PROPOSED TOWN BOARD AGENDA (SUBJECT TO CHANGE) FEBRUARY 11, 2015 at 7:00 P.M.

Butler Memorial Hall

I. MINUTES

A. January 14, 2015

II. PUBLIC HEARINGS

- A. Local Law Introductory "A" (Electrical Standards)
 - 1. Action (Adopt/Defer/Reject)
- B. Local Law Introductory "B" (Fire Prevention/Bldg Code Adm/Enforcement
 - 1. Action (Adopt/Defer/Reject)
- C. Local Law Introductory "C" (Zoning)
 - 1. Awaiting response from County Planning

III. PUBLIC PRESENTATIONS

IV. REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

- A. Parks & Recreation Committee Councilman Reynolds
 - 1. Recreation Center Pro Shop agreement
- B. Senior Citizen Committee Councilman Reynolds
 - 1. Budget changes
- C. Library Committee Councilman Reynolds
 - 1. In-kind services for Library

V. MATTERS SUBMITTED BY COUNCILMEN / ATTORNEY / DEPUTY SUPERVISOR

- A. Town Attorney
 - 1. Resolution to refer Baldwin matter to NYSDOT

VI. MATTERS SUBMITTED BY TOWN SUPERVISOR

- A. Financial and other routine reports
 - 1. Audit of vouchers
- B. Miscellaneous communications
- C. Unfinished Business
- D. New Business
 - 1. 2015 Fire Contracts
 - 2. Shared services agreement with Library
 - 3. Inter-municipal Agreement w/Village Building Code/enforcement

A Local Law to amend the Code of the Town of New Hartford, Chapter 59 thereof entitled ELECTRICAL STANDARDS by repealing and replacing the existing Chapter 59 with the text adopted herein.

BE IT ENACTED by the Town Board of the Town of New Hartford, as follows:

SECTION 1. Chapter 59 (ELECTRICAL STANDARDS) of the Code of the Town of New Hartford is hereby repealed in its entirety and is hereby replaced with the following text:

Chapter 59
Electrical Standards

59-1 Title.

This chapter shall be known as the "Electrical Code of the Town of New Hartford."

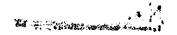
59-2 Legislative intent.

Whereas it is in the best interest of the public safety, health and welfare that all work concerning electrical installations and alterations or wiring for electric power in excess of 50 volts on all real property within the Town of New Hartford, New York, be made subject to the National Electrical Code (NEC), also known as the "National Fire Protection Association Standard No. 70," as amended, as approved and adopted by New York State, and whereas, in order to ensure that the provisions of said National Electrical Code are enforced in the Town of New Hartford, New York, it is necessary that inspection services be performed therein by duly qualified and responsible agencies, requiring the registration of inspection agencies, this article is hereby enacted to provide for the registration of approved electrical inspection agencies within the Town of New Hartford, New York.

59-3 Designation of approved agencies.

An "approved agency" hereunder shall mean any person, firm or corporation engaged in the business of performing electrical inspections; provided, however, that:

- A. Such agency is duly qualified to do business in the State of New York.
- B. Such agency is acceptable, as an independent electrical inspection agency, to the electrical utility or utilities furnishing electrical energy in and to the Town of New Hartford, New York.
- C. All persons acting in a capacity as an electrical inspector shall be certified by either the International Association of Electrical Inspectors (Certified Electrical Inspector Master) or the International Codes Council as an electrical inspector (E1 and E2), or the latest equivalent rating by either organization. The certification shall be filed with the Town of New Hartford Codes Department and remain in full force and effect at all times such inspector conducts inspections of electrical installations in the Town of New Hartford. An approved electrical inspection agency shall file with the Codes Department a copy of the certification for each electrical inspector who shall operate on its behalf within the Town.
- D. Such agency shall file with the Codes Department suitable proof of current liability insurance of not less than \$3,000,000, including errors and omissions, for each person and each occurrence



and name the Town of New Hartford as "additionally insured" to satisfy claims or judgment for property damage and/or personal injury arising out of failure of its inspector to properly discharge his duties and responsibilities. Additionally, all agencies shall maintain the required workers compensation and disability coverage naming the Town of New Hartford a certificate holder.

