

**Village of Chester
Board of Trustees Meeting Minutes
January 14, 2019**

The Board of Trustees of the Village of Chester held its monthly meeting in the Village Hall meeting room on Monday, January 14, 2019.

Members present: Mayor John Thomas Bell, Deputy Mayor Christopher Battiato, Trustee Alan Battiato Trustee Elizabeth A. Reilly and Trustee Brian J. Boone.

Also, present: Village Clerk Rebecca Rivera, Attorney for the Village Henry Christensen Jr., Village Street Superintendent Charles Bono, Village Police Chief Peter Graziano, Village Water Commissioner Gary Green, and Village Code Enforcement Officer John Orr. Village Treasurer Angela O’Neill was absent.

Mayor John Thomas Bell opened the meeting at 7:00 PM with the Pledge of Allegiance.

Mayor John Thomas Bell welcomed everyone to the January 14, 2019 Village monthly meeting.

AUDIT OF BILLS: Mayor John Tom Bell noted that the audit of the December 2018, Village’s monthly bills for approval was complete.

A motion to pay the audited bills was made by Deputy Mayor Christopher Battiato and seconded by Trustee Brian J. Boone. Motion unanimously passed.

APPROVAL OF MINUTES: Monthly Meeting Minutes and Reorganization minutes for December 3, 2018.

A motion to approve the Monthly Meeting Minutes and Reorganization minutes for December 3, 2018 was made by Trustee Alan Battiato and second by Deputy Mayor Christopher Battiato. Motion unanimously passed.

TREASURERS REPORT: Mayor John Thomas Bell read the report as presented:

CASH BALANCES ENDING December 31, 2018

<u>Fund/Bank Account</u>	<u>Deposits</u>	<u>Disbursements</u>	<u>Interest</u>	<u>Ending Balance</u>
<u>General Fund</u>				
Savings (Sterling National; Bank)	129,000.00	--	667.40	3,194,460.35
Checking (Orange County Trust)	905,641.47	966,215.22	13.92	122,726.66
<u>Savings (Orange County Trust)</u>	--	900,000.00	213.33	2,023,962.43
<u>Water Fund</u>				
Capital Checking	--	--	8.46	98,309.86
Checking	74,322.18	69,206.13	24.29	458,582.85
<u>Sewer Fund</u>				
Checking	75,967.57	575.00	22.31	477,087.63

Cumulative Fiscal Year Interest Earned by Fund 06/1/18 – 05/31/2019

General Fund	\$	4690.74
Water Fund	\$	134.07
Sewer Fund	\$	124.77

Treasurer's Discussion: Treasurer, Angela O'Neill read her report as follows:

1. **STATEMENT OF REVENUE & EXPENDITURES:** Year to Date Report is attached.
2. **2018-2019 COLLECTION:** Collection of Village Sewer continues. Sewer Installment #4 is due by 4/1/19. Unpaid Sewer Balance notices will be mailed in early February. Unpaid sewer balances as of 4/1/19 will be re-levied on to the Village Property Tax Bill issued on 6/1/19.
3. **2019-2020 VILLAGE BUDGET:** Preparation of the 2019-2020 Village Wide Budget is underway. All department heads should submit their requests by 1/21/19.

A motion to accept the Treasurer's report, read by Mayor John Thomas Bell was made by Trustee Elizabeth A. Reilly and seconded by Trustee Alan Battiatto. Motion unanimously passed.

Mayor Bell suggested that we move on to the Police report since the Building Inspector was not present at this time.

POLICE REPORT: Police Chief Peter Graziano, read his report as follows:

1. Personnel:

- Officer Bricker has resigned from the department effective 4 January 2019 to take a position with the State Police. We are searching for a replacement.

The Chief shared with the Board of Trustees that the two gentlemen interviewed for the Part-time Police Officer position were not eligible for hired. Per Orange County Human Resources based on a technicality were not eligible.

Chief Graziano made mention that the county is going to submit a new list.

2. Citizen Issues:

- No issues.

3. Public Safety Issues:

- Traffic Details: Continuing.
 - Towing: Prestige was sold to a new owner who does not intend to offer towing services. Johnson's towing did not renew their license and are no longer towing for the Village. LMR and Freeman's remain on the active tow list.

4. Facilities:

- No issues.

