

**TOWN OF SULLIVAN
TOWN BOARD MEETING
JANUARY 18, 2023 AT 9:00 A.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at 9:00 A.M. on January 18, 2023 by Supervisor John Becker.

The meeting was held at the Town Office Building located at 7507 Lakeport Road. The meeting was also streamed live via YouTube. The link and a passcode for the public to join the meeting were posted on the Town's website.

Present were: Supervisor John Becker; Town Councilors Jeffrey Martin, John Brzuszkiewicz, David Montroy; and Daniel Gibbons; Attorney for the Town John Langey; Comptroller Beth Ellis; Code and Building Officer Larry Ball; Deputy Highway Superintendent Abe Czarnecki; Clerk to Highway Superintendent Mary Cate Voss; Receiver of Taxes Katy Vanderwerken; and Deputy Town Clerk Jill Doss.

Also present were: Bruce Burke of PAC99; Art Lelio; Madison County Emergency Management Director Daniel DeGear; Douglas Mohorter; and Mark Smith.

Pledge to the flag was led by Supervisor John Becker.

APPROVAL OF JANUARY 4, 2023 MEETING MINUTES

A motion was duly made by Councilor Gibbons, seconded by Councilor Montroy to approve the minutes of January 4, 2023 and, with no further discussion, the following vote was recorded to adopt the draft Town Board meeting minutes of January 4, 2023.

JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
JOHN BRZUSZKIEWICZ	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JOHN BECKER	SUPERVISOR	VOTED	YES

**BID OPENING –USED 2015 (OR NEWER) FORD F-450 4 X 4 RESCUE
VEHICLE/AMBULANCE WITH SPECIFIED EQUIPMENT**

Supervisor Becker opened the one bid at 9:00 A.M. that was received for the bid opening from:

North Eastern Rescue Vehicles – 10 Dwight Park Drive, Syracuse, NY 13209

The bid received was for \$122,000.00 with an expected delivery date of February 22, 2023 for the following:

2016 Ford F-450 4 x 4 chassis
6.7L diesel motor
PL Custom 170" Medallion
Dual forward-facing sirens
LED Emergency Lighting
LED scene lighting
NEW Stryker Powerload
NEW Stryker Mid-Spec Cot
Forward LED Turn Signal Lights
(4) LED Grille emergency lights
7 x 3 forward intersection lights
Forward tow hooks
Back up camera
Flip Up rear step
Rear Brake Lights

Rear Turn Signal lights
Kussmaul Auto Eject Shoreline
Oxygen Regulator
Exterior LED cabinet lighting
WeatherTech floor mats
Cab coat hangers
Liquid Spring Rear suspension
Blow straps on exterior doors
Net on squad bench
Reinforced Squad bench lock
Zoll X Technimount Bracket
Lock on ALS stack
Outlet on ALS stack
Outlet on action area
Front Center Console

This ambulance does not come with any warranty or promise of future performance. This ambulance does not deviate from the requested bid specifications.

No other bids were received for the Rescue Vehicle. The Board discussed the bid that was received from North Eastern Rescue Vehicles. Supervisor Becker commented that the current ambulance service is in crisis in regard to the increased number of calls and cost for the current coverage by AMR has doubled. Many outside agencies are currently providing additional/extra coverage for the Township. Upon the motion made by Councilor Martin and seconded by Councilor Brzuszkiewicz, the Town Board accepted the bid from North Eastern Rescue Vehicles in the amount of \$122,000.00 for the 2016 Ford F-250 4 x 4 Rescue vehicle/ambulance with the above listed equipment.

JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
JOHN BRZUSZKIEWICZ	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JOHN BECKER	SUPERVISOR	VOTED	YES

Supervisor Becker advised that the new ambulance service will be modeled after the Livingston County program. Madison County Emergency Director Daniel DeGear advised that the new program will begin on April 1, 2023, with the County services moving into the Ambulance building the last two weeks of March 2023 and AMR will be moving out of the building.

BID OPENING FOR NEW STAIR PRO MODEL 6252 AND NEW X SERIES HEART MONITOR/DEFIBRILLATOR WITH SPECIFIED EQUIPMENT (OR EQUIVALENT) FOR AMBULANCE

No separate bids were received for either the Stair Pro Model 6252 or New X Series Heart Monitor/Defibrillator with specified equipment (or equivalent) for ambulance.

PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. F-2022 (UPDATING CODE ENFORCEMENT PROGRAM)

Supervisor Becker advised that the public hearing for proposed Local Law No. F-2022 is still open. He asked if there were any further questions or comments. Art Lelio asked about a list of exempted items that is noted in the legislation and there is not list that he can see. Code Officer Ball advised that this list of exempted items refers to those appliances (*i.e.* portable heater or air conditioner) listed as an UL appliance. Supervisor Becker spoke of his concern for some of the language in the legislation and that the State seems to be advancing this issue over local governments with the language and removing the Home Rule Law rights for municipalities. Art Lelio also asked about outdoor event

individual attendance number referred to in the legislation at 1,000; the Town Code for mass gatherings is set at 200. These numbers, in Mr. Lelio’s opinion, should match. The Board discussed the information in proposed Local Law No. F-2022. Upon the motion made by Supervisor Becker and seconded by Councilor Martin, the Board closed the public hearing for proposed Local Law No. F-2022.

JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
JOHN BRZUSZKIEWICZ	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JOHN BECKER	SUPERVISOR	VOTED	YES

TOWN OF SULLIVAN LOCAL LAW NO. F-2022
("A Local Law Updating the Code Enforcement Program In the Town of Sullivan")

The following resolution was offered by Councilor Brzuszkiewicz who moved its adoption, seconded by Councilor Martin, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. F-2022, "A Local Law Updating the Code Enforcement Program In the Town of Sullivan," was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on November 2, 2022; and

WHEREAS, a public hearing was held on such proposed local law on this 7th day of December, 2022, by the Town Board of the Town of Sullivan and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Sullivan in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, said public hearing on Local Law No. F-2022 was continued on January 4, 2023 and January 18, 2023; and

WHEREAS, the enactment of Local Law No. F-2022 has previously been determined to be a Type II action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Local Law No. F-2022.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact Local Law No. F-2022 as Local Law No. F-2022 as follows:

**"TOWN OF SULLIVAN
LOCAL LAW NO. F OF 2022**

**A LOCAL LAW UPDATING THE CODE ENFORCEMENT PROGRAM
IN THE TOWN OF SULLIVAN**

Be it enacted by the Town Board of the Town of Sullivan as follows:

SECTION 1. LEGISLATIVE 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 the Town of Sullivan. This law is designed to repeal the existing Code Enforcement Program within the Town of

Sullivan and replace it with a Code Enforcement Program in compliance with the State's most recent regulations.

Except as otherwise provided in the Uniform Code, the Energy 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 this local law.

SECTION 2. AUTHORITY

This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

SECTION 3. AMENDMENT OF CHAPTER 123 OF THE CODE OF THE TOWN OF SULLIVAN

The Code of the Town of Sullivan is hereby amended to repeal the existing Chapter 123 of the Code in its entirety and replace with new language as follows:

"Section 123-1. Definitions.

In this local law, the following terms shall have the meanings shown in this section: "Assembly Area" shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

"Building Permit" shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. 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 Compliance" shall mean a document issued by the Town of Sullivan stating that work was done in compliance with approved construction documents and the Codes.

"Certificate of Occupancy" shall mean a document issued by the Town of Sullivan certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town of Sullivan and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to Section 123-2 of this local law.

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

"Codes" shall mean the Uniform Code and Energy Code.

"Energy Code" shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

"FCNYS" shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

"Fire Inspector" shall mean the Fire Inspector appointed pursuant to Section 123-2 of this local law.

"Fire Safety and Property Maintenance Inspection" shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

"Hazardous Production Materials" shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

"Inspector" shall mean an inspector appointed pursuant to Section 123-2 of this local law.

"Mobile Food Preparation Vehicles" shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to Section 123-9 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.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to Section 123-16 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.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to Section 123-5 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of Section 123-6 of this local law.

“Town” shall mean the Town of Sullivan.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

Section 123-2. Code Enforcement Officer, Fire Inspector 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:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, 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 of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, 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 subdivision (a) of Section 123-16 (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’s 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. 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 Department of State 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, another individual shall be appointed by Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their 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 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 Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The Office of Fire Inspector is hereby created. The Fire Inspector shall administer and enforce all provisions of the Fire, Property Maintenance Code and the Residential Code of the State of New York. The Fire Inspector shall have the following powers and duties:

(1) To receive and review all building blueprints to determine whether the building(s) comply with the provisions of the Fire Code;

(2) To receive and review all new commercial and residential subdivision maps to determine whether water flow of the hydrant system is proper;

(3) To work in association and cooperation with the Director of Madison County 911 to oversee the correct numbering of buildings;

(4) To inspect the mechanicals in all new buildings, including, without limiting the scope of the foregoing, sprinkler systems, smoke and carbon monoxide detectors, fireplaces, natural and propane gas piping, the venting of appliances and other related Fire Code requirements;

(5) To work in association and cooperation with the Fire Chiefs of the Town of Sullivan Fire District concerning fire safety and to maintain a uniformity of the three fire companies; to coordinate with the fire companies the issuance of burning permits; and to provide the fire companies annually with fire prevention flyers and safety bulletins pertaining to the entire Town;

(6) To inspect all business and apartment buildings for smoke and carbon monoxide detectors, Ansel systems, emergency and exit lighting; to post occupancy load signs as required; to determine the required number of emergency exit doors, number of portable fire extinguishers, fire separations, and apply all provisions of the Fire Code; and

(7) To perform fire inspections as per NFPA 1031 Fire Code Handbook as required for Fire Inspector I, II and III.