- E. Such agency shall pay an annual fee of \$1000.00 for their primary inspector and an additional fee of \$250.00 for each additional inspector employed to perform inspections in the Town of New Hartford. Registration shall commence on the first working day of December and end on the last working day of December for the subsequent year. Registration may occur later but applicant will not be afforded a prorated fee.
- F. Such agency shall provide the Town with a schedule of fees for the calendar year in which they are applying and in no case change those fees during that year unless a 60 day advance notice is given to the Town.
- G. The Town Board may at any time, upon its own initiative or upon the recommendation of the Code Enforcement Officer, terminate the authority of any authorized electrical inspection agency or electrical inspector to conduct electrical inspections hereunder and the Code Enforcement Officer may upon the noncompliance by such agency or inspector with the provisions herein or upon the inconsistent application of the standards for electrical installations to different premises by either, suspend the approval of any such agency or inspector upon notice to the Town Board, which suspension shall continue until further action by the Town Board. Any registration fee paid shall not be reimbursed unless the Town Board resolves to reimburse said agency.
- H. Each approved electrical inspection agency is hereby authorized to conduct inspections and re-inspections of electrical installations in buildings and premises within the Town of New Hartford, for compliance with the Electrical Code, and to approve or disapprove the same, and in no event shall the cost or expense of such inspections and/or re-inspection be a charge to the Town of New Hartford, and all costs for inspections or re-inspection required by this section shall be paid by the applicant. Each certified inspector of an approved electrical inspection agency is hereby designated and authorized to serve as an electrical inspector for the Town of New Hartford.
- I. No electrical inspector or electrical inspection agency approved hereunder shall inspect and approve or issue a certificate of compliance for any property for which there has been issued a notice of noncompliance by another electrical inspector or electrical inspection agency authorized hereunder unless the inspection of corrected work was required by the Code Enforcement Officer of the Town of New Hartford.

59-4 Duties of inspector.

A. It shall be the duty of the inspector to report, in writing, to the Code Enforcement Officer, whose duty shall be to enforce all the provisions of this chapter, all violations or deviations from or omissions of the Electrical Code or the electrical provisions of the New York State Uniform Fire Prevention and Building Code, Editor's Note: See Ch. 65, Fire Prevention and Building Code Administration and Enforcement as

referred to in this chapter, insofar as any of the same apply to electrical wiring and installations in the Town of New Hartford, upon written request of the Code Enforcement Officer.

- B. The inspector is authorized to make inspections and re-inspections of electrical wiring, installations, devices, appliances and equipment in and on properties within the Town of New Hartford where necessary for the protection of life and property.
- C. An emergency, or in the event a questionable electrical installation is observed by a Code Enforcement Officer of the Town of New Hartford, the Code Enforcement Officer may request that any approved agency perform an inspection of suspected violations and the subsequent costs of which shall be paid for by the property owner or contractor. Any agency called in these situations shall be the agency of record and shall continue as the inspection agency of record until all violations are remedied or until their contract is fulfilled.
- D. In all cases, all approved electrical inspection agencies must immediately notify the Town of New Hartford Codes Department electronically of all applications and initial inspections of electrical installations, describing the extent of the work being inspected.
- E. It shall be the duty of the approved electrical inspector to furnish written reports to the Code Enforcement Officer of the Town of New Hartford and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall also authorize the issuance of a certificate of compliance when electrical installations and equipment are in conformity with this chapter and the Electrical Code and only when the prerequisite inspections have taken place. A copy of such certificate shall be sent to the Town of New Hartford to the attention of the Code Enforcement Officer and include the building permit number on the report where applicable. Certificates shall be sent electronically within 48 hours of final inspection and a hard copy is to follow no later than 10 days after final inspection detailing the extent of the inspection.
- F. All approved electrical inspectors shall be required to provide a cellular telephone number and e-mail address by which the Town of New Hartford Codes Department can contact each inspector.
- G. All approved electrical inspectors will be provided with identification cards which must be displayed at all times during an inspection in the Town of New Hartford.

59-5. Adoption of standards.

Chapter 65 of The Code of the Town of New Hartford accepts the New York State Uniform Fire Prevention and Building Code (Uniform Code) as the building code standard for the Town of New Hartford. Since the Uniform Code accepts "National Fire Protection Association Standard No. 70" (NEC) as the reference standard for electrical codes, the latest version of the NEC or NFPA 70 adopted by the Uniform Code shall be the accepted standard for the Town of New Hartford.

59-6. Prohibitions.

A. It shall be a violation of this article for any person, firm or corporation to install or cause to be installed or alter electrical wiring (50 volts or greater) in or on properties of the Town of New Hartford, New York, without obtaining an electrical compliance certificate from an approved electrical inspector of the Town of New Hartford.