5. Equipment:

- The In-car cameras are starting to fail, and parts are no longer available. I am investigating options for replacement systems.
- Trustee Reilly asked how old are the cameras?
- Chief Graziano stated that the cameras are 10 years old. He added that the cameras were purchased through Decatur Electronics and it seems that the company is not doing well in way of business. It took about six months to get replacement clips for the microphones to the cameras. The company had to get them from a vendor in Canada. Many of the parts for the cameras are difficult to find replacement parts. The DVR is starting to fail and we need to start replacing the cameras.
- Mayor asked if the Orange County Wide Shared Services includes the car cameras.
- Chief responded that the Orange County Wide Shared Services does not. It's only for two-way radios.

6. Vehicles:

- 726 2019 Ford is in Poughkeepsie getting upfitted.

7. Other:

No issues.

8. Department Activity YTD:

Call Type	2018	2019
Calls for Service	2586	084
Criminal Cases	444	016
Arrests	247	010
Traffic Accidents	N/A	N/A

A motion to accept the Police Department report, as read, was made by Trustee Elizabeth A. Reilly and seconded by Trustee Alan Battiato. Motion unanimously passed.

STREET REPORT: Street Superintendent, Charles Bono, read his report as follows:

Our equipment for snow and ice control have been installed.

During the month of December, we had 2 little storms that required us to deice and clear the streets. These nuisance storms, which consisted of Snow, with little or no accumulations. In the month of December, we used 5 ton of salt and 5 ton of sand salt mixture. After each storm, the equipment was washed and serviced for the next storm.

We have been going around picking up Christmas trees a couple times a week when possible. Just a reminder that the last day the street dept. will be picking up Christmas Trees will be January 31, 2019.

We spent a couple of days putting down cold patch in some of the bigger holes throughout the village.

Our new truck is in; however, we ran into a little of a problem getting the body and hydraulics installed at Henderson Equipment. It seems that because the production of the truck was delayed at the factory, Henderson Equipment could not schedule a slot for it at their shop. The first available slot at their shop is April.

Our new John Deere tractor is in at Hudson River Tractor, they are currently installing the cab on the tractor. The snow blower and the mower are in, but they are waiting on the v-plow. I spoke to Hans at Hudson River Tractor on Friday and he said the v-plow should be in a couple of weeks.

We had to install a new heater in the shop. The fan motor went out on the old heater.

A motion to accept the Street Department report, as read, was made by Trustee Elizabeth A. Reilly and seconded by Deputy Mayor Christopher Battiato. Motion unanimously passed.

WATER REPORT: Water Commissioner Gary Green, Jr., read his report as follows:

- 1) Daily filter plant & well operations
- 2) Twice per week filter cleaning
- 3) Final mowing and leaf cleanup of facilities
- 4) Drained and inspected Whispering Hills Tank.
- 5) Rebuilt altitude valve at Whispering Hills Tank.
- 6) Flushing of water mains was completed
- 7) Blew out sprinkler lines at Community Park, also known as Carpenter Field for the Parks Department
- 8) Clean in place procedure was completed on the membranes.
- 9) Meter changing continues.
- 10) Monthly samples were taken to lab for testing
- 11) Marking out of water lines for Dig safe N.Y.
- 12) Hydrant markers installed.
- 13) Joseph Rosploch did snow removal of the sidewalks.
- 14) Trouble shooting Tank overflowing at Princeton Street.

After reading his report Water Commissioner Gary A. Green Jr. made mention of the following:

- unaccounted water at Community Park (aka Carpenter Field). Higher usage than past years. Its usage is usually between 290 and 292 gallons. When it was last checked it read 535,000 gallons. Water Commissioner feels it's a bit excessive.

Trustee Elizabeth A. Reilly asked the Water Commissioner if there might be a leak at the facility.

Water Commissioner response - the facilities water service is off for the winter. He can't be sure there is a leak until the water services is turned on in the spring.

Trustee Elizabeth A. Reilly asked if the water department checks the restroom facilities periodically for leaks.

Water Commissioner response – The restroom facilities are not checked by the water department because that responsibility falls on the Town/Village Parks Department.

Trustee Elizabeth A. Reilly suggested that the Parks Department be notified of the issue regarding the unaccounted water at Community Park.

- Water Commissioner reported that the GMC 2500 truck is out of service and its currently in Bristol Motors shop in Florida, New York. The estimate to repair truck is \$3,075.35. The Truck has 140,000 miles. The battery and the tires are new.
- Water Commissioner mentioned that he received a state bid for a replacement vehicle on a smart utility van for \$23,000.

All members of the Village Board agreed that at this time the budget constraints do not allow to spend that amount on repairs or a new vehicle. They suggested to hold off until the up and coming budget of 2019-2020.

