating Permit shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

Permit Holder shall mean the Person to whom a Building Permit has been issued.

Person shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

Stop Work Order shall mean an order issued pursuant to section 6 of this local law.

Temporary Certificate shall mean a certificate issued pursuant to sub-division (d) of section 7 of this local law.

Town shall mean the Town of Palmyra.

Uniform Code shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

- (a) *The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:*

**LOCAL LAW#
2 FOR 2013
'''
CONTINUED**

**LOCAL LAW #2
FOR 2013
...CONTINUED**

1. *to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;*
 2. *upon approval of such applications, to issue Building Permits, Certificates of Occupancy/ Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;*
 3. *to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;*
 4. *to issue Stop Work Orders;*
 5. *to review and investigate complaints;*
 6. *to issue orders pursuant to sub-division (a) of section 15 (Violations) of this local law;*
 7. *to maintain records;*
 8. *to collect fees as set by the Town Board of this Town;*
 9. *to pursue administrative enforcement actions and proceedings;*
 10. *in consultation with this Town attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and*
 11. *to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.*
- (b) *The Code Enforcement Officer shall be appointed by the Town Board of this Town. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.*
- (c) *In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.*
- (d) *One or more Inspectors may be appointed by the Town Board of this*

Town to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

- (e) *The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town.*

SECTION 4. BUILDING PERMITS.

- (a) *Building Permits Required. Except as otherwise provided in sub-division (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.*

- (b) *Exemptions. No Building Permit shall be required for work in any of the following categories:*

1. *construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);*
2. *installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);*
3. *installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;*
4. *installation of fences which are used on active farms for the controlling of farm animals;*
5. *construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;*
6. *construction of temporary motion picture, television and theater stage sets and scenery;*
7. *installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);*
8. *installation of partitions or movable cases less than 5'-9" in height;*
9. *painting, wallpapering, tiling, carpeting, or other similar finish work;*
10. *installation of listed portable electrical, plumbing, heating,*

**LOCAL LAW#2
FOR 2013
...CONTINUED**

ventilation or cooling equipment or appliances;

11. *replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or*
12. *repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.*

**LOCAL LAW #2
FOR 2013
...CONTINUED**

(c) *Exemption not deemed authorization to perform non-compliant work.* *The exemption from the requirement to obtain a building permit for work in any category set forth in sub-division (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.*

(d) *Applications for Building Permits.* *Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:*

1. *a description of the proposed work;*
2. *the tax map number and the street address of the premises where the work is to be performed;*
3. *the occupancy classification of any affected building or structure;*
4. *where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and*
5. *at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.*

(e) *Construction documents.* *Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of sub-division (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one*

set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

- (f) *Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.*
- (g) *Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.*
- (h) *Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.*
- (i) *Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this sub-division may be renewed one time, and shall be valid for six (6) months, upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.*
- (j) *Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.*
- (k) *Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.*

SECTION 5. CONSTRUCTION INSPECTIONS.

- (a) *Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of*

**LOCAL LAW #2
FOR 2013...
CONTINUED**

work described in subdivision (b) of this section is ready for inspection.

- (b) Elements of work to be inspected. *The following elements of the construction process shall be inspected made, where applicable:*
1. *work site prior to the issuance of a Building Permit;*
 2. *footing and foundation;*
 3. *preparation for concrete slab;*
 4. *framing;*
 5. *building systems, including underground and rough-in;*
 6. *fire resistant construction;*
 7. *fire resistant penetrations;*
 8. *solid fuel burning heating appliances, chimneys, flues or gas vents;*
 9. *Energy Code compliance; and*
 10. *a final inspection after all work authorized by the Building Permit has been completed.*
- (c) Inspection results. *After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.*
- (d) Fee. *The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.*

SECTION 6. STOP WORK ORDERS.