B. In no case, shall an electrical survey be substituted for a full electrical inspection on new electrical installations. In the event an electrical inspection is requested or ordered, after electrical work has been concealed, it shall be the responsibility of each approved electrical inspector to require any concealed wiring be exposed for the purposes of inspection to his/her satisfaction so he/she may issue a certificate of compliance.

C. It further shall be a violation of this article for a person, firm or corporation to connect or cause to be connected electrical wiring 50 volts or greater) in or on properties in the Town of New Hartford, New York, or power to any source of electrical equipment prior to the issuance of a temporary certificate or a certificate of compliance by an approved electrical inspection agency.

D. Further it shall be a violation for any approved electrical inspection agency to issue a certificate of compliance without making a thorough inspection of electrical work.

59-7. Penalties for offenses.

Any person, firm or corporation violating any provision of this article shall be deemed guilty of a violation and, upon conviction thereof, shall be liable to a civil penalty of a fine and/or imprisonment as prescribed in Chapter 118-24 of the Code of the Town of New Hartford. Each separate day or any portion thereof during which any violation occurs or continues shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided.

59-8. Cost of services.

The services performed by such approved agency shall be rendered without cost to the Town of New Hartford, New York; provided, however, that nothing herein contained shall prevent such agency from charging fees to private applicants for its said services in accordance with its published schedule of fees, as the same may be amended from time to time, which said schedules shall be on file with the Town Clerk.

SECTION 2. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall take effect April 1,2015 and upon filing with the Secretary of State.

TOWN OF NEW HARTFORD, NY LOCAL LAW OF 2015

A Local Law to amend the Code of the Town of New Hartford, CHAPTER 65 thereof entitled FIRE PREVENTION AND BUILDING CODE ADMINISTRATION AND ENFORCEMENT, Section 65-17. Enforcement; penalties for offenses.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 65 of the Code of the Town of New Hartford, Section 65-17.C (Civil Penalties) is hereby amended to read as follows:

Change Section 118-80 to Section 118.24

SECTION 2. Chapter 65 of the Code of the Town of New Hartford, Section 65-18 (Fees) is hereby amended to read as follows:

• Change Section 118-93 to Section 118-40

SECTION 3. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall take effect April 1, 2015 and upon filing with the Secretary of State.

Date: , 2015

TOWN OF NEW HARTFORD, NY LOCAL LAW OF 2015

A Local Law to amend the Code of the Town of New Hartford, CHAPTER 118 thereof entitled ZONING, Section 118-65. (Outdoor storage accessory to residential uses), and Schedule A (Attachment 3), Permitted Uses (Home Occupations, Type 1 and 2).

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 118 (Zoning) of the Code of the Town of New Hartford, Section 118-65 (Outdoor storage accessory to residential uses) is hereby amended to read as follows:

Change Section 118-81 to Section 118.80

SECTION 2. Chapter 118 (Zoning) of the Code of the Town of New Hartford, Schedule A (Attachment 3) Permitted Uses is hereby amended to read as follows:

Home occupations - the subscripts Type 1 and 2 for home occupations are hereby reversed

SECTION 3. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall take effect April 1, 2015 and upon filing with the Secretary of State.

Date: 2015

Young, Gail From: Jeffery, Mike Friday, February 06, 2015 7:19 AM Sent: Young, Gail To: RE: Agenda - Town Board 02/11/2015 Subject: From: Young, Gail Sent: Thursday, February 05, 2015 3:42 PM To: Booth, Joe; Cully, Herb; Darlene Abbatecola; Dreimiller, Dan; Inserra, Michael S.; james.messa@yahoo.com; Jeffery, Mike; M. Eileen Spellman; Miscione, Paul; New Hartford Supervisor; O'Sullivan, Janice; Reynolds, David M.; Richard Woodland Jr. (E-mail); Schwenzfeier, Barb; Sherman, Richard C.; Tyksinski, Patrick M. Subject: Agenda - Town Board 02/11/2015 Please accept my apology for the tardiness of this request.....it's been busy with the tax collection process and this slipped my mind. In order to prepare the agenda for the February 11, 2015 Town Board Meeting, it will be necessary that I receive from you any matter(s) which you feel should be discussed at that meeting. Please check applicable statements: No matters to be considered Place the following on the Agenda: Recreation Center Pro Shop agreement

This information must be received in my office no later than 4:00 P.M. on Friday, February 6, 2015. DEPARTMENT HEADS – PLEASE REMEMBER THE NEW PROCEDURE -- TO DISCUSS YOUR MATTERS WITH YOUR STANDING COMMITTEE MEMBERS, THE CHAIRPERSON OF WHICH MUST SEND ME AN E-MAIL TO ADD YOUR ITEMS TO THE AGENDA.