(f) The Fire Inspector shall be appointed by the Town Board. The Fire Inspector shall possess background experience related to fire prevention (a minimum of 10 years' experience serving in the fire service is recommended) 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 fire inspector personnel, and the Fire Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated hereunder.

(g) In the event that the Fire Inspector is unable to serve as such for any reason, an individual shall be appointed by Town Board to serve as Acting Fire Inspector. The Acting Fire Inspector shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Fire Inspector by this article.

(h) The compensation for the Code Enforcement Officer, Fire Inspector and Inspectors shall be fixed from time to time by the Town Board of the Town.

Section 123-3. Building Permits

(a) Building Permits Required. Except as otherwise provided in subdivision (b) this section, a Building Permit shall be required for any work must conform to the Uniform Code and/or 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 Town.

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

(1) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(2) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3) installation of partitions or movable cases less than 5'-9" in height;

(4) painting, wallpapering, tiling, carpeting, or other similar finish work;

or

(5) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances.

(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 subdivision (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 location, nature, extent, and scope of the proposed work;

(2) the tax map number and the street address of any affected building or structure;

(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) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(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 subdivision (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, or in the case of electronic media, an electronic marking. 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 thirty (30) days following the date of issuance. Building Permits shall expire six (6) months after the date of issuance (except Building Permits shall expire twelve (12) months after the date of issuance for residential construction). A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed 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 123-17 (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 123-4. 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 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, 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) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;

(6) fire resistant construction;

(7) fire resistant penetrations;

(8) solid fuel burning heating appliances, chimneys, flues, or gas vents;

(9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;

(10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and

(11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) 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 the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. 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, reinspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 123-17 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

Section 123-5. 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 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 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, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing 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 subdivision (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 123-16 (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.

Section 123-6. Certificates of Occupancy and Certificates of Compliance

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or 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 subclassification 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 or Certificate of Compliance. A certificate of compliance shall be required for the following: a shed of less than 144 square feet, a deck, a swimming pool, a fireplace/stove, a cellular tower and for building and septic repairs.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or 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 subclassification 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 or 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 or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or 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 (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;

(8) If the automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy 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 of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, 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, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect 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 123-17 (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 of Occupancy.

Section 123-7. Notification Regarding Fire or Explosion

The chief of any fire department providing firefighting services for a property within this Town shall promptly notify the Code Enforcement Officer and the Fire Inspector of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

Section 123-8. Unsafe Buildings, Structures, and Equipment and Conditions of Imminent Danger

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with the procedures established by Chapter 118 of the Town Code, as now in effect or as hereafter amended from time to time.

Section 123-9. Operating Permits

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

(viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;

(x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law Section 270;

(xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements which are established by local law, as now in effect or as hereafter amended from time to time.

(3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in Section R327.5 of the RCNYS.

(4) buildings containing one or more assembly areas;

(5) outdoor events where the planned attendance exceeds 1,000 persons;

(6) facilities that store, handle or use hazardous production materials;

(7) parking garages as defined in subdivision (a) of Section 123-12 of this local law;

(8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by Town Board of this Town; and

(9) other processes or activities or for operating any type of building, structure, or facility 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 subdivision (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. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (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 their discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

(1) One hundred eighty (180) days for tents, special event structures, and other membrane structures;

(2) Sixty (60) days for alternative activities at a sugarhouse;

(3) Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and

(4) One (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

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 123-17 (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 123-10. Fire Safety and Property Maintenance Inspections

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Fire Inspector 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) at least once every twelve (12) months for buildings which contain an assembly area;

(2) at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and

(3) at least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Fire Inspector and/or the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Fire Inspector and/or the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Fire Inspector and/or the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Fire Inspector and/or the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) 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 Fire Inspector and/or the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections 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 Fire Inspector or 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 Fire Inspector or Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, 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.

(d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law Section 156-e and Education Law Section 807-b. Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to Sections 807-a and 807-b of the Education Law and/or Section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

(1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR Section 1203.2(e);

(2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;

(3) such inspections are performed no less frequently than once a year;

(4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and

(5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by Section 123-16 (Violations) of this local law.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 123-17 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

Section 123-11. 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, ordinance 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 123-16 (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.