- (a) Authority to issue. *The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:*
1. *any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or*
 2. *any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or*
 3. *any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.*
- (b) Content of Stop Work Orders. *Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.*
- (c) Service of Stop Work Orders. *The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the*

affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by [registered mail / certified mail]. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by [registered mail/certified mail]; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

- (d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- (e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in sub-division (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

**LOCAL LAW #2
FOR 2013
...CONTINUED**

SECTION 7. CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE

- (a) Certificates of Occupancy/Certificates of Compliance required. A Certificate of Occupancy /Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy/ Certificate of Compliance.
- (b) Issuance of Certificates of Occupancy/Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy/Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy/ Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy/Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Certificate of Compliance:
1. a written statement of structural observations and/or a final report of special inspections, and
 2. flood hazard certifications.
- (c) Contents of Certificates of Occupancy/Certificates of Compliance. A

Certificate of Occupancy/ Certificate of Compliance shall contain the following information:

1. *the Building Permit number, if any;*
2. *the date of issuance of the Building Permit, if any;*
3. *the name, address and tax map number of the property;*
4. *if the Certificate of Occupancy/Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/Certificate of Compliance is issued;*
5. *the use and occupancy classification of the structure;*
6. *the type of construction of the structure;*
7. *the assembly occupant load of the structure, if any; if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;*
8. *any special conditions imposed in connection with the issuance of the Building Permit; and*
9. *the signature of the Code Enforcement Officer issuing the Certificate of Occupancy/ Certificate of Compliance and the date of issuance.*

- (d) Temporary Certificate. *The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.*
- (e) Revocation or suspension of certificates. *If the Code Enforcement Officer determines that a Certificate of Occupancy/Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.*
- (f) Fee. *The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy/Certificate of Compliance or for Temporary Certificate.*

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney

or gas vent.

SECTION 9. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 2 of 1999, as now in effect or as hereafter amended from time to time.

SECTION 10. OPERATING PERMITS.

**LOCAL LAW #2
FOR 2013
...CONTINUED**

- (a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:
1. manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled Fire Code of New York State and incorporated by reference in 19 NYCRR section 1225.1;
 2. hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 3. use of pyrotechnic devices in assembly occupancies;
 4. buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
 5. buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this sub-division:

- (a) *shall be required to obtain an Operating Permit prior to commencing such activity or operation.*
- (b) Applications for Operating Permits. *An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.*
- (c) Inspections. *The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.*
- (d) Multiple Activities. *In any circumstance in which more than one activity listed in sub-division (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.*
- (e) Duration of Operating Permits. *Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three*

years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

- (f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.
- (g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
 1. Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
 2. Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
 3. Fire safety and property maintenance inspections of all multiple dwellings consisting of two or more such units not included in paragraphs (1) or (2) of this subdivision, shall be performed once every three years. Inspection of the common areas of such buildings, such as halls, foyers, staircases, etc. shall also be inspected at the same interval as the dwelling units.
 - (a) All other buildings, uses and occupancies (except non-rental, one-family dwellings) shall be inspected at least once in every 24 months. Manufactured homes in Manufactured Home Parks which are owned by the park owner or any other individual and are leased and rented to another individual(s) shall be inspected at least once every 12 months.
- (b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:
 1. the request of the owner of the property to be inspected or an authorized agent of such owner;
 2. receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
 3. receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable,

**LOCAL #2 FOR
2013
...CONTINUED**

giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

- (c) *Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section.*

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) *performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;*
- (b) *if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;*
- (c) *if appropriate, issuing a Stop Work Order;*
- (d) *if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.*

**LOCAL LAW#2
FOR 2013
... CONTINUED**

SECTION 13. RECORDKEEPING.

- (a) *The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:*
1. *all applications received, reviewed and approved or denied;*
 2. *all plans, specifications and construction documents approved;*
 3. *all Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;*
 4. *all inspections and tests performed;*
 5. *all statements and reports issued;*
 6. *all complaints received;*
 7. *all investigations conducted;*
 8. *all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and*
 9. *all fees charged and collected.*
- (b) *All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the*

minimum time period so required by State law and regulation.

