

The regular meeting of the DeRuyter Town Board was held at 7:30PM on the above date in the Genevieve D. Staley Civic Center.

Present were Supervisor Degear, Clerk Wightman, Highway Superintendent Cook and Councilmen Jones, Hathaway and Coon. Also present were Jim and Liz Haskins; Levi and Jamie Tousant; Joe Yankowski; Robert and Ruthanne Stone; Warren and Carol Babcock; Duane and Joe Newton. Councilman Barnes was absent.

Motion by Councilmen Jones and Hathaway to accept the minutes of the April 10<sup>th</sup> meeting as presented. All in favor and carried.

**TOWN CLERK’S REPORT:**

- Written monthly report.
- Tax Collection summary report.

**HIGHWAY SUPERINTENDENT’S REPORT:**

- Cutting brush
- Ditching
- Material for South Hill
- CHIPS sealing to be done in mid-June
- Delivery of new truck tentatively scheduled for July.

**CORRESPONDENCE:**

- The Village of DeRuyter has requested that delinquent water bills be added to Town taxes. Madison County’s Real Property Director, Carol Brophy advised that this would be possible if the Town Board approved it. Therefore, motion by Councilmen Coon and Jones to adopt:

**#49 RESOLVED:** That this Town Board does hereby approve the addition of delinquent Village of DeRuyter water bills for properties outside the Village limits only, to Town of DeRuyter taxes.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Jones	Aye
Councilman Hathaway	Aye
Councilman Barnes	Absent

The Clerk declared the foregoing duly carried.

**PUBLIC HEARINGS:**

- Motion by Councilmen Hathaway and Coon at 7:40PM to open the public hearing concerning proposed Local Law #1 of 2014 entitled “a local law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code”. Since there was no one present to speak either in favor or against such proposed local law, motion by Councilmen Jones and Hathaway to close the public hearing. All in favor and carried.

- Motion by Councilmen Coon and Jones to open the public hearing concerning proposed Local Law #2 of 2014 entitled “a local law to pass along costs of professional services to developers”. Since there was no one present to speak either in favor of or against said proposed local law, motion by Councilmen Hathaway to close the public hearing. All in favor and carried.

**OLD BUSINESS:**

- CCAP update – generator is now operational. Repairs to entrances to be accomplished soon.
- FEMA update – Cary Road’s stream bank stabilization discussed. Questions about doing it “in-house”. Time and weather are factors. It was decided to put bid specs together and see what kind of numbers we get.
- Rising Communities update presented.
- Gazebo project update – there has been a site visit and we expect a decision by mid-June.
- Salt structures – various types of structures are being investigated.
- Innovative Exchange Summit in Liverpool was attended by Town of DeRuyter, Village of DeRuyter and DeRuyter Central School representatives. Since the summit was somewhat of a disappointment, Town, Village and School will continue to do their own brainstorming.
- The 2001 Freightliner has been placed on Auctions International. Tracey Equipment will allow \$20,000 trade-in value on the new truck, therefore, motion by Councilmen Jones and Coon to take no less than a \$23,000 bid on Auctions International. All in favor and carried.
- A Short Environmental Assessment Form was completed for proposed local law #1 of 2014. Motion by Councilmen Hathaway and Coon to adopt:

**#50 RESOLVED:** based on the information and analysis of the SEQR assessment, proposed local law #1 of 2014 will not result in any significant adverse environmental impacts.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Jones	Aye
Councilman Hathaway	Aye
Councilman Barnes	Absent

The Clerk declared the foregoing duly carried.

Motion by Councilmen Coon and Hathaway to adopt:

**#51 RESOLVED:** That this Town Board does hereby enact Local Law #1 of the year 2014 entitled “A local law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code” as follows

## **SECTION 1. PURPOSE AND INTENT**

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

## **SECTION 2. DEFINITIONS**

In this local law:

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

“Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

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

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

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

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

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

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

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

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

“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Town” shall mean the Town of DeRuyter.

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

### **SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS**

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

(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 section 15 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Town Board of this Town;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Town'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 resolution of the Town Board of this Town. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by resolution of the Town Board of this Town 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 resolution of the Town Board of this Town to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

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

**SECTION 4. BUILDING PERMITS.**

(a) Building Permits Required. Except as otherwise provided in 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) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

(2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(4) installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(6) construction of temporary motion picture, television and theater stage sets and scenery;

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

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

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

(10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a 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. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within [ 6 ] months following the date of issuance. Building Permits shall expire [12 ] months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this 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 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

#### **SECTION 5. CONSTRUCTION INSPECTIONS.**

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

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and

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

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

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

#### **SECTION 6. STOP WORK ORDERS.**

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit

Holder, on the Permit Holder) personally or by 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.

(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 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.

#### **SECTION 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 Certificates 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 Certificates 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 section 16 (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.

#### **SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.**

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

#### **SECTION 9. UNSAFE BUILDING AND STRUCTURES**

*ALTERNATIVE 1:* Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 1 of 2013, as now in effect or as hereafter amended from time to time.

*ALTERNATIVE 2:* Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures identified by the Codes Enforcement Officer.

#### **SECTION 10. OPERATING PERMITS.**

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

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

Any person who proposes to undertake any activity or to operate any type of building listed in this 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.

(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 his or her discretion, issue a single Operating Permit to apply to all such activities.

*ALTERNATIVE 1:* (e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to

the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

*ALTERNATIVE 2:* (e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

#### **SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS**

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings 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 [*specify interval consistent with local conditions, not to exceed 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;

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 section 156-e and Education Law section 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 section 16 (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 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 section 15 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

## **SECTION 13. 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 sections 4 through 12, inclusive, of this local law, including; and

(9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

#### **SECTION 14. PROGRAM REVIEW AND REPORTING**

(a) The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

#### **SECTION 15: VIOLATIONS**

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period

of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties 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 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, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty

specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section **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 16: FEES**

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificate 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.

#### **SECTION 17. INTERMUNICIPAL AGREEMENTS**

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

#### **SECTION 18. PARTIAL INVALIDITY**

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

#### **SECTION 19. EFFECTIVE DATE**

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

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Jones	Aye
Councilman Hathaway	Aye
Councilman Barnes	Absent

The Clerk declared the foregoing duly carried.

- A Short Environmental Assessment Form was completed for proposed local law #2 of 2014. Motion by Councilmen Hathaway and Coon to adopt:

**#52 RESOLVED:** based on the information and analysis of the SEQR assessment, proposed local law #2 of 2014 will not result in any significant adverse environmental impacts.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Jones	Aye
Councilman Hathaway	Aye
Councilman Barnes	Absent

The Clerk declared the foregoing duly carried.

Motion by Councilmen Coon and Jones to adopt:

**#53 RESOLVED:** That this Town Board does hereby enact Local Law #2 of the year 2014 entitled “A local law to pass along costs of professional services to developers” as follows

**§1. Legislative findings, intent and purpose.**

A. The Town Board hereby finds and determines that in order to protect and safeguard the Town of DeRuyter, its residents and their property with respect to certain land developments and projects within the Town, all buildings and related improvements, highways, drainage facilities, utilities and parks within developments and projects should be designed and constructed in a competent and worker-like manner and in conformity with all applicable governmental laws, codes, rules and regulations and should be dedicated and conveyed to the Town in a legally sufficient manner. To assure the foregoing, it is essential for the Town to have and to retain competent engineers and other professional consultants to review and approve plans and designs, make recommendations to the Town Board, Planning Board and Zoning Board of Appeals, inspect the construction of highways, drainage facilities, utilities and parks to be dedicated to the Town and to recommend their acceptance by the Town and for the Town to have and retain competent attorneys to assist in the application review process, to negotiate and draft appropriate agreements with developers, to obtain, review and approve necessary securities, insurance and other legal documents, to review proposed deeds and easements to assure that the Town is obtaining good and proper title, to render legal opinions and to

generally represent the Town with respect to any legal disputes and issues which may arise regarding such developments and projects. The cost of retaining such competent engineers, attorneys and other professional consultants should ultimately be paid by those who seek to benefit from such developments and projects, including variances, controlled site approvals, specific permits or uses rather than by general Town funds which are raised by assessments and/or general taxes paid by taxpayers of the Town.

B. This chapter is enacted by local law under the authority of Municipal Home Rule Law § 10, Subdivision 1(ii)(a)(12) and (d)(3), and the Municipal Home Rule Law § 22. To the extent that Town Law §§ 274-a, 276 and 277 do not authorize the Town Board, Town Planning Board and/or the Town Zoning Board of Appeals to require reimbursement to the Town of legal, engineering and other professional consulting fees, expenses and costs incurred by the Town in connection with the review and consideration of applications for subdivision approval, for the approval, amendment or extension of a district and for the review and consideration of applications for variances, controlled site plans and specific permits under the Code, it is the expressed intent of the Town Board to change and supersede such statutes. More particularly, to the extent that such statutes do not authorize the deferral or withholding of such consideration, review, acceptance or approvals in the event that such fees, expenses and costs are not paid to the Town, it is the expressed intent of the Town Board to change and supersede Town Law §§ 274-a, 276 and 277 to empower the Town to require such payment as a condition to such consideration, review, acceptance or approvals.

## **§ 2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

### **APPLICANT**

Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the DeRuyter Planning Board, Zoning Board of Appeals or Town Board to approve a subdivision and/or to grant an application for a variance, a controlled site plan or a specific permit.

### **DEVELOPER**

Any person, firm, partnership, association, corporation, company or organization of any kind who or which constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with a development with the intent to convey or dedicate the same to the Town, or requests the Town to create a district, or requests the Town to approve an application for a subdivision, variance, controlled site plan or specific permit.

### **DEVELOPMENT**

Includes, but is not limited to a subdivision or a district.

**DISTRICT**

Any special district under the Town Law.

**DRAINAGE FACILITY**

All surface water drainage facilities, including but not limited to detention and retention basins, storm sewers and their appurtenances, drainage swales and ditches and any easements through or over which such facilities may be constructed or installed within or in conjunction with a development.

**HIGHWAY**

Includes, but is not limited to a street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, driveway, overpass or underpass and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders and sidewalks within or in conjunction with a development.

**PARK**

An area of land located within a development which is open to the public and devoted to active or passive recreation.

**PLANNING BOARD**

The Planning Board of the Town of DeRuyter.

**SUBDIVISION**

A subdivision of land as defined in the Town of DeRuyter subdivision regulations.

**SUPERVISOR**

Supervisor of the Town of DeRuyter.

**TOWN**

The Town of DeRuyter.

**TOWN BOARD**

The Town Board of the Town of DeRuyter.

**UTILITIES**

All water, sanitary sewer, gas, electric, telephone and cable television facilities and any easements through or over which said facilities may be constructed or installed within or in conjunction with a development.

**ZONING BOARD OF APPEALS**

The Zoning Board of Appeals of the Town of DeRuyter.

**§ 3. Reimbursement of fees and expenses.**

**A. Subdivisions.**

(1) An applicant for approval of a subdivision in the Town shall reimburse the Town for all reasonable and necessary legal, engineering, and other professional consulting fees, expenses and costs incurred by the Town in connection with the review and consideration of such subdivision.

(2) A developer who constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with an approved subdivision in the Town shall reimburse the Town for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the Town in connection with the inspection and acceptance by the Town of such highways, drainage facilities, utilities and parks and the dedication of the same to the Town.

**B. Districts.**

(1) An applicant for approval, amendment or extension of a district in the Town shall reimburse the Town for all reasonable and necessary legal, engineering, and other professional consulting fees, expenses and costs incurred by the Town in connection with the review and consideration of said application.

(2) A developer who constructs or proposes to construct one or more buildings, highways, drainage facilities, utilities or parks within or in conjunction with a district in the Town shall reimburse the Town for all reasonable and necessary legal, engineering, and other professional consulting fees and expenses incurred by the Town in connection with the granting of any building permit and in connection with the inspection and acceptance by the Town of such highways, drainage facilities, utilities and parks and the dedication of the same to the Town.

**C. Variances, controlled site plans and specific permits.** An applicant or developer making application for the approval of a controlled site plan or a specific permit or seeking approval of an application for a variance shall reimburse the Town for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the Town in connection with the review and consideration of such application.

**§ 4. Deposit of funds; payment of fees.**

**A.** Simultaneously with the filing of an application for approval of a development or the filing of an application for approval of a variance, a controlled site plan or a specific permit, the applicant or developer, as the case may be, shall deposit with the Town Supervisor a sum of money, as determined in accordance with the schedule of deposits fixed by the Town Board pursuant to this chapter, which sum shall be used to pay the reasonable and necessary fees,

expenses and costs incurred by the Town for legal, engineering and other professional consulting services as described this chapter.

B. Upon receipt of such sums, the Supervisor shall cause such monies to be placed in a separate non-interest-bearing account in the name of the Town and shall keep or cause to be kept a separate record of all such monies so deposited and the name of the applicant or developer and the application and development for which such sums were deposited.

C. Upon receipt and approval by the Supervisor of itemized vouchers from an attorney, engineer and/or other professional consultant for services rendered on behalf of the Town pertaining to the development or the application for a variance, controlled site plan or specific permit, the Supervisor shall cause such vouchers to be paid out of the monies so deposited and shall debit the separate record of such account accordingly. The Supervisor shall furnish copies of such vouchers to the applicant or developer immediately after such vouchers are submitted to the Town.

D. The Supervisor, on behalf of the Town and subject to audit and review by the Town Board, shall review and audit all such vouchers and shall approve payment of only such legal, engineering, and/or other professional consulting fees, expenses and costs as are reasonable in amount and necessarily incurred by the Town in connection with the review, consideration and approval of developments, the inspection and acceptance of highways, drainage facilities, utilities and parks within or in conjunction with such developments, and the review, consideration and approval of applications for variances, controlled site plans and specific permits. For purposes of the foregoing, a fee or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by engineers or attorneys to the Town for services performed in connection with approval or construction of a similar development of project, and in this regard the Town may take into consideration the size, type, value and number of buildings to be constructed, the amount of time to complete the development or project, the topography of the land on which such development is located, soil conditions, surface water, drainage conditions, the nature and extent of highways, drainage facilities, utilities and parks to be constructed and any special conditions or considerations the Town may deem relevant. For purposes of the foregoing, a fee, expense or cost, or part thereof is necessarily incurred if it was charged by the attorney, engineer or other professional consultant for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Town, protect public or private property from damage from uncontrolled surface water runoff and other factors, to assure the proper and timely construction of highways, drainage facilities, utilities and parks and otherwise to protect the legal interests of the Town, including receipt by the Town of good and proper title to dedicated highways and other facilities and the avoidance of claims and liability and such other interests as the Town may deem relevant or to assure the proper and timely review and consideration of an application for a variance, controlled site plan or a specific permit.

E. If at any time during or after the processing of such application or the construction, inspection or acceptance of buildings, highways, drainage facilities, utilities or parks or during or after the processing of an application for a variance, controlled site plan, or specific permit there shall be insufficient monies on hand to the credit of such applicant or developer to pay the approved vouchers in full, or if it shall reasonably appear to the Supervisor that such monies will be insufficient to meet vouchers yet to be submitted, the Supervisor shall cause the applicant or developer to deposit additional sums as the Supervisor deems reasonably necessary or advisable in order to meet such fees, expenses and costs or anticipated fees, expenses and costs.

F. In the event that the applicant or developer fails to deposit such funds or such additional funds, the Supervisor shall notify the Town Board and, as applicable, the Chair of the Planning Board, the Chair of the Zoning Appeals Board, and the Town's Codes Enforcement Officer of such failure, and any review, approval, building permit or certificates of occupancy shall be withheld by the appropriate board, officer or employee of the Town until such monies are deposited.

G. After final approval, acceptance and/or the issuance of a certificate of occupancy relating to any specific development, or any requested variance, controlled site plan or specific permit and after payment of all approved vouchers submitted regarding such development or application, any sums remaining on account to the credit of such applicant or developer shall be returned to such applicant or developer, along with a statement of the vouchers so paid.

#### **§ 5. Deposit amounts.**

The amount of the initial deposit for the various developments and/or applications covered by this chapter shall be as set forth in a schedule of deposits established from time to time by the resolution of the Town Board. The schedule shall remain in effect and shall apply to all applicants and developers until amended or revised by subsequent resolution of the Town Board.

#### **§ 6. Application fees.**

The deposits required by this chapter shall be in addition to any application fees as may be required by other laws, rules, regulations or ordinances of the Town of DeRuyter, the County of Madison, the State of New York or of any other body having jurisdiction with respect to a development, drainage facility, highway, utility or park or to an application for a variance, controlled site plan or a specific permit and shall not be used to defray either the Town's general expenses for legal, engineering or other professional consulting fees, expenses or costs for the several boards of the Town or its general administration expenses.

**§ 7. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Jones	Aye
Councilman Hathaway	Aye
Councilman Barnes	Absent

The Clerk declared the foregoing duly carried.

**NEW BUSINESS:**

- Town Hall Damage – a second floor window was broken by a boy throwing rocks. His father brought him to the library to apologize but she directed them to speak with Supervisor Degear. The Madison County Sheriff’s office has been contacted.
- New York State Retirement – motion by Councilmen Jones and Hathaway to adopt:

**#54 RESOLVED:** WHEREAS, The office of the State comptroller New York State and Local Employees’ Retirement System requires that a Standard Work Day and Reporting Resolution be established for retirement credit reporting purposes for elected and appointed officials;

NOW, THEREFORE, BE IT RESOLVED, that the Town of DeRuyter hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk:

Title	Name	Standard Work Day(Hrs/Day)	Term Begins/Ends	Days/Period (Based on Record of Activities)	Pay Period
<b>**Elected Officials**</b>					
Highway Superintendent	Walter Cook	8	1/1/2014-12/31/2015	10	Bi-weekly
Supervisor	Daniel Degear	6	1/1/2014-12/31/2015	3.39	Bi-weekly
Councilman	Edwin Coon	6	1/1/2012-12/31/2015	1	Quarterly
<b>**Appointed Officials**</b>					
Code Enforcement Officer	Roger Cook	6	1/1/2014-12/31/2014	4.26	Monthly

Assessor	Stephen Harris	6	10/1/2013-09/30/2019	3.42	Monthly
Budget Officer	Daniel Degear	6	1/1/2014-12/31/2014	3.39	Bi-weekly
Deputy Supervisor	Edwin Coon	6	1/1/2014-12/31/2014	1	Yearly

The roll call vote was taken with the following results:

Supervisor Degear	Aye
Councilman Coon	Aye
Councilman Jones	Aye
Councilman Hathaway	Aye
Councilman Barnes	Absent

The Clerk declared the foregoing duly carried.

- Empire State Purchasing Group – provides a way for local governments to more effectively notify vendors of RFP and bid opportunities while increasing efficiency and lowering costs. Board members agree that we should use this group.
- Community Promotion Brochure – Madison County Industrial Agency has designed a brochure, with input from Supervisor Degear, promoting DeRuyter to be distributed to area Real Estate agencies and others.

**PUBLIC COMMENTS:**

- Jim Haskins spoke about Dominion Transmission’s plan to build a new compressor station in the Town of Georgetown. He stated that he doesn’t want this Board to be fooled into thinking this won’t be hydro-fracking. He also has concerns about noise, air and water pollution.
- With this Board’s approval, Liz Haskins written statement follows: Good evening. My name is Liz Haskins and I live on route 80 in the township of DeRuyter approximately a quarter of a mile west of Wilcox Road. I have lived in Sheds for the past 41 years and my voice is one of a growing number of concerned citizens residing in Sheds. We are here to express our strong opposition to the building of a natural gas compressor station on Wilcox Road in the township of Georgetown as proposed by Dominion Transmission Inc.

Initially my concern was that a commercial building did not belong in this quiet and beautiful rural community. It was after learning what a compressor station is and the harmful effects such a facility has on the surrounding areas that we as a group are compelled to speak out against this.

The hamlet of Sheds and surrounding towns and villages are agricultural communities. Many residents raise gardens and livestock for consumption. The area is a habitat for migratory songbirds in both the winter and summer months. The Tioughnioga River that feeds into the Chesapeake Bay flows on the northside of the proposed building site. I am told the Tioughnioga is a protected and registered trout stream. The air is clean and supports good health for residents especially those who suffer with severe asthma and allergies.

Studies indicate that compressors emit harmful pollutants including volatile organic compounds, nitrogen oxides, formaldehyde and greenhouse gasses. Health risks associated with these pollutants include cancer, poor brain function, autism, nerve damage, respiratory problems and chronic disease.

We live in this community because we love the country. We live away from pollution and noise. The building of this facility robs us of our civil rights that include “the ensuring of peoples' physical and mental [integrity](#), [life](#) and [safety](#) “ ([http://en.wikipedia.org/wiki/Civil\\_and\\_political\\_rights](http://en.wikipedia.org/wiki/Civil_and_political_rights)).

I want to thank you Mr. DeGear for sending your letter dated April 1, 2014 informing us of the public information session held in Georgetown on April 22 and for speaking with me this past Sunday. I also thank you for obtaining and providing me with the minutes of the town board meetings for Georgetown.

We realize that the town of DeRuyter is not the municipality that approves or denies the building of this station however we are here to ask that you carry our message to the Madison County board of supervisors. We understand that some of you may not agree with our stance and that is your right. We only ask that you fulfill your responsibility as an elected official to first protect the citizens you serve and to fairly represent our views.

If you have not yet studied compressor stations I encourage you to please visit [stopmcs.org](http://stopmcs.org). It is frightening.

Thank you for your time.

- Jamie Tousant – opposed to compressor station
- Joe Yankowski – referenced newspaper article on use of brine.
- Jo Newton – stated that the compressor plant being considered for construction on their property is not hydro-fracking and will help the Town of Georgetown.

**OTHER BUSINESS:**

- Supervisor Degear reported on the Resilience Forum in San Francisco that he attended representing Madison County. The forum outlined how to make sure a community is prepared for emergencies but also how to recover from disasters. Our hazardous mitigation plan will be undergoing further review.
- Motion by Councilmen Hathaway and Jones to enter into executive session at 8:25 as per Public Officers Law, §105(f) to discuss the employment history of a particular person(s). All in favor and carried.
  - Motion by Councilmen Coon and Jones to end the executive session at 8:45. All in favor and carried.
  - Motion by Councilmen Hathaway and Jones to pay bills as audited:

Abstract #1007	\$22,806.54
Abstract #1008	\$8,347.94

All in favor and carried.

- Motion by Councilmen Hathaway and Jones to accept the Supervisor's statement. All in favor and carried.
- Motion by Councilmen Coon and Jones to adjourn. All in favor and carried.

Respectfully submitted,

Rebecca Wightman  
Town Clerk