Section 123-12. Condition Assessments of Parking Garages

- (a) Definitions. For the purposes of this section:
 - (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
 - (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
 - (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit;
 - (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
 - (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment;
 - (6) the term “unsafe condition” includes the conditions identified as “unsafe” in Section 304.1.1, Section 305.1.1, and Section 306.1.1 of the PMCNYS; and
 - (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to June 30, 2023.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(e) Additional Condition Assessments:

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (d) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (d) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within sixty (60) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the Town:

(1) to perform such construction inspections as are required by Section 123-4 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by Section 123-10 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

Section 123-13. Climatic and Geographic Design Criteria

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- (i) the accompanying Flood Insurance Rate Map (FIRM);
- (ii) Flood Boundary and Floodway Map (FBFM); and
- (iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

Section 123-14. Record Keeping

(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 condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by Sections 123-3 through 123-13, inclusive, of this local law.

(b) The Fire Inspector shall keep permanent official records of all transactions and activities conducted by the Fire Inspector.

(c) 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 123-15. 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 123-14 (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, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

(d) The Fire Inspector shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Fire Inspector.

Section 123-16. Violations

(a) Orders to Remedy. 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. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall 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; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, 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 certified mail within five (5) days after the date of the Order to Remedy; 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) Penalties. In addition to such other penalties as may be prescribed by State law:

(1) any Person who violates any provision of this local law or any term, condition, or provision 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 punishable by a fine of not more than \$200 per day of violation or imprisonment for a period not to exceed six months, or both fine and imprisonment; and

(2) 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 pay 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 paragraph 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, Order to Remedy, 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, Order to Remedy 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) Correction of violation by Town and assessment of costs and expenses. Correction of violation by Town and assessment of costs and expenses. Should an action or proceeding 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 article, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, temporary certificate of compliance, Stop Work Order, Operating Permit, Order to Remedy, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this article and the appropriate person fails or refuses to comply with the order and/or judgment of the court, the Town may correct or abate any violation and the Town Assessor shall provide for the assessment as real estate taxes against the land on which violation is exists, all costs and expenses incurred by the Town in connection with the action or proceeding, including, without limiting the scope of the foregoing, the cost of repairs, of garbage and rubbish removal, of removing the building or buildings, of clean up and land restoration, asbestos removal costs and fees, tipping fees, engineering fees, permit fees, reasonable attorneys' fees, cost and disbursements of the action or proceeding, and all similar fees attributable to the correction or abatement of the violation.

(f) 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 123-5 (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 123-5 (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 382 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 382 of the Executive Law.

Section 123-17. 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 123-18. 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 4. PARTIAL INVALIDITY/SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

David Montroy	Councilor	Voted	No
Daniel Gibbons	Councilor	Voted	No
John E. Brzuszkiewicz	Councilor	Voted	No
Jeffrey Martin	Councilor	Voted	No
John M. Becker	Supervisor	Voted	No

The foregoing resolution to adopt proposed Local Law No. F-2022 was thereupon declared duly defeated.

DOUGLAS AND LORENDA MOHORTER – REQUEST FOR ZONE CHANGE
BLACK POINT ROAD AND WILSON POINT ROAD

Douglas Mohorter appeared before the Board this evening to request a zone change for a portion of property that he and his wife own that is bordered by Black Point Road, Wilson Point Road and State Route 31. Thereafter, the following action was taken:

TOWN OF SULLIVAN LOCAL LAW NO. A OF 2023
(“A LOCAL LAW TO AMEND THE ZONING MAP OF THE TOWN OF SULLIVAN TO
DESIGNATE CERTAIN PROPERTY AS BEING ZONED BUSINESS
IN THE TOWN OF SULLIVAN”)

Councilor Martin introduced proposed Local Law No. A-2023, “A Local Law to Amend the Zoning Map of the Town of Sullivan to Designate Certain Property as Being Zoned Business in the Town of Sullivan”, which Local Law would change the designation of certain property from being zoned MR-12 to Business, as described in Schedule “A” attached hereto, and made the following motion, which was seconded by Councilor Montroy:

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Sullivan, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption to said Local Law is an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board; and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. A-2023 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED that the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that the Town Board hereby adopts a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq. for the following reasons:

1. The proposed action would rezone portions of land from the MR-12 zoning designation to the Business zoning designation and would consist of approximately 3± acres;
2. The proposed rezoning will affect lands that are associated and adjacent to lands used for commercial business purposes with no negative environmental impacts;
3. The area is a natural extension to portions of the existing Business District and would not be a detriment to the neighboring lands or incompatible with existing uses;
4. Other existing uses in the area include a large landscaping and maintenance business, commercial storage facilities and like uses;
5. The proposed zone change will further allow for the potential accommodation for appropriate stormwater discharge; and it is further

RESOLVED AND DETERMINED that the Town’s legal counsel shall distribute and publish this Negative Declaration pursuant to the requirements of 6. N.Y.C.R.R., Part 617; and it is further

RESOLVED AND DETERMINED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. A-2023 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on February 15, 2023 at 9:00 a.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

David Montroy	Councilor	Voted	Yes
Daniel Gibbons	Councilor	Voted	Yes
John E. Brzuszkiewicz	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