SECTION 14. PROGRAM REVIEW AND REPORTING

- (a) *The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.*
- (b) *The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.*
- (c) *The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.*

**LOCAL LAW#2
FOR 2013
...CONTINUED**

SECTION 15. VIOLATIONS

- (a) *Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by [registered mail/certified mail]. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by [registered mail/certified mail]; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.*
- (b) *Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.*
- (c) *Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy/Certificate of Compliance, Temporary Certificate,*

Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.

- (d) *Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy/Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.*
- (e) *Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.*

**LOCAL LAW #2
FOR 2013
...CONTINUED**

SECTION 16. FEES

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 17. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Supervisor of

this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 19. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**MTN: APPROVE
RESOLUTION
FOR PROPOSED
LOCAL LAW #2
FOR THE YEAR
2013**

Todd Pipitone made the motion to approve this resolution.

Second: David Nussbaumer

Roll Call Vote:

- James Welch, Deputy Supervisor - Nay
- Michael Lambrix, Councilman - Nay
- David Nussbaumer, Councilman - Aye
- Todd J. Pipitone, Councilman - Aye
- Kenneth F. Miller, Supervisor - Aye

3 Ayes. Carried

- 2. **Approve Violence Prevention and Incident Reporting in Workplace Policy:** The following resolution was presented for Board Approval:

RESOLUTION #15-2013

**TOWN OF PALMYRA WORKPLACE
VIOLENCE PREVENTION POLICY AND INCIDENT REPORTING**

The Town of Palmyra is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Palmyra property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

- 12 NYCRR PART 800.6 (Code rule 800.6) Workplace Violence.
- Any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including, but not limited to:*
 - (i) *An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;*
 - (ii) *Any intentional display of force which would give an employee reason to fear or expect bodily harm;*

- (iii) *Intentional and wrongful physical contact with a person without his or her consent that entails some injury;*
- (iv) *Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.*

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Management and Authorized Employee Representatives will have an ongoing role in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. Town of Palmyra has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Palmyra will provide counseling services or referrals for employees.

All Town of Palmyra personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

*Name: Kenneth Miller
 Title: Supervisor
 Department: Town of Palmyra
 Phone: 315-597-2324 cell: 585-794-2607
 Location: 1180 Canandaigua Road, Palmyra, NY*

Designated Contact Person:

*Name: William Campbell
 Title: Director
 Department: Palmyra Community Center
 Phone: 315-597-5501 cell:
 Location: 424 Stafford Street, Palmyra, NY*

BE IT RESOLVED, that the Palmyra Town Board directs the Clerk of the Board to give a copy of this resolution to the NYS Department of Labor, all contact persons, and

BE IT FURTHER RESOLVED, that the Palmyra Town Board directs the Clerk of the Board to post this resolution per NYS Department of Labor standards.

*BY ORDER OF THE PALMYRA TOWN BOARD
 Dated: June 27, 2013*

Motion was made by Todd Pipitone to approve this resolution.

Second: Mike Lambrix

Roll Call Vote:

- James Welch, Deputy Supervisor - Aye
- Michael Lambrix, Councilman - Aye
- David Nussbaumer, Councilman - Aye
- Todd J. Pipitone, Councilman - Aye
- Kenneth F. Miller, Supervisor - Aye

5 Ayes. Carried

**MTN:
 APPROVE
 RESOLUTION
 FOR
 VIOLENCE
 PREVENTION
 & INCIDENT
 REPORTING
 POLICY**

- 3. **Approve Standard Work Day Reporting for 2013:** The following resolution was presented for Board Approval:

Resolution #16-2013

STANDARD WORK DAY AND REPORTING RESOLUTION

"BE IT RESOLVED, that the Town of Palmyra hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body..."

MTN: APPROVE RESOLUTION FOR STANDARD WORK DAY REPORTING FOR 2013

Motion was made by Mike Lambrix to approve this resolution.