IN ADDITION, DUE TO CHANGES IN STATUTE THAT BECAME EFFECTIVE FEBRUARY 2, 2012, REQUIRING THE POSTING OF THE AGENDA AND SUPPORTING DOCUMENTS ON THE TOWN'S WEBSITE, IT WILL BE NECESSARY FOR YOU TO FURNISH ME WITH BACKGROUND INFORMATION RELATED TO THE SUBJECT(S) YOU ARE PLACING ON THE AGENDA, INCLUDING BUT NOT LIMITED TO PROPOSED LEGISLATION, COMMUNICATIONS, ETC. IF YOU HAVE ANY QUESTIONS IN THIS REGARD, PLEASE CONTACT ME AT YOUR EARLIEST CONVENIENCE. I MUST ASK FOR YOUR COOPERATION IN SUPPLYING ME WITH THE DOCUMENTS BY THE THURSDAY DATE NOTED ABOVE, AS THIS CAN BE A TIME-CONSUMING TASK AND MUST BE ON THE WEBSITE PRIOR TO THE TOWN BOARD MEETING.

Thank you!

Young, Gail

From: Sent: To: Subject:	Eileen Spellman Thursday, February 05, 2015 4:04 PM Young, Gail RE: Agenda - Town Board 02/11/2015
Eileen Spellman Director of Senior Services New Hartford Senior Center Email: <u>Espellman@town.new-hartfo</u> Ph: 315-724-8966	<u>rd.ny.us</u>
Mike; M. Eileen Spellman; Miscio	015 3:42 PM lene Abbatecola; Dreimiller, Dan; Inserra, Michael S.; <u>james.messa@yahoo.com</u> ; Jeffery ne, Paul; New Hartford Supervisor; O'Sullivan, Janice; Reynolds, David M.; Richard eier, Barb; Sherman, Richard C.; Tyksinski, Patrick M.
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Please check applicable stateme	nts:
No matters to be conside	ered
_x Place the following on th	e Agenda:
BudgetChanges	
	
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MEMBERS, THE CHAIRPERSON OF WHICH MUST SEND ME AN E-MAIL TO ADD YOUR ITEMS TO THE AGENDA.

IN ADDITION, DUE TO CHANGES IN STATUTE THAT BECAME EFFECTIVE FEBRUARY 2, 2012, REQUIRING THE POSTING OF THE AGENDA AND SUPPORTING DOCUMENTS ON THE TOWN'S WEBSITE, IT WILL BE NECESSARY FOR YOU TO FURNISH ME WITH BACKGROUND INFORMATION RELATED TO THE SUBJECT(S) YOU ARE PLACING ON THE AGENDA, INCLUDING BUT NOT LIMITED TO PROPOSED LEGISLATION, COMMUNICATIONS, ETC. IF YOU HAVE ANY QUESTIONS IN THIS REGARD, PLEASE CONTACT ME AT YOUR EARLIEST CONVENIENCE. I MUST ASK FOR YOUR COOPERATION IN SUPPLYING ME WITH THE DOCUMENTS BY THE THURSDAY DATE NOTED ABOVE, AS THIS CAN BE A TIME-CONSUMING TASK AND MUST BE ON THE WEBSITE PRIOR TO THE TOWN BOARD MEETING.

INTER-MUNICIPAL AGREEMENT RELATIVE TO THE PROVIDING OF BUILDING CODE ENFORCEMENT SERVICES

This Agreement, made as of the ____ day of ______, 2015, by and between the Town of New Hartford, New York ("Town"), a municipal corporation with its offices and principal place of business located at 48 Genesee Street, New Hartford, New York and the Village of New Hartford, New York ("Village"), a municipal corporation with its offices and principal place of business located at 48 Genesee Street, New Hartford, New York.

WITNESSETH:

WHEREAS, the Town acknowledges having a fully-staffed and functioning office designated the Codes Enforcement Office ("Department") for the administration and enforcement of building codes regulations and related matters with sufficient capacity to meet the obligations set forth herein; and

WHEREAS, the Village desires to contract with the Town for building codes administration and enforcement and related services ("Building Code Services") by the Department; and

WHEREAS, the Town is willing to provide such Building Code Services on the terms and conditions set forth herein; and

WHEREAS, municipal corporations have the authority under the New York State General Municipal Law to enter into agreements for the performance among themselves of their respective functions, powers and duties;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. Administration

a) The Department shall furnish and administer the Building Code Services on behalf of the Village for the term of this Agreement. To this end, any authority heretofore conferred on the Village Code Enforcement Officer, pursuant to the New York State Uniform Fire Prevention and Building Code ("UFPBC") is hereby conferred upon the Department. Such Building Code Services shall include, without limitation, consultation with applicants regarding building and related applications; review of plans and other required applications; possible interfacing with the Village Board, Village Planning Board and Village Zoning Board of Appeals; issuance of building permits, certificates of occupancy, notices of violation, summonses, stop work orders and related documents; appearance in Justice Court as appropriate; investigation of bona fide

complaints in buildings; property inspections; construction inspections; and administration and enforcement of the UFPBC, including fire inspections on existing structures, such as public assembly, multi-family and non-residential structures.

b) The Department, in carrying out the duties described herein shall follow its normal policies and procedures to the extent that such policies and procedures do not conflict with Village planning, building and zoning regulations or any other applicable state or local law, regulation or procedure.

2. General Terms

- a) The term of this Agreement shall commence on January 1, 2015 and continue for a period of twelve (12) months through December 31, 2015.
- b) The **Department** shall provide all forms and applications necessary in relation to the **Building Code Services**. They must notify the Village of New Hartford within twenty-four (24) hours of any applications submitted or any action on any permit.
- c) The Village shall adopt a Building Permit Fee Schedule to coincide with the Town's building permit fee schedule.
- d) The Department shall maintain a record of all activities related to the Building Code Services and shall provide reports thereof to the Village Board, as well as such other reports as may from time to time be reasonably requested by the Village Mayor.
- e) This Agreement shall be terminable by either party upon at least ninety [90] days prior written notice by either party to the other. In the event of the termination of this Agreement by either party, any amounts due under the agreement, or already paid, shall be pro-rated.

3. Payment

- a) The Village shall pay the Town at the annual rate of Six Thousand Dollars [\$6,000] ("Contract Price") payable as follows:
 - 1) Three Thousand Dollars (\$3,000) to be paid on February 1, 2015
 - 2) Three Thousand Dollars (\$3,000) to be paid on August 1, 2015

INTER-MUNICIPAL AGREEMENT Building Code Enforcement Services January 2015

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b) The fees collected by the **Town** for **Village** permits shall be shared 50/50 between the two municipalities. Fees shall be delivered by the Town Clerk to said **Village** not later than the 15th of the month as follows:

EX:

January 2015 Fees - not later than February 15, 2015 February 2015 Fees - not later than March 15, 2015 March 2015 Fees - not later than April 15, 2015.

4. Miscellaneous

- a) This Agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.
- b) All notices hereunder shall be in writing, mailed first-class, certified or registered or delivered by hand to the address of the party as set forth on page one [1] of this Agreement, or to such other address as such party may designated from time to time by such notice, and shall take effect when mailed or when received if delivered by hand.
- c) It is expressly agreed that the **Town** shall not be an employee of the Village in performing the **Building Code Services** hereunder.

IN WITNESS WHEREOF, the parties have indicated their agreement by signing in the spaces provided below.

TOWN OF NEW HARTFORD	VILLAGE OF NEW HARTFORD
Patrick M. Tyksinski, Town Supervisor Date:	Donald J. Ryan, Village Mayor Date: 2/11/15
SEAL	SEAL

INTER-MUNICIPAL AGREEM Building Code Enforcement Serv January 1, 2015				
STATE OF NEW YORK COUNTY OF ONEIDA TOWN OF NEW HARTFORD) : SS)			
On this day of 20, before me personally came Patrick M. Tyksinski, to me known, who being by me duly sworn, did depose and say that he is the Supervisor of the Town of New Hartford, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to this instrument is such corporate seal; and that it was affixed pursuant to a resolution of the Town Board of said corporation and that he signed his name thereto by like order.				
	NOTARY PUBLIC — Oneida Co., NY My Commission Expires//			
STATE OF NEW YORK COUNTY OF ONEIDA VILLAGE OF NEW HARTFORD) : SS)			
On this <u>it</u> day of <u>February</u> 2013, before me personally came Donald J. Ryan, to me known, who being by me duly sworn, did depose and say that he is the Mayor of the Village of New Hartford, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to this instrument is such corporate seal; and that it was affixed pursuant to a resolution of the Board of Trustees of said corporation and that he signed his name thereto by like order.				

Janet M. Buse NOTARY PUBLIC – Oneida Co., NY My Commission Expires 16 116 117.

JANET M. DURR
Notary Public, State of New York
Qualified in Onelda County
Reg. No. 01DU5050310
My Commission Expires 10-10-20 / 7