SCHEDULE “A”

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF SULLIVAN, COUNTY OF MADISON AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at an iron pin on the easterly highway boundary of Black Point Road, said iron pin standing at the intersection of the easterly highway boundary of Black Point Road with the northerly highway boundary of New York State Route No. 31; thence N33°13'04"W 276.55 feet along the easterly highway boundary of Black Point Road to a point; thence N35°48'25"W 31.12 feet continuing along the easterly highway boundary of Black Point Road to a point; thence N85°44'55"E 138.27 feet to a point; thence N85°53'53"E 342.28 feet to a point standing on the westerly highway boundary of Wilson Point Drive; thence S24°46'14"E 284.44 feet along the westerly highway boundary of Wilson Point Drive to

an iron pin standing on the northerly highway boundary of New York State Route No. 31; thence S85°35'24"W 430.03 feet along the northerly highway boundary of New York State Route No. 31 to the point and place of beginning.

The above-described parcel containing 2.793± acres of land, more or less.

Subject to any easements, covenants or restrictions of record.

**FIRE DEPARTMENT GRANT FOR SELF-CONTAINED BREATHING APPARATUS
(SCBA) FOR CHITTENANGO, NORTH CHITTENANGO AND BRIDGEPORT FIRE
DEPARTMENTS**

Supervisor Becker reported that the three Fire Departments within the Town are working with a grant writer to help obtain funding for self-contained breathing apparatus devices with TenKate Grant Services, LLC from Dryden, NY. Each Department would pay from their Town budget line the portion of the grant writing cost (\$750.00 per Department) for this Grant application. The Departments are replacing the existing SCBA units at each of their stations. The Town Board discussed the information presented. Upon the motion made by Councilor Gibbons and seconded by Councilor Montroy, the Board unanimously approved entering into an agreement with TenKate Grant Services, LLC for preparing a grant for the three (3) Fire Departments for SCBA units at a cost of \$750.00 for each Department which will be charged to each individual Fire Department budget line in the Town Budget.

MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding (MOU) is being executed by the following listed participating agencies (hereafter "participating agencies"):

Chittenango Fire Department
North Chittenango Volunteer Fire Co. Bridgeport Volunteer Co. Inc.

Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between the participating agencies, listed above.

WHEREAS, the participating agencies have formed a working committee and developed a course of action to achieve the goals and objectives of the Assistance to Firefighters Grant Program (AFG); and

WHEREAS, the participating agencies have been identified as eligible jurisdictions able to collectively implement the objectives and goals of the AFG grant program; and

WHEREAS, the Chittenango Fire Department (Chittenango) has been selected through this MOU to be the host agency to file a regional AFG grant application (the "Application") on behalf of the participating agencies, and

WHEREAS, Chittenango has been selected through this MOU to administer the 2022 regional AFG grant program award and agrees to be the host agency responsible for administration of the grant including asset accountability and reporting requirements for those assets acquired under the AFG regional application in the event of approval; and

WHEREAS, Chittenango agrees to serve as host agent for the procurement and disbursement of all equipment received under AFG grant program award in the event of approval; and

NOW THEREFORE, in consideration of the mutual terms, conditions, promises, and covenants hereinafter set forth, the participating agencies agree as follows:

PURPOSE

This MOU establishes the relationship between the participating agencies for participation in a Regional 2022 Assistance to Firefighters Grant Program (AFG) grant award in the event of approval of the Application.

PROCEDURES

1. Chittenango will serve as the host agency to submit a regional 2022 AFG grant program application and serve as grant administrator for the participating agencies in the event of approval.
2. Pursuant to the AFG program guidelines, all items approved under the Application will be procured and administered through Chittenango in the event of approval of the Application.
3. Chittenango agrees, as host agency, to provide accountability for the assets acquired under the regional AFG grant award and provide reporting requirement deliverables. As such, participating agencies agree to provide Chittenango with this information on a timely basis to remain in compliance with the requirements of the grant.
4. The participating agencies agree to accept the 2022 regional AFG grant program award and accept their respective items as listed in the AFG grant application in the event of approval.
5. The participating agencies agree to provide the required cash match in the amount of 5% of the total cost of their requested items as detailed in the grant application as required under the regional AFG Grant Program guidelines. The required match shall be paid by the participating agencies upon receipt of an invoice from the Chittenango Fire Department, in advance of equipment procurement.
6. In the event of a reduced award, the participating agencies agree to accept this reduced amount and provide a 5% cash match on the total reduced award amount of their approved items.
7. Any expenditure beyond the grant award for an agency's approved item(s) remain the sole responsibility of that agency.
8. The participating agencies agree to allow Chittenango to procure and distribute their respective assets if awarded under the regional AFG grant program.
9. The participating agencies agree to participate in cooperative training on all equipment procured under this grant award as appropriate. As host agency, training will be coordinated through the Chittenango Fire Department.
10. The participating agencies agree to maintain/repair all items awarded to them under the Application in accordance with the manufacturer's warranty, and to replace the equipment if it becomes inoperable for a period of three years after official closeout of the grant agreement.
11. The participating agencies agree to promptly provide any additional documentation to Chittenango as requested, that may be necessary in connection with the grant.
12. Participating agencies agree to promptly return any equipment or deliverables that are received in error to Chittenango.
13. The grant award to each agency is as follows:

EQUIPMENT	SCBA
Chittenango o Fire Department	26
North Chittenango o Volunteer Fire Co.	21
Bridgeport Volunteer Fire Co. Inc.	28

TERM AND TERMINATION

This MOU shall be effective on the date of last signature of the participating agencies herein and shall continue in full force and effect for a period of five years after official closeout of the grant agreement.

GUIDELINES

In performing its duties, responsibilities and obligations pursuant to this Agreement, each participating agency agrees to adhere to the requirement standards set forth in the AFG grant program guidance and Federal OMB Circular A-133 as applicable.

RECORDS

1. Each participating agency understands that any and all records created as a result of participating in this federal grant program may be subject to the public disclosure pursuant to the Public Records Statute and shall be responsible for compliance with any public records request served upon it and any resultant award of attorney's fees for noncompliance.
2. Each participating agency shall maintain its own respective records and documents associated with this MOU sufficient to demonstrate compliance with the terms of this agreement for a period of five years from the close-out date of the agreement, and shall allow Chittenango and the Department of Homeland Security access to such records upon request.

EXECUTION

This agreement may be executed in counterparts each of which shall be deemed an original and all of which together shall be considered one and the same agreement.

INSURANCE OR SELF-INSURANCE

Each participating agency, at its sole cost and expense, shall carry insurance, or self-insure, its activities in connection with this MOU, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for general liability, professional liability, workers compensation, and business automobile liability adequate to cover its potential liabilities hereunder. Each participating agency agrees to provide the other forty-five (45) days' advance written notice of any cancellation, termination or lapse of any of the insurance or self-insurance coverage.

INDEPENDENT CONTRACTOR

This MOU does not create an employee/employer relationship between the parties. It is the intent of the parties that each participating agency is an independent contractor, and each participating agency shall assume responsibility for all personnel costs for its respective employees, including but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, the State Workers Compensation Act, and the State unemployment insurance law.

INDEMNIFICATION

Each participating agency separately shall be liable and responsible for the actions of their respective officers, agents and employees in the performance of their respective obligations under the MOU.

To the extent permitted by law, each participating agency shall indemnify, defend, and hold Chittenango, its officials, agents, servants and employees, harmless from any and all liability, actions, causes of action, suits, trespasses, damages, judgments, executions, claims and demands of any kind whatsoever, in law or in equity, which results from or arises out of the negligent acts or omissions of the participating agency or its employees, and the participating agency shall indemnify the Chittenango Fire Department, its officials, agents, servants and employees, for damages, judgments, claims, costs, expenses, including reasonable attorney's fees, which Chittenango, its officials, agents, servants and employees, might suffer in connection with or as a result of the negligent acts of the participating agency or its employees. For purposes of this provision, the participating agency's employees shall not be deemed agents or servants of the Chittenango Fire Department and Chittenango's employees shall not be deemed agents

or servants of the participating agency. The participating agency will at all times be entitled to the benefits of sovereign immunity as provided in New York Statutes. Nothing contained in the Agreement shall be construed as a waiver of sovereign immunity.

To the extent permitted by law, the Chittenango Fire Department shall indemnify, defend, and hold participating agency, its officials, agents, servants and employees, harmless from any and all liability, actions, causes of action, suits, trespasses, damages, judgments, executions, claims and demands of any kind whatsoever, in law or in equity, which results from or arises out of the negligent acts or omissions of Chittenango or its employees and Chittenango shall indemnify participating agency, its officials, agents, servants and employees, for damages, judgments, claims, costs, expenses, including reasonable attorney's fees, which participating agency, its officials, agents, servants and employees, might suffer in connection with or as a result of the negligent acts of Chittenango or its employees. For purposes of this provision, Chittenango's employees shall not be deemed agents or servants of participating agency and participating agency's employees shall not be deemed agents or servants of the Chittenango Fire Department. Chittenango will at all times be entitled to the benefits of sovereign immunity as provided in New York Statutes. Nothing contained in the Agreement shall be construed as a waiver of sovereign immunity.

GOVERNMENTAL IMMUNITY

Each participating agency is a municipal corporation existing under the laws of the state of New York. Each agrees to be fully responsible for acts and omissions of their agents or employees to the extent permitted by law. Nothing herein is intended to serve as a waiver of sovereign immunity by any party to which sovereign immunity may be applicable. Nothing herein shall be construed as consent by a political subdivision of the state of New York to be sued by third parties in any matter arising out of this Agreement or any other contract.