Second: David Nussbaumer Vote: 5 Ayes. Carried

The complete resolution and chart with retirement information will become "Attachment A".

- 4. **Approve Re-Appointment of Sole-Assessor for Another Six (6) Year Term:** The following resolution was presented for Board Approval:

RESOLUTION #17-2013

TOWN OF PALMYRA

RE-APPOINTMENT OF PALMYRA SOLE ASSESSOR FOR A SIX (6) YEAR TERM

MTN: APPROVE RESOLUTION TO APPOINT SOLE-ASSESSOR FOR ANOTHER SIX (6) YEAR TERM

WHEREAS, the Town Board of the Town of Palmyra has received notification from the State of New York, Department of Taxation and Finance, Office of Real Property Tax Services, stating that the current six (6) year appointment of Palmyra Sole Assessor Elaine C. Herman will expire on September 30, 2013; and

WHEREAS, the Town Board is pleased with the work that Palmyra Sole Assessor Elaine Herman has provided in this position during her current term; and

WHEREAS, Elaine C. Herman has received a Continuing Education Status Report from the NYS Office of Real Property Tax Services (attached), showing that she has met the requirements as State Certified Assessor since June 18, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Palmyra thanks Elaine C. Herman for the service she has given to the Town of Palmyra as Sole Assessor in the past; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Palmyra hereby re-appoints Palmyra Sole Assessor Elaine C. Herman to a new six (6) year term, starting October 1, 2013 through September 30, 2019.

BY ORDER OF THE TOWN BOARD
DATED: June 27, 2013

The Town board members took a moment to check the "NYS Continuing Education Report" (included in their packets) that shows education and re-certification of Appointed Assessor Elaine Herman.

David Nussbaumer made the motion to approve this appointment.

Second: Todd Pipitone

Vote: 5 Ayes. Carried

5. **Approve Procedure When a Law Suit is Filed Against the Town of Palmyra:** The following resolution was presented for Board Approval:

RESOLUTION #18-2013

TOWN OF PALMYRA

**PROCEDURE WHEN A LAW SUIT IS FILED AGAINST THE TOWN OF PALMYRA
NOTICE OF CLAIM**

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State, designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Palmyra, County of Wayne, designates the Palmyra Town Clerk, to receive notices of claims served upon the Secretary of State by mail at Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY 14522, and email at townclerk@palmyrany.com.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

DATED: June 27, 2013

BY ORDER OF THE PALMYRA TOWN BOARD

Supervisor Miller stated that this resolution was reviewed by the County Attorney.

Todd Pipitone made the motion to approve this resolution.

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

6. **Claims and Expenditures:** Dave Nussbaumer made the motion to approve the expenditures on the June abstract totaling \$80,740.28.

Second: Mike Lambrix

Vote: 5 Ayes. Carried

**MTN: APPROVE
PAYMENT OF
CLAIMS AND
EXPENDITURES
FOR JUNE**

At 7:53 PM a short recess was taken to complete signing all resolutions.

7. **Enter Executive Session:** At 7:55 PM, James Welch made the motion to enter into Executive Session to discuss a particular contract matter.

Second: Mike Lambrix

Vote: Dave Nussbaumer, Nay
4 Ayes. Carried

**MTN: ENTER
EXECUTIVE
SESSION**

Exit Executive Session: At 8:24 PM, Mike Lambrix made the motion to exit Executive Session.

Second: Todd Pipitone

Vote: 5 Ayes. Carried

**MTN: EXIT
EXECUTIVE
SESSION**

8. **Motion to Adjourn:** At 8:25 PM, James Welch made the motion to adjourn the meeting.

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried

**MTN: ADJOURN
MEETING**

Respectfully Submitted,

Irene E. Unterborn
Palmyra Deputy Town Clerk

ATTACHMENT A: Standard Workday and Reporting Resolution

**NEXT TOWN BOARD MEETING:
THURSDAY, JULY 25, 2013, 7:00 PM
PALMYRA TOWN HALL**