- Water Commissioner reported that he purchased an altitude re-valve for the Princeton street tank which he had mentioned to the Village Board at the December monthly meeting. It's installed but the tank is temporarily out of service. We noticed that there is a swing check valve that's on the exit line that's not holding. They will be taking it a part and see if the swing check needs cleaning.
- Lastly the water commissioner reported that the lake is four inches over pin level.

A motion to accept the Water Department report, as read, was made by Trustee Brian J. Boone, and seconded by Trustee Alan Battiato. Motion unanimously passed.

BUILDING REPORT: Building Inspector/Code Enforcement Officer, John Orr, read his report as follows:

BYK – 48 Leone Lane

1- Work almost complete.

32 Leone Ln-

1- Roof work now complete.

123 Main Street

1- Work complete restaurant now open.

Whispering Hills

1- Work has not started.

2 Valley Court

1- Basement conversion almost complete.

87 Brookside Avenue

1- Demolition now complete.

3106 Whispering Hills

1- Support wall under stairs now complete.

In 2018 the Building Department issued 133 permits, 98 residential and 35 commercials. Total of \$40,258.00 collected in permit fees.

Village Code Enforcement Officer, John Orr reported that the building department received a complaint about Garden Street, regarding lights that were installed at 3 Garden Street. The Complaint was received via email and sent to the Building Department. Village Code Enforcement Officer was out of town. As soon as the complaint was received Village Code Enforcement Officer, John Orr was notified. Upon his arrival Village Code Enforcement Officer went down and talked to the owner's secretary, who mentioned it to the owner. There was miscommunication when the message was delivered to the owner, and the owner turned off the back lights instead of the front lights. Village Code Enforcement Officer issued a paper order to correct. The owner called over the weekend and he's turned off the front light which was the issue. The owner won't be turning those lights back on until he gets shields for the lights. When the owner installs the shields, the owner will contact Village Code Enforcement Officer and he will go and inspect the work. Village Code Enforcement Officer, John Orr stated that the owner mentioned to him that the shields are hard to find but, if he can't find them, the he will manufacture them.

A motion to accept the Building Department report, as read, was made by Trustee Alan Battiato and seconded by Trustee Brian Boone. Motion unanimously passed.

PARK & RECREATION: Park and Receptions Director Lori Streichert was absent. Mayor John Thomas read her report as follows:

- The automatic doors were installed at the senior center.
- Line Dancing is schedule to begin on Thursday, Jan 10 & run twice a month
- The bus trip to the Culinary Institute on January 24 is almost sold out.
- The casino trip for February is booking up.
- Arrangements are underway with a representative from the Chester High School for volunteers to assist seniors with learning how to use their electronic devices.
- Preparations for summer camp have begun.
- I looked into options of installing a key pad at the back door in order to eliminate the excessive amount of keys that are required on a regular basis.
- Basketball is going well, Gym Rats worked with one of our coaches and held a free clinic to Chester kids grades 1-4 over the holiday break.
- The ice rink is still on no skate. It may get cold enough this weekend but the warm temperatures and rain have not allowed it to freeze sufficiently for skating. We will post on fb as soon as it is safe to use.
- We are working with Chester LL to host the state 50/70 baseball championship at Carpenter Field. Meetings have just begun more details to follow.

A list of classes can be found at www.chesterrecreation.com as well as Facebook. In addition, we encourage all residents to create an account which will allow us to send out up to date information.

OLD BUSINESS:

19-3 Adoption of Introductory Local Law #7 of 2018 as Local Law #1 of 2019 -A Local Law replacing CHAPTERS 38 and 48 of the VILLAGE CODE of the VILLAGE OF CHESTER with a new CHAPTER 38 OF THE VILLAGE CODE OF THE VILLAGE OF CHESTER TO BE ENTITLED "FIRE PREVENTION AND BUILDING CONSTRUCTION"

"FIRE PREVENTION AND BUILDING CONSTRUCTION"

WHEREAS, Introductory Local Law No. 7 of 2018, was presented at the October 1, 2018, meeting of the Mayor and Trustees, proposing a restatement of CHAPTER 38 of the Code of the Village of Chester entitled “FIRE PREVENTION AND BUILDING CONSTRUCTION”, and

WHEREAS, at the October 1, 2018, meeting of the Mayor and Trustees, a public hearing was set for November 13, 2018, to hear any and all comments from the public concerning such proposed legislation, and

WHEREAS, notice of such public hearing was duly published and posted, and such public hearing was duly convened on November 13, 2018, and all persons interested were afforded the opportunity to be heard as to the proposed legislation, and

Due consideration having been given to the proposed legislation, now, therefore,

Motion on SEQRA determination:

on motion by Trustee Brian J. Boone and seconded by Trustee Alan Battiato, with the Mayor and all trustees voting in favor, it was

RESOLVED, that the Board of Trustees hereby determines that the adoption of the legislation proposed will not have a significant impact on the environment and therefore is deemed a Type II action under the State Environmental Quality Review Act (“SEQRA”) so that no further action under SEQRA needs to be taken in connection with the adoption of this legislation.

MOTION TO ADOPT LOCAL LAW No. 1 of 2019

On motion by Deputy Mayor Christopher Battiato and seconded by Trustee Elizabeth A. Reilly, with the Mayor and all trustees voting in favor, it was Resolved:

Be it enacted by the Board of Trustees of the Village of Chester, in the County of Orange, as follows:

Section 1. Chapters 38 and 48 of the Village Code of the Village of Chester are repealed and replaced by a new Chapter 38 of the Village Code of the Village of Chester as follows:

CHAPTER 38: FIRE PREVENTION AND BUILDING CONSTRUCTION

ARTICLE 1. ADMINISTRATION AND ENFORCEMENT

§ 38-1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Village. This local law is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

§ 38-2. DEFINITIONS

In this local law:

“**BUILDING PERMIT**” shall mean a permit issued pursuant to § 38-4 of this local law. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

“**CERTIFICATE OF OCCUPANCY**” shall mean a certificate issued pursuant to subdivision (b) of § 38-7 of this local law.

“**CODE ENFORCEMENT OFFICER**” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of § 38-3 of this local law.

“**CODE ENFORCEMENT PERSONNEL**” shall include the Code Enforcement Officer and all Inspectors.

“**ORDER TO REMEDY**” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of § 38-15 of this local law.

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

“INSPECTOR” shall mean an inspector appointed pursuant to subdivision (d) of § 38-3 of this local law.

“OPERATING PERMIT” shall mean a permit issued pursuant to § 38-10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

“PERMIT HOLDER” shall mean the Person to whom a Building Permit has been issued.

“PERSON” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“STOP WORK ORDER” shall mean an order issued pursuant to § 38-6 of this local law.

“TEMPORARY CERTIFICATE” shall mean a certificate issued pursuant to subdivision (d) of § 38-7 of this local law.

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

“VILLAGE” shall mean Village of Chester.

§ 38-3. CODE ENFORCEMENT OFFICER AND INSPECTORS

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

- 1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- 2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- 3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;
- 4) to issue Stop Work Orders;
- 5) to review and investigate complaints;
- 6) to issue orders pursuant to subdivision (a) of § 38-15 (Violations) of this local law;
- 7) to maintain records;
- 8) to collect fees as set by the Board of Trustees of this Village;
- 9) to pursue administrative enforcement actions and proceedings;
- 10) in consultation with this Village’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 Board of Trustees. 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, an individual shall be appointed by the Mayor, with the consent of the Board of Trustees, to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term

of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

- d) One or more Inspectors may be appointed by the Board of Trustees 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 compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board of Trustees of this Village.

§ 38-4. BUILDING PERMITS

- a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.
- b) Exemptions. No Building Permit shall be required for work in any of the following categories:
 - 1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - 2) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - 3) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - 4) construction of temporary motion picture, television and theater stage sets and scenery;
 - 5) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - 6) installation of partitions or movable cases less than 5'-9" in height;
 - 7) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - 8) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - 9) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - 10) repairs, provided that such repairs do not involve
 - (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
 - (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (iii) the enlargement, alteration, replacement or relocation of any building system; or
 - (iv) the removal from service of all or part of a fire protection system for any period of time.
- 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 proposed work;
 - 2) the tax map number and the street address of the premises where the work is to be performed;
 - 3) the occupancy classification of any affected building or structure;
 - 4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

- 5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of 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. 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 and the provisions of this article and other local laws of the Village. 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 and the provisions of this article and other local laws of the Village. No building permit shall be issued by the Code Enforcement Officer except in conformity with the requirements of Chapter 98, Zoning, of the Code of the of the Village of Chester, New York, and where the site plan of such building is subject to approval by the Planning Board under the provisions of Chapter 98, Zoning, except in conformity with the plans approved by said Board. No building permit shall be issued by the Code Enforcement Officer for a building to be used for any special permitted use designated in said Chapter 98, Zoning, in any zoning district where such use is allowed only by approval of the Planning Board, unless and until such approval has been duly granted by the Planning Board. Building Permits to be displayed.
- g) Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within [6] months following the date of issuance. Building Permits shall expire [12] months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this 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 §38-17 (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.

§ 38-5. CONSTRUCTION INSPECTIONS

- a) work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

- b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:
 - 1) work site prior to the issuance of a Building Permit;
 - 2) footing and foundation;
 - 3) preparation for concrete slab;
 - 4) framing;
 - 5) building systems, including underground and rough-in;
 - 6) fire resistant construction;
 - 7) fire resistant penetrations;
 - 8) solid fuel burning heating appliances, chimneys, flues or gas vents;
 - 9) Energy Code compliance; and
- c) a final inspection after all work authorized by the Building Permit has been completed. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.
- d) Fee. The fee specified in or determined in accordance with the provisions set forth in §38-17 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 38-6. STOP WORK ORDERS

- a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
 - 1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - 2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - 3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
 - 4) Any work for which a building permit is required which is not in conformity with the building permit or any plans or specifications approved in connection therewith or the approved site plan.
- 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
- c) if applicable, state the conditions which must be satisfied before work will be permitted to resume. 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. 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 § 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§ 38-7. CERTIFICATES OF OCCUPANCY

- a) Certificates of Occupancy required. A Certificate of Occupancy 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.

b) Issuance of Certificate of Occupancy. The Code Enforcement Officer shall issue a Certificate of Occupancy 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. 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, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy:

- 1) a written statement of structural observations and/or a final report of special inspections, and
- 2) flood hazard certifications.

c) Contents of Certificate of Occupancy. A Certificate of Occupancy shall contain the following information:

- 1) the Building Permit number, if any;
- 2) the date of issuance of the Building Permit, if any;
- 3) the name, address and tax map number of the property;
- 4) if the Certificate of Occupancy is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy is issued;
- 5) the use and occupancy classification of the structure;
- 6) the type of construction of the structure;
- 7) the assembly occupant load of the structure, if any;
- 8) if an 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 and the date of issuance.

d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

f) Fee. The fee specified in or determined in accordance with the provisions set forth in § 38-17 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy or for Temporary Certificate.

§ 38-8. NOTIFICATION REGARDING FIRE OR EXPLOSION

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

§ 38-9. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the following procedures:

- a) All buildings or structures which are structurally unsafe, insanitary or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this section.
- b) The Code Enforcement Officer shall examine or cause to be examined every building reported as unsafe or damaged and shall make a written record of such examination.
- c) Whenever the Code Enforcement Officer shall find any building or structure or portion thereof to be an unsafe building as defined in this section, he shall, in the same manner as provided for the service of stop-work orders in § 38-6, give to the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements or to demolish and remove the building or structure or portion thereof.
- d) If the Code Enforcement Officer finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the specified repair and improvements are completed, inspected and approved by the Code Enforcement Officer. The Code Enforcement Officer shall cause to be posted at each entrance to such building a notice: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE ENFORCEMENT OFFICER. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents or other persons, to remove such notice without written permission of the Code Enforcement Officer, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.
- e) In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent or person in control fails, neglects or refuses to comply with the notice to repair, rehabilitate or demolish and remove said building or structure or portion thereof, the Village Attorney shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.
- f) In cases of emergency which, in the opinion of the Code Enforcement Officer, involve imminent danger to human life or health, he shall promptly cause such building, structure or portion thereof to be made safe or to be removed. For this purpose, he may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way.
- g) Costs incurred under Subsections E and F of this section shall be paid out of the Village treasury on certificate of the Code Enforcement Officer. Such costs shall be assessed against the land on which said building or structure is located and shall be and become a lien on said land as of the date of such assessment. The lien of the Village for such cost and expenses shall have priority over all other liens and encumbrances, except the liens of taxes and assessments which constitute prior liens.

§ 38-10. OPERATING PERMITS

- a) (a) Operation Permits required. Operating Permits shall be required for conducting any activity listed in paragraphs (1), (2), or (3) below or operating any type of building or structure listed in paragraphs (4), (5), or (6) below:
 - b) (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1), 5003.1.1(2), 5003.1.1(3), 5003.1.1(4) of the 2015 edition of the International Fire Code (a publication currently incorporated by reference in 19 NYCRR Part 1225);
 - c) (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - d) (3) use of pyrotechnic devices in assembly occupancies;
 - e) (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more;
 - f) (5) parking garages as defined in subdivision (a) of section 13 of this local law; and
 - g) (6) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village. 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.
- h) 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.

- i) 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.
- j) 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 his or her discretion, issue a single Operating Permit to apply to all such activities.
- k) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.
- l) 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.
- m) Fee. The fee specified in or determined in accordance with the provisions set forth in §38-17 (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.

§ 38-11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

- a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
 - 1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
 - 2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
 - 3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.
- b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:
 - 1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - 2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
 - 3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;
 - 4) provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- c) 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 under Executive Law § 156-e and Education Law § 807-b. Notwithstanding any other provision of this section to the contrary:
 - 1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - 2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - 3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at

intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

- 4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.
- d) Fee. The fee specified in or determined in accordance with the provisions set forth in § 38-17 (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.

§ 38-12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, 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 § 38-15 (Violations) of this local law;
- c) if appropriate, issuing a Stop Work Order;
- d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 38-13. 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 2015 edition of the International Property Maintenance Code (a publication currently incorporated by reference in 19 NYCRR Part 1226); 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 Village, 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) New parking garages 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) Existing parking garages 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 the effective date of the rule adding this subdivision to 19 NYCRR section 1203.3, then prior to October 1, 2021.

(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 (c) of this section, the Village shall require the owner or operator of such parking garage to 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 Village becomes aware of any new or increased deterioration which, in the judgment of the Village, 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 (c) of this section, the Village shall require the owner or operator of such parking garage to 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 Village 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 Village within 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 his or her professional judgment.

(g) Review Condition Assessment Reports. The Village 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 Village shall, by Order to Remedy or such other means of enforcement as the Village 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 Village 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 Village 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 Village with a written statement attesting to the fact that he or she has been so engaged, the Village shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Village 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 Village:

(1) to perform such construction inspections as are required by section 5 of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 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 Village 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.

§ 38-14. 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, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

4) all inspections and tests performed;

5) all statements and reports issued;

6) all complaints received;

7) all investigations conducted;

8) all other features and activities specified in or contemplated by § 38-4 through § 38-12, inclusive, of this local law, including; and

9) all fees charged and collected. a) 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.

§ 38-15. PROGRAM REVIEW AND REPORTING

a) The Code Enforcement Officer shall annually submit to the Board of Trustees of this Village 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 § 38-13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded. b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.

b) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information

and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

§ 38-16: 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 by registered mail 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 registered mail or 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) Civil Penalties. In addition to those penalties prescribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Village.

d) Injunctive Relief. An action or proceeding may be instituted in the name of this Village, 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, 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 Village, 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 Mayor of this Village.

e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 38-6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 38-6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or

limitation of, the penalties specified in subdivision (2) of § 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 § 382 of the Executive Law.

§ 38-17: FEES

A fee schedule shall be established by resolution of the Board of Trustees of this Village. 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, 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.

§ 38-18. INTERMUNICIPAL AGREEMENTS

The Board of Trustees of this Village may, by resolution, authorize the Mayor of this Village to enter into an agreement, in the name of this Village, 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.

§ 38-19. PARTIAL INVALIDITY

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

§ 38-20. EFFECTIVE DATE

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

Section 2. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Section 3. State Environmental Quality Review Act

Pursuant to 6 NYCRR §617.5(30), this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

New Business:

19-1 Resolution Authorizing KIWANIS 5K Run 2019:

WHEREAS, the Chester Kiwanis Club (the "Applicant") has requested the use of Main Street in the Village of Chester for the Kiwanis' Hambletonian 5K Race on Saturday, May 25, 2019 (the "Event") from 8:45 am to 10:00 am; and

WHEREAS, the Applicant has promised to provide the Village with a certificate of liability insurance naming the Village of Chester as an additional named insured (the "Insurance Certificate"),

NOW, THEREFORE, be it hereby

RESOLVED, that the Applicant's request for use of the identified Village of Chester Property for the Event is hereby granted, subject to the Applicant providing the Village with the Insurance Certificate.

Introduced By: Trustee Elizabeth A. Reilly

Seconded By: Deputy Mayor Christopher Battiato

On a vote of 5 to 0 , the resolution was adopted.

- A motion to accept the monthly meeting calendar with the exception of the November meeting, November 12, 2019 changed to November 4, 2019, was made by Trustee Elizabeth A. Reilly and second by Trustee Brian J. Boone. Motion unanimously passed.

19-2 Resolution Authorizing Reimbursement of Medicare Part B Payments for 2018.

WHEREAS, in providing The New York State Healthcare Plan as a healthcare plan option, the Village Board is required to reimburse each retiree’s Medicare Part “B” payments; and

WHEREAS, the person identified in the attached list are entitled to reimbursement from the Village for their Medicare Part “B” payments,

NOW, THEREFORE, be it

RESOLVED, that the Mayor, Treasurer and/or Clerk of the Village are hereby authorized to reimburse those persons listed as eligible for reimbursement of their Medicare Part “B” payments.

Introduced By: Trustee Elizabeth A. Reilly
Seconded By: Trustee Alan Battiato
On a vote of 5 to 0, the resolution was adopted

19-4 Approving a Short Form Environmental Assessment and making a negative declaration under SEQRA for a proposed parking lot project on Bank Street Approving a Short Form Environmental Assessment and making a negative declaration under SEQRA for a proposed parking lot project on Bank Street.

WHEREAS, a Project for a Downtown municipal parking lot in the Village of Chester has been proposed involving the paving of approximately ¾ of an acre off Bank Street near the Village’s Center Street parking lot; and

WHEREAS, the Mayor has submitted to this Board a proposed Part I Short Environmental Assessment Form and a proposed Part II Impact Assessment; and

WHEREAS, the Village Board Agrees with the description of the Project and the Impact Assessment proposed by the Mayor; and

WHEREAS, the Village Board, after due consideration, has determined that the proposed project will not result in any significant adverse environmental impacts,

NOW, THEREFORE, be it

RESOLVED, that the Village Board finds the proposed project is an Unlisted Action for purposes of the State Environmental Quality Review Act; and it is further

RESOLVED, that the Village Board approves and adopts the Part I Information and Part II Impact Assessment of the Short Environmental Assessment as presented to this meeting; and it is further

RESOLVED, that the Village Board determines that the proposed project will not result in any significant adverse environmental impacts and hereby makes a negative declaration in that regard, and it is further

RESOLVED, that the Mayor and the Clerk are authorized and directed to execute the negative declaration on Part 3 of the Short Environmental Assessment Form and to file same in the Office of the Village Clerk.

Introduced By: Trustee Elizabeth A. Reilly
Seconded By: Trustee Alan Battiato
On a vote of 5 to 0, the resolution was adopted

By Roll Call

	<u>For</u>	<u>Against</u>	<u>Abstain/Absent</u>
Mayor John Thomas Bell	[x]	[]	[]
Deputy Mayor Christopher Battiato	[x]	[]	[]
Trustee Alan Battiato	[x]	[]	[]
Trustee Elizabeth A. Reilly	[x]	[]	[]
Trustee Brian J. Boone	[x]	[]	[]

19-5 Authorizing the implementation, and funding in the first instance of the State-aid Program eligible costs, of a capital project for a Downtown municipal parking lot, and appropriating funds therefor

WHEREAS, a Project for the Downtown municipal parking lot in the Village of Chester, PIN 8762.29 (the Project") is eligible for funding under a New York State Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, a sum not to exceed \$165,000 in Program Funding is available to progress the project.

WHEREAS, the Village of Chester desires to advance the Project by making a commitment of 100% of the State share of the costs of the (preliminary engineering, right-of-way incidentals, right-of-way acquisition, and construction.)

NOW, THEREFORE, be it

RESOLVED, that the Chester Village Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Chester Village Board hereby authorizes the Village of Chester to pay in the first instance 100% of the cost of preliminary engineering, right-of- way incidentals, right-of-way acquisition, and construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$165,000 is hereby appropriated from the Capital Project Account and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that in the event the full state share costs of the project exceeds the amount appropriated above, the Chester Village Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor of the Village of Chester thereof, and it is further

RESOLVED, that the Mayor of the Village of Chester be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for State Aid on behalf of the Village of Chester with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's/Sponsor's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a Certified Copy of this resolution be filed with the New York State Commissioner of Transportation of the State of New York by attaching it to any necessary Agreement in connection with the Project between the Village of Chester and the State of New York; and it is further

RESOLVED, this Resolution shall take effect immediately.

Introduced By: Trustee Alan Battiato

Seconded By: Trustee Brian J. Boone

On a vote of 5 to 0, the resolution was adopted

By Roll Call

	<u>For</u>	<u>Against</u>	<u>Abstain/Absent</u>
Mayor John Thomas Bell	[x]	[]	[]
Deputy Mayor Christopher Battiato	[x]	[]	[]
Trustee Alan Battiato	[x]	[]	[]
Trustee Elizabeth A. Reilly	[x]	[]	[]
Trustee Brian J. Boone	[x]	[]	[]

19-6 Resolution acceptance of architectural services proposal for documentation of existing facility layout and preparation of existing condition drawings.

WHEREAS, the Village of Chester intends to renovate the former Lippincott Funeral Home into the new Village Office, and

WHEREAS, as a first step in the designing of the renovation, documentation of an existing facility layout and the preparation of existing condition drawings are required, and

WHEREAS, the Village has received a proposal from DeGraw and DeHaan, Architects, to perform the

architectural services on a time and material basis for a fee in the \$4,000 and \$4,500 range, and

WHEREAS, the Village’s Board of Trustees determines that it is in the best interest of the Village to accept the DeGraw and DeHaan proposal, and

WHEREAS, a contract for professional architectural services does not required an invitation for bids or request for proposals, now therefore

IT IS HEREBY RESOLVED, by the Village of Chester Board of Trustees that the Mayor is authorized to enter into a written agreement, after approval of its form by the Village Attorney, with DeGraw and DeHaan, Architects, for the documentation of an existing facility layout and the preparation of existing condition drawings for the former Lippincott Funeral Home, 92 Main Street, Chester, NY, on a time and material basis not to exceed \$4,500 based upon the fee schedule contained in the proposal.

Introduced By: Deputy Mayor Christopher Battiato

Seconded By: Trustee Brian J. Boone

On a vote of 5 to 0, the resolution was adopted

By Roll Call

	<u>For</u>	<u>Against</u>	<u>Abstain/Absent</u>
Mayor John Thomas Bell	[x]	[]	[]
Deputy Mayor Christopher Battiato	[x]	[]	[]
Trustee Alan Battiato	[x]	[]	[]
Trustee Elizabeth A. Reilly	[x]	[]	[]
Trustee Brian J. Boone	[x]	[]	[]

- Chester Mall Brother Bruno’s Pizza submitted a 30-day Waiver 2019.

A motion to waive the 30day waiver for Chester Mall Brother Bruno’s Pizza as requested was made by Deputy Mayor Christopher Battiato and second by Trustee Brian J. Boone. Motion unanimously passed.

- Letter from Kriyas Joel Emergency Management Services.
- Mary Altobelli – 4 Garden St. Issue regarding the bright lights on Garden St, from neighbor resolved.

Calendar:

- Comprehensive Committee Meeting on February 4, 2019 and February 21, 2019.
- Proposed Comprehensive plan meeting will be held on January 17, 2019. Location: 45 Main St., 2nd Floor above Police Station in the Village hall conference room.
- Village of Chester Closed on January 21, 2019 Martin Luther King, Birthday.
- See our calendar for more upcoming meetings and events: <https://www.villageofchesterny.org>

Public Comments:

Leslie Smith announced that the historical society is having our annual meeting this Saturday, January 19, 2019. The business meeting is at 2pm the speaker will be there at 2:30 pm. Aaron Lefkowitz will be talking about World War I. Leslie Smith also mentioned that she believes there has been a violation of the Village of Chester’s sign code. Hoffman Koos Furniture signs that have been placed on Brookside Ave.

Tracey Schuh talking about the project you are working on behind here. It is Village property. It got me thinking about park lands and any expansion you might want to do in the future. Which got me to think of park land fees for building projects because I remember when Mayor Valastro was here that those increased, and I didn’t know if you happen to know (not audible). I just wanted to know how much you have in that Fund. The reason why I ask is twofold:

1. For your comprehensive plan to know what your goals with improvement are.

2. The Town of Chester has a grant preservation plan for which they have a public hearing January 23, 2019. It's on their website. What they have are all target areas in the town, if they should have the means and willing land owners to pursue preservation of land. It could be agriculture, watershed, cultural or historical, open space park. I just didn't know if, while going through your comprehensive process, if the sub committees met or if you happen to know how important to the village that you want to join efforts with the town and if you might want to get on the list.

Tracy Schuh asked John Orr if he had any information on the park fees.

Village Code Enforcement Officer John Orr response – I have not had a chance to talk to the Mayor about this. We have been collecting park fees. it was brought to my attention that in 2013 the village board by resolution increased the fees. Since 2013 the increase has not been collected because of an oversight. I wasn't aware of the increased fees, and so we were collecting at the old rate up until now.

Village Code Enforcement Officer John Orr stated that the Village and the Town had a joint park and rec committee, the Village had a board member on that committee. We were signing over those fee as we accepted them.

Tracy Schuh stated that she was on the Park commission I do remember the Village submitting a one time check of \$3000. I wasn't aware of any other monies coming in other than what was associated with property taxes.

Deputy Mayor Christopher Battiato asked what the difference in the fees was.

Village Code Enforcement Officer, John Orr response was, for residential went from \$500 to \$1500 and the sub divided lot went from \$1000 to \$2000.

ADJOURNMENT:

A motion to close the meeting at 8:10 pm and go into Executive Session and the board of Trustees will not conduct any further business, was made by Deputy Mayor Christopher Battiato and seconded by Trustee Alan Battiato. Motion unanimously passed.

Respectfully submitted,

Rebecca Rivera
Village Clerk