NOTICES

Any and all notices given or required under this Agreement shall be in writing and may be delivered in person or by United States mail, postage prepaid, first class, and certified return receipt requested, addressed as follows:

TO:

CHITTENANGO FIRE DEPARTMENT
Fire Chief
417 Genesee Street
Chittenango, New York 13037

or to such other address as any party may designate by notice complying with the terms of this Section. Each such notice shall be deemed delivered on the date delivered if by personal delivery of overnight courier; on the date upon which the return receipt is signed or delivery is refused or the notice is designated by the postal authorities as not deliverable, as the case may be if mailed.

MISCELLANEOUS

1. COMPLIANCE WITH LAWS

The participating agencies shall comply with all federal, state, and local laws, codes, ordinances, rules, and regulations which may be applicable in performing its duties, responsibilities, and obligations pursuant to this MOU.

2. JOINT PREPARATION

The participating agencies acknowledge that they have sought and received whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this MOU has been their joint effort. The language agreed to expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3. APPLICABLE LAW AND VENUE

This MOU shall be interpreted and construed in accordance with and governed by the laws of the State of New York. Venue in any proceeding or action among the parties arising out of this MOU shall be in Madison County, New York.

4. INCORPORATION BY REFERENCE

The truth and accuracy of each "Whereas" clause set forth above is acknowledged by the participating agencies.

5. ENTIRE AGREEMENT

This MOU contains the entire understanding of the participating agencies relating to the subject matter hereof superseding all prior communications between the parties whether oral or written. This MOU may not be altered, amended, modified, or otherwise changed nor may any of the terms hereof be waived, except by written instrument executed by the participating agencies. The failure of a participating agency to seek redress for violation of or to insist on strict performance of any of the covenants of this MOU shall not be construed as a waiver or relinquishment for the future of any covenant, term, condition or election but the same shall continue and remain in full force and affect.

6. SEVERABILITY

Should any part, term or provision of this Agreement be by the courts decided to be invalid, illegal or in conflict with any law of this State, the validity of the remaining portions or provisions shall not be affected thereby.

7. UNCONTROLLABLE FORCES

Participating agencies shall not be considered to be in default of this MOU if delays in or failure of performance shall be due to Uncontrollable Forces, the effect of which, by the exercise of reasonable diligence, the non-performing party could not avoid. The term "Uncontrollable Forces" shall mean any event which results in the prevention or delay of performance by a party of its obligations under this MOU and which is beyond the reasonable control of the nonperforming party. It includes, but is not limited to fire, flood, earthquakes, storms, lightning, epidemic, war, riot, civil disturbance, sabotage, and governmental actions.

Neither party shall, however, be excused from performance if nonperformance is due to forces which are preventable, removable, or remediable, and which the nonperforming party could have, with the exercise of reasonable diligence, prevented, removed, or remedied with reasonable dispatch. The nonperforming party shall, within a reasonable time of being prevented or delayed from performance by an uncontrollable force, give written notice to the other party describing the circumstances and uncontrollable forces preventing continued performance of the obligations of this Agreement.

8. ASSIGNMENT

Participating agencies shall not assign or transfer their rights, title or interests in the MOU.

9. SIGNATORY AUTHORITY

Each participating agency shall supply Chittenango with copies of requisite documentation evidencing that the signatory for the participating agency has the authority to enter into this MOU.

10. NO THIRD-PARTY BENEFICIARIES.

The participating agencies expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this MOU. None of the parties intend to directly or substantially benefit a third party by this MOU. The parties agree that there are no third-party beneficiaries to this MOU and that no third party shall be entitled to assert a claim against any of the parties based upon this MOU. Nothing herein shall be construed as consent by an agency or political subdivision of the State of New York to be sued by third parties in any matter arising out of any contract.

11. CAPTIONS

The captions, section designations, section numbers, article numbers, titles and headings appearing in this MOU are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this MOU, nor in any way effect this MOU and shall not be construed to create a conflict with the provisions of this MOU.

12. AMENDMENTS

No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this MOU and executed by each party hereto.

13. NO GRANT OF AGENCY

Except as the participating agencies may specify in writing, no participating agency shall have authority, expressed or implied, to act on behalf of the other participating agencies in any capacity whatsoever as an agent. No participating agency shall have any authority, express or implied, pursuant to this MOU, to bind the other participating agency to any obligation whatsoever.

TENKATE GRANT SERVICES, LLC
2323 Kohne Road
Dryden, NY

January 12, 2023
Town of Sullivan
7507 Lakeport Rd.
Chittenango, NY 13037

INVOICE

Write and prepare 2022 Assistance to Firefighters
Regional Grant Application-SCBA
Chittenango Fire Department
North Chittenango Volunteer Fire Co.
Bridgeport Volunteer Fire Co. Inc.

\$750
750
750

TOTAL DUE

\$2,250

SALE OF HME 2002 CUSTOM CAB AND CHASSIS FIRE TRUCK -FROM CHITTENANGO FIRE DEPARTMENT TO LAKE DELTA FIRE DEPARTMENT

Supervisor Becker advised that the 2002 HME Fire Truck has been on the Auctions International site for a period of time and there hasn't been any offers extended through the site. Chittenango Fire Chief Baker advised the Town that Lake Delta Fire Department has offered \$25,000.00 for the unit. The vehicle would carry no warranties and would be sold "as is". The Board members discussed the offer that has been presented. Upon the motion made by Councilor Montroy and seconded by Councilor Brzuszkiewicz the Town Board unanimously accepts the offer of \$25,000.00 from Lake Delta Fire Department for the 2002 HME(Series 1971-P2) Fire Truck, (VIN# 44KFT42842WZ19991) to be sold with no warranties and "as is". The motion further makes note that this vehicle is declared as surplus equipment to the Chittenango Fire Department and the Town of Sullivan.

SHORT TERM RENTALS DISCUSSION

Attorney for the Town Langey advised that he had forwarded to the Town Board Members examples of short term rental local laws from other jurisdictions, including one adopted by the Town of Canadice which appears to address many of the comments and concerns

recently discussed at the Town relative to short term rentals. He highlighted some of the language in the Canadice law and advised that this law has been recommended by the Association of Towns' counsel. Councilor Brzuszkiewicz asked if the Law was necessary? Instead, could the Town ban the use entirely? The Board discussed possible benefits with regulation versus non-regulation. Permitting would need to be handled carefully. Concerns with noise and parking were discussed and the fact that there have been a number of complaints from residents about the use in their area. Code Officer Ball commented the only New York State regulation is there are working fire extinguishers and smoke detectors in the residential units. The Board spoke about sending a courtesy letter to residents about the impacts of these rentals. Code Officer Ball mentioned that there are seven (7) units listed in the Bridgeport area on-line currently. The Board spoke of preparing a list of known rentals and sending out a courtesy letter. Supervisor Becker will draft a letter and have Attorney for the Town Langey review the letter to be circulated to known rentals.

BUDGET MODIFICATIONS

No budget modifications were presented today.

FIREFIGHTER APPLICATIONS

No firefighter applications were presented today.

UPDATES

Supervisor Becker highlighted there will be a Senate hearing on Thursday, January 19 in regard to the final draft of the Climate Action Scoping Plan, which would include language on limiting the number of vehicle miles driven, gas appliances, and banning of gas/diesel vehicles by 2035. There are many initiatives included in the Scoping Plan relative to greenhouse gas reduction. Residents need to be aware of what is being proposed by the State.

Supervisor Becker also advised that there will be a public informational meeting held at the Sullivan Free Library on Tuesday, January 24 at 5:00 P.M. to discuss the New Boston Road Solar Project – 7502 Seeber Road (New Boston Road) hosted by the solar developer. Supervisor Becker commented that regulations have been created by the State where local zoning can be disregarded on these requests. It was noted that the New Boston Solar project involves 500 acres of farm land that will not be able to be used as farmland if solar is placed in the location. The project would be a 50 megawatt plant with a 20 megawatt battery storage facility. The local Fire Departments need to be made aware of this. Supervisor Becker advised that this proposed facility would put the one remaining farm in Lenox out of business. We are an agricultural Town. Art Lelio commented that the meeting is an open house format.

Clerk to the Highway Superintendent Voss asked the Board for a key fob to access the Town Office Building. Supervisor Becker commented that the Board will review the request and let the Clerk to the Highway Superintendent know.

Mark Smith, resident of the Town, asked for an Executive Session with the Board. Supervisor Becker advised Mr. Smith to send the reason for the request to him and the Board would go from there.

Code and Building Officer Ball reported that he has identified twenty-four (24) vacant houses in the Town; one-half of which he believes should be torn down. Attorney for the Town Langey asked if any of the properties involved had mortgages. None of the properties have mortgages. Attorney for the Town advised if properties were torn down, the cost for demolition would be added to the Town tax bill for the property for collection.

Attorney for the Town Langey suggested that Code and Building Officer Ball prioritize the properties; noting the most egregious properties first.

Art Lelio commented on the short-term rental discussion. He referenced what is in place in Skaneateles. We owe it to our residents to have something on the books to provide some level of response.

EXECUTIVE SESSION

No executive session was held.

ADJOURNMENT

With no further business and upon a motion made by Councilor Martin, seconded by Councilor Montroy and unanimously passed by the Board, the meeting was adjourned at 10:00 A.M.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk