

Parma Town Board meeting held on Tuesday, January 3, 2023, at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

ATTENDANCE

Supervisor	James Roose
Councilperson	Linda Judd
Councilperson	Tina Brown
Councilperson	Dave Ciufu
Councilperson	Mark Acker (excused)
Town Clerk	Carrie Fracassi
Building & Development Coordinator	Mark Lenzi
Dir. of Parks and Recreation	Tom Venniro
Highway Supt.	Jim Christ

OTHERS IN ATTENDANCE

Amy Hogue, Library Director; Mike Weldon, Rick Nawrocki, Bruce Sprague.

CALL TO ORDER

Supervisor Roose called the meeting to order at 6:30 p.m. and led those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Emergency exit procedures were noted.

ORGANIZATIONAL MEETING

SUPERVISOR APPOINTMENTS FOR 2023

APPOINTED POSITION	2022	2023
Deputy Supervisor	Tina Brown	Tina Brown
Director of Finance	Diana Christodaro	Diana Christodaro
Secretary to the Supervisor	Kimberly Ledtke	Laura Siracuse
Historian PT	Dave Crumb	Dave Crumb
Historian PT	James Stilson	James Stilson

TOWN CLERK APPOINTMENTS FOR 2023

APPOINTED POSTION	2022	2023
Deputy Town Clerk/Receiver of Taxes	Teresa Cummings	Teresa Cummings
Deputy Town Clerk	Carolyn Butler	Carolyn Butler

TOWN JUSTICE APPOINTMENTS FOR 2023

APPOINTED POSTION	2022	2023
Court Clerk	Kathryn Dishong	Kathryn Dishong
Office Clerk IV P.T.	Samantha Testa	Samantha Testa
Court Attendant	Joe Silivestro	Joe Silivestro
Court Attendant	Michael Silivestro	Michael Silivestro
Court Attendant	William Butler	William Butler

Court Attendant	Jennifer McColl	Jennifer McColl
Court Attendant	Jim Schrader	Jim Schrader
Court Attendant	Michael Sullivan	Michael Sullivan
Court Attendant	Mark Ellis	Mark Ellis

SPECIAL POLICE APPOINTMENTS FOR 2023

APPOINTED POSTION	2022	2023
Special Police	John Anderson	John Anderson
Special Police	Sean Brown	Sean Brown
Special Police	Michael Furness	Michael Furness
Special Police	Kenan Hasanbegovic	Kenan Hasanbegovic
Special Police	Ned Hasanbegovic	Ned Hasanbegovic
Special Police	Michael Lonville	Michael Lonville
Special Police	William Nielson	William Nielson
Special Police	Nicholas Ruffle	Nicholas Ruffle
Special Police	Jeremy Soehner	Jeremy Soehner
Special Police	Bianca Shortino-Delemarter	Bianca Shortino-Delemarter

HIGHWAY SUPERINTENDENT APPOINTMENT FOR 2023

APPOINTED POSITION	2022	2023
Secretary to the Supt. of Highways	Kim Ledtke	Kim Ledtke
Deputy Highway Superintendent	Paul Eichas	Paul Eichas

TOWN BOARD APPOINTMENTS FOR 2023

The following appointments were made by the Town Board for 2023.

RESOLUTION NO. 1-2023 Motion by Councilperson Brown, seconded by Councilperson Ciufu, to appoint the following positions for 2023.

APPOINTED POSITION	2022	2023
Registrar	Carrie Fracassi	Carrie Fracassi
Tax Receiver	Carrie Fracassi	Carrie Fracassi
Records Management Officer	Carrie Fracassi	Carrie Fracassi
Dog Control Officer	Arthur Fritz	Arthur Fritz
Marriage Officer	Carrie Fracassi	Carrie Fracassi

**Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)**

MILEAGE AGREEMENT FOR REIMBURSEMENT TO EMPLOYEES WHO USE PERSONAL VEHICLES FOR OFFICIAL TOWN OF PARMA BUSINESS FOR 2023

RESOLUTION NO. 2-2023 Motion by Councilperson Judd and seconded by Councilperson Brown to approve the amount of \$.56 per mile to be paid to employees who use their personal vehicles for official Town of Parma business.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

APPROVAL OF BLANKET UNDERTAKING

RESOLUTION NO. 3-2023 Motion by Councilperson Brown and seconded by Councilperson Ciufu to acknowledge as sufficient, per Public Officers Law Section 11(2), the blanket undertaking covering Town Officer, Clerks and employees as set forth below:

1. Town Supervisor, Town Clerk, Deputy Receiver of Taxes, Deputy Town Clerk/Receiver of Taxes, Director of Finance, Couriers, and Deputy Town Clerk \$500,000 Limit
2. Employees (including Clerks, Court Clerk, Town Officers and employees not described above) \$100,000 Limit
\$1,000 Deductible

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

OFFICIAL DEPOSITORIES OF THE TOWN OF PARMA FOR 2023

RESOLUTION NO. 4-2023 Motion by Councilperson Judd and seconded by Councilperson Ciufu that the official Depositories for the Town of Parma for 2023 are M&T Bank and Canandaigua National Bank and Trust (CNB).

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

OFFICIAL NEWSPAPERS OF THE TOWN OF PARMA FOR 2023

RESOLUTION NO. 5-2023 Motion by Councilperson Brown and seconded by Councilperson Judd that the official Newspaper for the Town of Parma for the 2023 is designated as Westside News North and South Editions. Should there be a need, or if a deadline is missed with the Suburban News the secondary newspaper to be used will be the Rochester Democrat & Chronicle or the Daily Record.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

PARKS AND RECREATION COMMISSION MEETING DATES AND TIME – 2023

RESOLUTION NO. 6-2023 Motion by Councilperson Brown and seconded by Councilperson Ciufu, that Recreation Commission Meetings are held the 4th Wednesday of the month from January

until October and the 3rd Wednesday in November and the 2nd Wednesday in December. Each meeting will start at 6:00 p.m. and be held at the Village Community Center.

January 25, 2023	July 26, 2023
February 22, 2023	August 23, 2023
March 22, 2023	September 20, 2023
April 26, 2023	October 18, 2023
May 24, 2023	November 15, 2023
June 28, 2023	December 20, 2023

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufio)**
 Nay 0
 Excused 1 (Acker)

TOWN BOARD MEETING DATES AND TIME – 2023

RESOLUTION NO. 7-2023 Motion by Councilperson Ciufo and seconded by Councilperson Judd, that Town Board Meetings are held the 1st and 3rd Tuesday of each month. All meeting dates are listed below including any exceptions to the schedule. Each meeting will start at 6:30 p.m. and be held at the Parma Town Hall, 1300 Hilton Parma Corners Road except for the December 29, 2023, meeting which will be held at 9:00 a.m.

January 3, 2023	July 18, 2023
January 17, 2023	August 1, 2023 (no meeting)
February 7, 2023	August 15, 2023
February 21, 2023	September 5, 2023
March 7, 2023 (no meeting)	September 19, 2023
March 21, 2023	October 3, 2023
April 4, 2023	October 17, 2023
April 18, 2023	November 8, 2023 (Wednesday)
May 2, 2023	November 21, 2023
May 15, 2023 (Monday)	December 5, 2023
June 6, 2023 (no meeting)	December 19, 2023
June 20, 2023	December 29, 2023 (9:00 AM)
July 4, 2023 (no meeting)	January 2, 2024 (Organizational Mtg.)

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufio)**
 Nay 0
 Excused 1 (Acker)

PLANNING BOARD MEETING DATES AND TIME – 2023

RESOLUTION NO. 8-2023 Motion by Councilperson Ciufo and seconded by Councilperson Brown, that Planning Board Meetings are held the 1st and 3rd Monday of each month. All meeting dates are listed below including any exceptions to the schedule. Each meeting will start at 7:00 p.m. and be held at the Parma Town Hall, 1300 Hilton Parma Corners Road.

January 9, 2023	July 17, 2023
February 6, 2023	August 7, 2023

February 20, 2023	August 21, 2023
March 6, 2023	September 18, 2023
March 20, 2023	October 2, 2023
April 3, 2023	October 16, 2023
April 17, 2023	November 6, 2023
May 1, 2023	November 20, 2023
May 15, 2023	December 4, 2023
June 5, 2023	December 18, 2023
July 3, 2023	

** When scheduled meetings fall on a Legal Holiday, the Board may cancel or change meeting dates by resolution at a regularly scheduled meeting and publishing of the appropriate date.*

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

ZONING BOARD OF APPEALS MEETING DATES AND TIME– 2023

RESOLUTION NO. 9-2023 Motion by Councilperson Judd and seconded by Councilperson Ciufu, that Zoning Board Meetings are held the 3rd Wednesday of each month. All meeting dates are listed below including any exceptions to the schedule. The meeting will start at 7:00 p.m. and be held at the Parma Town Hall, 1300 Hilton Parma Corners Road.

January 18, 2023	July 19, 2023
February 15, 2023	August 16, 2023
March 15, 2023	September 20, 2023
April 19, 2023	October 18, 2023
May 17, 2023	November 15, 2023
June 21, 2023	December 20, 2023

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

STANDARD WORKDAYS ESTABLISHED FOR RETIREMENT PURPOSES FOR THE TOWN OF PARMA

RESOLUTION NO. 10-2023 Motion by Councilperson Judd, seconded by Councilperson Brown, to approve the 2023 standard workday as follows:

A 7-hour workday established for retirement purposes for the following positions:

Assessment Clerk	Library Assistant
Assessor	Library Director I
Assistant Assessor	Library Page
Assistant Building and Plumbing Inspector	Library Technician
Assistant Building Inspector – PT	Lifeguard
Building and Development Coordinator	Lifeguard – Seasonal

Building Inspector	Office Clerk III
Building Inspector – PT	Office Clerk IV
Chairman of Planning Board	Office Clerk IV – PT
Chairman of Zoning Board	Planning Board Member
Civil Defense Administrator	Principal Library Clerk
Cleaner	Principal Library Clerk – PT
Clerk to the Town Justice	Real Property Appraiser
Clerk, Part-Time	Real Property Appraiser Trainee
Conservation Board Member	Receiver of Taxes and Assessments
Councilperson	Recreation Assistant-PT
Court Attendant – Part-Time	Recreation Director
Deputy Receiver of Taxes and Assessments	Recreation Leader – Seasonal
Deputy Town Clerk	Registrar of Vital Statistics, P.T.
Deputy Town Clerk & Receiver of Taxes & Assessments	Secretary to the Supervisor
Director of Finance	Secretary to Planning and Zoning Board
Director of Parks and Recreation	Senior Library Clerk
Dog Control Officer	Senior Library Clerk – PT
Engineering Technician	Student Helper
Fire Marshal – PT	Superintendent of Buildings – PT
Food Service Helper – PT	Supervisor
Historian P.T.	Town Clerk
Librarian Assistant PT	Town Justice
Librarian I	Youth Outreach Worker
Librarian II	Youth Referral Counselor
Librarian Trainee	Zoning Board Member
	Zoning Investigator – PT

A 7.5-hour workday established for retirement purposes for the following positions:

Assistant Recreation Director	Recreation Supervisor
Recreation Leader	Senior Citizen Program Specialist
Recreation Assistant-FT	

An 8-hour workday established for retirement purposes for the following positions:

Automotive Mechanic	Maintenance Mechanic III
Deputy Superintendent of Highways	Motor Equipment Operator
Foreman (Building, Maintenance, Cleaners, Security)	Park Foreman
Head Grounds Equipment Operator	Parks Director
Heavy Motor Equipment Operator	Parks Security Guard
Laborer	Superintendent of Highways

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

TOWN OF PARMA HOURS OF OPERATION

RESOLUTION NO. 11-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to approve the Town of Parma hours of operation as follows:

Town Hall (any changes will be posted)	Monday – Friday	8:00 A.M. – 4:00 P.M.
Parks Department	Monday – Friday	7:00 A.M. – 3:30 P.M.
Recreation Department	Monday – Friday	8:00 A.M. – 4:30 P.M.
Highway Department	Monday – Friday	7:00 A.M. – 3:30 P.M.
*Town Park Hours	November – March 31 st	9:00 A.M. – 5:00 P.M.
	April	9:00 A.M. – 8:00 P.M.
	May	9:00 A.M. – 9:00 P.M.
	June - August 31 st	9:00 A.M. – 10:00P.M.
	September	9:00 A.M. – 9:00 P.M.
	October	9:00 A.M. – 8:00 P.M.
Court Office	Monday – Friday	9:00 A.M. – 4:00 P.M.

**There are certain circumstances where there may be exceptions, however, the above hours of operation have been established and are not to be altered without Department Head or Supervisor approval and appropriate posting.*

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufio)
 Nay 0
 Excused 1 (Acker)

TOWN OF PARMA OFFICIAL HOLIDAYS – 2023

RESOLUTION NO. 12-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufio, to approve the Town of Parma legal Holidays for 2023 as follows:

- | | |
|-----------------------------|--------------------------|
| Monday, January 16, 2023 | Martin Luther King Day |
| Monday, February 20, 2023 | Presidents’ Day |
| Friday, April 7, 2023 | Good Friday |
| Monday, May 29, 2023 | Memorial Day |
| Monday, June 19, 2023 | Juneteenth |
| Tuesday, July 4, 2023 | Independence Day |
| Monday, September 4, 2023 | Labor Day |
| Monday, October 9, 2023 | Columbus Day |
| Friday, November 10, 2023 | Veteran’s Day (Observed) |
| Thursday, November 23, 2023 | Thanksgiving Day |
| Friday, November 24, 2023 | Thanksgiving Holiday |
| Monday, December 25, 2023 | Christmas Day |
| Monday, January 1, 2024 | New Years Day |

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufio)
 Nay 0
 Excused 1 (Acker)

BOARD AND COMMISSION APPOINTMENTS FOR 2023

PLANNING BOARD

RESOLUTION NO. 13-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to approve the appointments to the Town of Parma Planning Board for 2023 as they have been presented.

<u>Planning Board</u> <u>(5 year term)</u>	<u>CURRENT TERM</u>	<u>NEW TERM VOTE</u>
Tod Ferguson, Chairperson	December 31, 2025	
Darryl Maslanka	December 31, 2023	
Michael Reinschmidt	December 31, 2026	
Raymond Wenzel	December 31, 2022	VOTE 12/31/2027
John Wade	December 31, 2024	
Diane Brisson, Secretary	December 31, 2022	VOTE 12/31/2023
Nikolay Lukomsky, Alternate	December 31, 2022	VOTE 12/31/2023
Motion carried:	Aye 4 (Roose, Judd, Brown, Ciufio)	
	Nay 0	
	Excused 1 (Acker)	

ZONING BOARD OF APPEALS

RESOLUTION NO. 14-2023 Motion by Councilperson Ciufio, seconded by Councilperson Judd, to approve the appointments to the Town of Parma Zoning Board of Appeals as they have been presented for 2023.

<u>Zoning Board of Appeals</u> <u>(5 year term)</u>	<u>CURRENT TERM</u>	<u>NEW TERM VOTE</u>
Ann Williams	December 31, 2023	
Dan Melville	December 31, 2024	
Veronica Robillard, Chairperson	December 31, 2025	
Spencer Wren	December 31, 2026	
Stephen Shelley	December 31, 2022	VOTE 12/31/2027
Jack Barton, Alternate	December 31, 2022	VOTE 12/31/2023
Carrie Fracassi, Secretary	December 31, 2022	VOTE 12/31/2023
Motion carried:	Aye 4 (Roose, Judd, Brown, Ciufio)	
	Nay 0	
	Excused 1 (Acker)	

LIBRARY BOARD

RESOLUTION NO. 15-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufio, to approve the appointments to the Town of Parma Library Board as presented for 2023.

<u>Library Board</u> <u>(5 year term)</u>	<u>CURRENT TERM</u>	<u>NEW TERM VOTE</u>
Doreen Hoy	December 31, 2025	

Betsy Dobles	December 31, 2026	
Jena Jollie	December 31, 2024	
Kay Melvin, President	December 31, 2022	VOTE 12/31/2027
Alice Maxwell, Secretary	December 31, 2023	VOTE 12/31/2027

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

PARKS AND RECREATION COMMISSION

RESOLUTION NO. 16-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to approve the appointments to the Town of Parma Recreation Commission as presented for 2023.

<u>Parks & Rec. Commission</u> <u>(4 year term)</u>	<u>CURRENT TERM</u>	<u>NEW TERM</u> <u>VOTE</u>
Carol Lennon	December 31, 2025	
Art Cosgrove	December 31, 2022	VOTE 12/31/2026
Elaine Delvecchio	December 31, 2024	
Vacant	December 31, 2023	

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

FARMLAND AND OPEN SPACE PRESERVATION COMMITTEE

RESOLUTION NO. 17-2023 Motion by Councilperson Ciufu, seconded by Councilperson Brown, to approve the appointments to the Town of Parma Farmland and Open Space Preservation Committee as presented for 2023.

<u>Farmland & Open Space</u> <u>Committee (2 year term)</u>	<u>CURRENT TERM</u>	<u>NEW TERM VOTE</u>
Vacant	December 31, 2022	
Jim Burch	December 31, 2022	VOTE 12/31/2024
Pat Buskey	December 31, 2022	VOTE 12/31/2024
Linda Judd, Chairperson	December 31, 2023	
Vacant	December 31, 2017	

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

LIAISON ASSIGNMENTS FOR TOWN DEPARTMENTS, BOARDS AND COMMISSIONS FOR 2023

RESOLUTION NO. 18-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to approve the Liaison Assignments for Town Departments, Boards and Commissions as presented for 2023.

	2022	2023
Supervisor Roose	Personnel Union Negotiations Highway Historian	Personnel Union Negotiations Highway Historian
Councilperson Ciufu	Village of Hilton Zoning Board	Village of Hilton Zoning Board
Councilperson Brown	Union Negotiations Special Police/Court Officers Parks & Recreation	Union Negotiations Special Police/Court Officers Parks & Recreation
Councilperson Acker	Dog Control Zoning Enforcement Planning Board	Dog Control Zoning Enforcement Planning Board
Councilperson Judd	Assessor Library Farmland and Open Space	Assessor Library Farmland & Open Space

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
 Nay 0
 Excused 1 (Acker)

PETTY CASH APPROVALS

RESOLUTION NO. 19-2023 Motion by Councilperson Judd, seconded by Councilperson Brown to approve the following petty cash amounts for the following departments for 2023:

Finance Department	\$100.00
Highway Department	\$100.00
Town Clerk	\$340.00
Library	\$100.00
Recreation	\$ 75.00
Court	\$100.00

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
 Nay 0
 Excused 1 (Acker)

TOWN OF PARMA PAVILION RENTAL FEES FOR 2023

RESOLUTION NO. 20-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufu, to approve the following per event rental fees effective January 1, 2023 (it was noted that the Lloyd Pavilion will not be rented as it will be used in conjunction with the Dog Park coming soon):

Resident (Hess, Burritt, Lions)	\$ 75.00/day
Resident (Allardice)	\$ 50.00/day
Non-resident (Hess, Burritt, Lions)	\$150.00/day
Non-resident (Allardice)	\$ 75.00/day

Scout Rental Fees	\$ 25.00/weekday rental
	\$ 75.00/weekend rental
Cancellation Fee	\$ 30.00/rental
Change of Date Rental Fee	\$ 10.00/change

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufo)
Nay 0
Excused 1 (Acker)

ESTABLISH VFW HALL RENTAL RATES FOR 2023

RESOLUTION NO. 21-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to establish the following rates for rental of the VFW for 2023:

	Rental Fee	Non-refundable cleaning fee	Security Deposit
Regular	\$225.00	+ \$50.00	+100.00
Active VFW Member	\$ 50.00	+ \$50.00	+100.00
Inactive VFW Member	\$ 75.00	+ \$50.00	+100.00
Cancellation Fee	\$ 30.00		
Change Date of Rental Fee	\$ 10.00		

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufo)
Nay 0
Excused 1 (Acker)

OMEGA RENTAL RATE FOR 2023

RESOLUTION NO. 22-2023 Motion by Councilperson Brown, seconded by Councilperson Ciufo, to approve the rental fee to Omega for 2023 in the amount of \$250.00 per month.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufo)
Nay 0
Excused 1 (Acker)

HILTON FOOD CUPBOARD DONATION

RESOLUTION NO. 23-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufo, to approve the donation to the Hilton Food Cupboard for 2023 in the amount of \$1,000.00.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufo)
Nay 0
Excused 1 (Acker)

ATTORNEYS FOR THE TOWN FOR 2023

RESOLUTION NO. 24-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to name the Official Attorneys for the Town of Parma for the year 2023 as Lacy Katzen, LLP; Badain & Crowder, Schum and Werner, Harter, Secrest and Emery and Zoghlin LLC.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufo)
Nay 0
Excused 1 (Acker)

APPOINTMENT OF SPECIAL PROSECUTORS

RESOLUTION NO. 25-2023 Motion by Councilperson Brown, seconded by Councilperson Ciufu,

WHEREAS, the Town Board of the Town of Parma, Monroe County has been advised that to properly prosecute certain violations of the Town of Parma Ordinances and Local Laws, it is necessary to obtain the appointment of the Attorneys for the town as Special Prosecutor; and

WHEREAS, the Town Board desires the Assistant Counsel for the Town, Lara Badain, Esq., be appointed as Special Prosecutor for this purpose; and,

WHEREAS, the Town Board desires the Assistant Counsel for the Town, Peter Rodgers, Esq., be appointed as Special Prosecutor for this purpose; and,

WHEREAS, the Town Board desires the Assistant Counsel for the Town, Maureen Werner, Esq., be appointed as Special Prosecutor for this purpose; and,

WHEREAS, the Town Board, once it has so appointed the Attorney for the Town, would ask the District Attorney of the County of Monroe to approve the appointment and take whatever steps are necessary to authorize the Assistant Counsel for the Town to act as Special Prosecutor for these purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Parma hereby appoints Attorneys for the Town Lara Badain, Esq., Peter Rodgers, Esq. and Maureen Werner, Esq. to act as a Special Prosecutors for the purpose of prosecuting any alleged violations of or offenses against the Ordinances, Local Laws and Code of the Town of Parma, in and for the Town of Parma, in the County of Monroe and requests the District Attorney of the County of Monroe to approve the appointment made herein and take whatever steps are necessary to properly authorize Lara Badain, Esq., Peter Rodgers, Esq. and Maureen Werner, Esq. to act as a Special Prosecutors as set forth herein.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

ENGINEERING FIRMS FOR THE TOWN OF PARMA FOR 2023

RESOLUTION NO. 26-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufu, to name Larsen Engineers and MRB Group as engineering firms for the Town of Parma for 2023.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

OFFICIAL ELECTRICAL INSPECTION AGENCIES FOR 2023

RESOLUTION NO. 27-2023 Motion by Councilperson Ciufu, seconded by Councilperson Brown, to name Commonwealth, Middle Department and New York Electrical Inspection Agency as electrical inspection agencies for the Town of Parma for 2023.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0

Excused 1 (Acker)

DOG CONTROL OFFICER COVERAGE FOR 2023

RESOLUTION NO. 28-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to have Hamlin DCO provide coverage for the Dog Control Officer when he is out of town during the 2023 calendar year. A fee of \$25.00 will be paid for each call responded to.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

DOG FINES FOR 2023

RESOLUTION NO. 29-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufu, to approve the dog fines for 2023 as follows:

Penalties for dog ordinances in the Town of Parma for 2022 will be subject to community service and/or a fine of not less than \$250.00 and no more than \$1,000.00 for each offense.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

STATEMENT OF NON-COLLUSION

RESOLUTION NO. 30-2023 Motion by Councilperson Ciufu, seconded by Councilperson Judd, to approve the Statement of Non-Collusion.

By Submission of the Bid of Proposal, the Bidder Certifies that:

1. This bid or proposal has been independently arrived at without collusion with any other competitor or potential competitor;
2. This bid proposal has not been knowingly disclosed and will not be knowingly disclosed prior to the opening of bids or proposals for this project, to any other bidder, competitor, or potential competitor;
3. No attempt has been made to induce any other person, partnership, or corporation to submit or not to submit a bid or proposal;
4. The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder as well as to the person signing in its behalf;
5. That attached hereto (if a corporate bidder) is a certified copy of a resolution authorizing the execution of the certificate by the signatory of this bid or proposal on behalf of the corporate bidder.

Company Name

Address

Signature

Title

Date

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufio)**
 Nay 0
 Excused 1 (Acker)

AUTHORIZATION FOR REIMBURSEMENT FOR THE TOWN BOARD
APPROVED ATTENDANCE AT MUNICIPAL OFFICERS TRAINING
SCHOOLS OR CONFERENCES FOR 2023

RESOLUTION NO. 31-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to authorize Town Officials/Employees of the Town of Parma to attend any training school or conference of Municipal Officers during the year 2023 upon prior approval of the Town Board and that any necessary expense incurred be chargeable to and reimbursed by the Town of Parma; and that officials/employees who attend meetings upon approval of the Town Board outside of the Town of Parma, on matters concerning the Town of Parma be duly compensated for necessary expenses; and that within 30 days of said meetings, training schools or conferences, the officer or employee shall make a report of said meeting.

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufio)**
 Nay 0
 Excused 1 (Acker)

AUTHORIZATION FOR ATTENDANCE AT SEMINARS FOR 2023

RESOLUTION NO. 32-2023 Motion by Councilperson Brown, seconded by Councilperson Ciufio, to approve attendance at all seminars for 2023 that do not exceed \$150.00 and/or one day if they are approved and budgeted for by the respective department heads and Town Supervisor.

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufio)**
 Nay 0
 Excused 1 (Acker)

EMPLOYEE REIMBURSEMENT/CREDIT CARD POLICY

RESOLUTION NO. 33-2023 Motion by Councilperson Judd, seconded by Councilperson Ciufio, to approve the Town of Parma Employee Reimbursement/Credit Card Policy. **See Attached Policy.*

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufio)**
 Nay 0
 Excused 1 (Acker)

ONLINE BANKING POLICY

RESOLUTION NO. 34-2023 Motion by Councilperson Ciufu, seconded by Councilperson Brown, to approve the Town of Parma Online Banking Policy. **See Attached Policy.*

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

TOWN OF PARMA INVESTMENT POLICY

RESOLUTION NO. 35-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to approve the Town of Parma Investment Policy as submitted. **See Attached Policy.*

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

PROCUREMENT POLICIES AND PROCEDURES FOR THE TOWN OF PARMA

RESOLUTION NO. 36-2023 Motion by Councilperson Ciufu, seconded by Councilperson Judd, to approve the Procurement Policies and Procedures for the Town of Parma for 2022. **See Attached Policy.*

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

WHISTLE BLOWER POLICY

RESOLUTION NO. 37-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to approve the Town of Parma Whistle Blower Policy for 2023. **See Attached Policy.*

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

ANNUAL REVIEW OF WORKPLACE VIOLENCE POLICY

RESOLUTION NO. 38-2023 Motion by Councilperson Brown, seconded by Councilperson Ciufu that the Town Board has reviewed and accepted the Workplace Violence Policy for the Town of Parma for 2023. **See Attached Policy.*

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

GUIDELINES FOR PUBLIC COMMENT POLICY

RESOLUTION NO. 39-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, that the Town Board has reviewed and accepted the Guidelines for Public Comment Policy for the Town of Parma for 2023. **See Attached Policy.*

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufu)**
 Nay 0
 Excused 1 (Acker)

GUIDELINES FOR DISASTER RECOVERY PLAN

RESOLUTION NO. 40-2023 Motion by Councilperson Brown, seconded by Councilperson Ciufu, to approve the Guidelines for the Disaster Recovery Plan for the Town of Parma for 2023. **See Attached Policy.*

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufu)**
 Nay 0
 Excused 1 (Acker)

TOWN OF PARMA ACTIVE EMPLOYEE LIST FOR 2023

RESOLUTION NO. 41-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to accept the Active Employee List for the year 2023 as presented.

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufu)**
 Nay 0
 Excused 1 (Acker)

The organizational meeting was closed at 6:51 p.m. and the Town Board proceeded to the regular meeting.

REGULAR MEETING MINUTES – DECEMBER 20, 2022

RESOLUTION NO. 42-2023 Motion by Councilperson Ciufu, seconded by Councilperson Judd, to accept the Minutes of the regular meeting held on December 20, 2022.

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufu)**
 Nay 0
 Excused 1 (Acker)

YEAR END MEETING MINUTES – DECEMBER 30, 2022

RESOLUTION NO. 43-2023 Motion by Councilperson Brown, seconded by Councilperson Judd, to accept the Minutes of the regular meeting held on December 30, 2022.

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufu)**
 Nay 0
 Excused 1 (Acker)

TOWN CLERK REPORT

The Town Clerk reported that the Town Clerk and VFW Reports for December 2022 are completed and submitted to the Supervisors Office. The Town Clerk Year End Report for 2022 was also submitted. Town and County Tax collection has started.

HIGHWAY DEPARTMENT REPORT

Supt. Christ reported sewer projects at the lake have started. The Department kept the overtime to a minimum during the Christmas Storm.

RECREATION DEPARTMENT REPORT

Tom Venniro reported the past few years there has been issues with various refuse providers. He has been talking to the Village about them providing the service to the Town. They would bill us like they would bill their other commercial customers.

BUILDING DEPARTMENT REPORT

Mark Lenzi reported the Department has exceeded their projected revenue for 2022. New fees have gone into effect as of today. There have been a lot of calls pertaining to the sewer projects and complaints and code issues.

LIBRARY REPORT

Amy Hogue reported there were 750 people through the Library doors during the Christmas event on Main Street. She has begun her reporting to New York State.

PUBLIC FORUM

Supervisor Roose asked if there was any other citizen who would like to address the Town Board with any concerns. There was no response.

BUSINESS ITEMS

MRB CONTRACT – CURTIS ROAD WATER DISTRICT

Supervisor Roose said the Town received a petition from residents on Curtis Road from Northside Drive to Bennett Road for a water district. The Contract with MRB will give them the ability to investigate and work up numbers for the project so the Town can look at how to move forward.

RESOLUTION NO. 44-2023 Motion by Councilperson Ciufu, seconded by Councilperson Judd, to authorize the Supervisor to sign the Contract with MRB for services related to the Curtis Road Water District in an amount not to exceed \$14,200.00.

Motion carried: Aye 4 (Roose, Judd, Brown, Ciufu)
Nay 0
Excused 1 (Acker)

RESOLUTION

INTRODUCTORY LOCAL LAW #1 -2023

**LOCAL LAW TO AMEND THE PARMA TOWN CODE CHAPTER 24 –
BUILDING CODE ADMINISTRATION AND OMIT TOWN CODE CHAPTER 27**

RESOLUTION NO. 45-2023 Motion by Councilperson Brown, seconded by Councilperson Ciuffo,

WHEREAS, the Town Board of the Town of Parma did heretofore advertise and conduct a Public Hearing to consider the enactment of Introductory Local Law # 1- 2023, which Local Law proposed to amend the Parma Town Code Chapter 24 – Building Code Administration and omit Town Code Chapter 27 and

WHEREAS, such Public Hearing was duly held and conducted by the Town Board of the Town of Parma on the 30th day of December, 2022 and at which hearing, all interested persons were heard concerning the subject matter thereof; and

NOW, THEREFORE, be it resolved by the Town Board of the Town of Parma, Monroe County, New York, as follows:

Section 1. That by the adoption of this Resolution, the Town Board does hereby enact Introductory Local Law # 1-2023, which Local Law reads and provides as follows:

Town Code Chapter 27 is here by omitted; and

Town Code Chapter 24 to read and provide as follows:

§24-1 PURPOSE AND INTENT

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

§24-2 DEFINITIONS

In this chapter, the following terms shall have the meanings shown in this section:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this chapter.

“Certificate of Compliance” shall mean a document issued by the Town stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town, and indicating that the building or structure, or portion thereof, is in a

condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to § 24-3B of this chapter.

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

“Codes” shall mean the Uniform Code and Energy Code.

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

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

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

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

“Inspector” shall mean an inspector appointed pursuant to § 24-3D of this chapter.

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

“Operating Permit” shall mean a permit issued pursuant to §24-10 of this chapter. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this chapter.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to § 24-17A of this chapter.

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

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

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

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

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

“Stop Work Order” shall mean an order issued pursuant to §24-6 of this chapter.

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

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to § 24-7D of this chapter.

“Town” shall mean the Town of PARMA.

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

§24-3 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 chapter. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this chapter;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to §24-17A (Violations) of this chapter;

(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 chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this chapter; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

B. The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Town Board at any regularly scheduled Town Board meeting or at a Special Town Board meeting to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.

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

E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the TOWN BOARD of this Town.

§24-4 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 Town.

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 50 square feet;
- (2)** construction of temporary sets and scenery associated with motion picture, television, and theater uses;
- (3)** installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple

single-family dwellings (townhouses);

- (4) installation of partitions or movable cases less than 5'-9" in height;
- (5) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (7) 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
- (8) repairs, provided that the work does not have an impact on fire and life safety, such as
 - (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the 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 location, nature, extent, and scope of the proposed work;
- (2) the tax map number and the street address of any affected building or structure;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed

finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

- E.** Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in subsection **D (5)** of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- F.** Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- G.** Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H.** Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- I.** Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (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 18 (Fees) of this chapter 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.

§ 24-5 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, where applicable:
- (1) work site prior to the issuance of a Building Permit;
 - (2) footing and foundation;
 - (3) preparation for concrete slab;
 - (4) framing;
 - (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
 - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
 - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
 - (11) a final inspection after all work authorized by the Building Permit has been completed.
- C.** Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person

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

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 24-18 (Fees) of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§24-6 STOP WORK ORDERS.

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

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

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

C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents,

or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under **§24-17 (Violations)** of this chapter 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.

§24-7 CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

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

C. Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

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

D. Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines

- (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely,
- (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and
- (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not

corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

F. Fee. The fee specified in or determined in accordance with the provisions set forth in **§24-18 (Fees)** of this chapter must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

§24-8 NOTIFICATION REGARDING FIRE OR EXPLOSION.

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

§24-9 UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with the following procedures:

- A.** the term "person" shall include an individual, society, club, firm, partnership, corporation, or association of persons, and the singular number shall include the plural number.
- B.** If the Town Board has reason to believe that a building or structure is or may become dangerous or unsafe to the public, it may appoint an official to make an inspection of said building or structure and report back to the Board as to the result of said inspection.
- C.** Following the report provided for in **§24-9 B** above, the Town Board may provide for a notice to be served on the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk. Said notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous, and an order requiring the building or structure to be made safe and secure or removed. Such notice shall further provide that if the person served with the notice shall neglect or refuse to comply with the same, a survey of the premises will be made. Said survey shall be made by an inspector and architect to be named by the Town Board and a practical builder, engineer or architect appointed by the person served with said notice. In the event of the refusal or neglect of the person served with said notice to appoint such surveyor, the two surveyors named by the Town Board shall make the survey and report the results thereof to the Town Board. The notice shall further state that in the event the building or other structure shall be reported unsafe or dangerous under such survey, an application will be made at a special term of the Supreme Court in the judicial district in which the property is located, for an order determining the building or structure to be a public nuisance and directing that it shall be

repaired and secured or taken down and removed. If the service of such notice be made by registered mail, copy of such notice must be posted on the premises.

- D.** The person served with the notice provided in §24-9 C above must either remove the said building or structure or put the same in a good state of repair, and he must commence such removal or repair within 30 days after the receipt of the notice above provided for and he must thereafter diligently continue with such removal or repair to the end that the same be completed within 90 days after receipt of said notice. The said notice shall contain a statement as to the above time limitations.
- E.** A signed copy of the report of the survey shall be posted on the building. Reasonable compensation for the surveyors and for all costs and expenses incurred by the town in connection with the proceedings to remove or secure the building or structure, including the cost of actually removing said building or structure, shall be assessed against the land on which said buildings or structures are located.

§24-10 OPERATING PERMITS.

- A.** Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
 - (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
 - (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - (a)** Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;
 - (b)** Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (c)** Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (d)** Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - (e)** Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (f)** Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (g)** Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

- (h) Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
- (i) Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;
- (j) Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
- (k) Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces;
- (l) Section 308, “Open Flames.” Removing paint with a torch, or using openflames, fire, and burning in connection with assembly areas or educational occupancies; and
- (m) Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Local Law Number 2 of 2017, as now in effect or as hereafter amended from time to time.
 - (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
 - (4) buildings containing one or more assembly areas;
 - (5) outdoor events where the planned attendance exceeds 1,000 persons;
 - (6) facilities that store, handle, or use hazardous production materials;
 - (7) parking garages as defined in subdivision (a) of section 13 of this chapter;
 - (8) 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; and
 - (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the TOWN BOARD of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- B.** Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of

the applicant.

C. Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in subsection A (1) through (7) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with § 24-11(**Fire Safety and Property Maintenance Inspections**) of this chapter, and condition assessments are performed in compliance with § 24-13 (**Condition Assessments of Parking Garages**) of this chapter, as applicable.]

D. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

E. Multiple Activities. In any circumstance in which more than one activity listed in subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

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

- (1) not to exceed 180 days for tents, special event structures, and other membrane structures;
- (2) not to exceed 60 days for alternative activities at a sugarhouse;
- (3) not to exceed three (3) years for the activities, structures, and operations determined per subsection A(9) of this section, and
- (4) not to exceed one (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

G. 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.

H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 24-18 (Fees) of this chapter 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.

§24-11 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) at least once every twelve (12) months for buildings which contain an assembly area;
 - (2) at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
 - (3) at least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.
- B. Remote inspections.** At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- C. Inspections permitted.** In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) receipt by the 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.

D. OFPC Inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in **§24-18 (Fees)** of this chapter 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.

§24-12 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 chapter, 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 **§ 24-17 (Violations)** of this chapter;
- 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.

§24-13. CONDITION ASSESSMENTS OF PARKING GARAGES.

A. Definitions. For the purposes of this section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of

any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (iii) a townhouse unit with attached parking exclusively for such unit;
- (4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
- (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- B. Condition Assessments – general requirements.** The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- C. Initial Condition Assessment.** Each parking garage shall undergo an initial condition assessment as follows:
- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
 - (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

- (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
- (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to not more than six (6) months after the effective date of this local law.
- D. Periodic Condition Assessments.** Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.
- E. Additional Condition Assessments.**
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subsection C of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
 - (2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subsection C of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.
- F. Condition Assessment Reports.** The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
 - (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
 - (3) an evaluation and description of the unsafe conditions;
 - (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (7) the responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
- G. Review Condition Assessment Reports.** The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as the Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to subsection F (2) & (3). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- H.** The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- (i) This section shall not limit or impair the right or the obligation of the Town:
 - (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this chapter;
 - (2) to perform such periodic fire safety and property maintenance inspections as are required by

section 11 (Fire Safety and Property Maintenance Inspections) of this chapter; and/or

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

§24-14 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

- A.** The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:
- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
 - (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
 - (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
 - (i) the accompanying Flood Insurance Rate Map (FIRM);
 - (ii) Flood Boundary and Floodway Map (FBFM); and
 - (iii) related supporting data along with any revisions thereto.
- B.** The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subsection A of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

§24-15 RECORD KEEPING.

- A.** The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
- (1) all applications received, reviewed, and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;

- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by **§24-4 through §24-14**, inclusive, of this chapter.

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.

§24-16 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 **§24-15 (Record Keeping)** of this chapter and a report and summary of all appeals or litigation pending or concluded.

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

C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§24-17 VIOLATIONS

A. Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

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

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

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

C. Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this chapter or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be punishable by a fine of not more than Two Hundred Dollars (\$200) per day of violation, or imprisonment not exceeding fifteen (15) days, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to pay a civil penalty of not more than Two Hundred Dollars (\$200) for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.

D. Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. 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 chapter, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this chapter, 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 **§24-6 (Stop Work Orders)** of this chapter, in any other section of this chapter, 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 **§24-6 (Stop Work Orders)** of this chapter, 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.

§24-18 FEES

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

§24-19. 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 chapter, 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.

§24-20 PARTIAL INVALIDITY

If any section of this chapter 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 chapter.

§24-21 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.

Section 2. That the Town Clerk shall file this Local Law with the Secretary of State as required by law.

Motion carried: **Aye 4 (Roose, Judd, Brown, Ciufio)**
 Nay 0
 Excused 1 (Acker)

MISCELLANEOUS

The Town Clerk noted that oaths for anyone appointed at tonight's meeting can be signed in the Town Clerk's Office.

Supervisor Roose noted that January 1, 2023, Justice Greg Colavecchia was sworn in during a very nice ceremony done by Justice Michael Sciortino.

INFORMATIONAL ITEMS

LIAISON REPORTS

**Councilperson Acker was excused. There was no report.

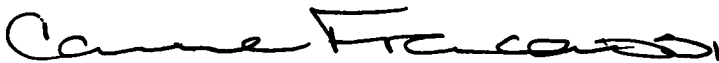
**Councilperson Brown had no report.

**Councilperson Judd reported she has been approached by a farmer who is concerned about Solar Farms in Parma. She thinks the Town needs to look at the code and put in place what the wishes of the residents and Town will be in regard to Solar Farms. Mark Lenzi said this should be made part of the masterplan and the Town should start that project. Our Town Code does not currently address Solar Farms.

**Councilperson Ciufio reported the Zoning Board met on December 21, 2022; there were four applications and three were approved and one tabled.

There was no further business before the Town Board, Councilperson Ciufio made a motion to adjourn the meeting at 7:20 p.m., seconded by Councilperson Brown and all were in favor.

Respectfully submitted,



Carrie Fracassi
Parma Town Clerk

EMPLOYEE REIMBURSEMENT/CREDIT CARD POLICY

The Town of Parma authorizes the use of individual store credit cards. The store credit card account will be open with the authorization of the Finance Department.

- Finance office and department heads have custody of the credit cards
- Cards are to be used for purchases related to Town business ONLY
- The original itemized receipt must be attached to a voucher, signed by the department head and submitted for approval by the Town Board at the next bill paying session
- If reimbursement is for more than one person (ex.-two or three individuals attend a luncheon) each person should be noted on voucher and/or receipt.
- Authorized store credit cards are:

<u>VENDOR</u>	<u>CREDIT LIMIT</u>	<u>LOCATION</u>
Lowes	\$8,800.00	Parks, Highway
Sam's Club	\$3,700.00	Recreation, Finance
Staples	\$3,000.00	Finance
Wegmans	\$2,000.00	Recreation
Home Depot	\$6,300.00	Highway, Parks, Library
Tops	\$1,500.00/Day	Recreation, Parks, Library
Tractor Supply	\$5,000.00	Parks, Highway, Finance

****All CREDIT CARDS ARE KEPT IN LOCKED CABINETS/SAFES WITHIN THE DEPARTMENTS****

Local government officials and employees are prohibited from using government credit cards for making personal charges. All billing statements are to be reconciled to supporting documentation that adequately identifies ALL charges as being valid and proper municipal expenses. Government entity is to seek repayment from those responsible for incurring unauthorized or inappropriate charges.

When an employee makes a purchase related to Town business and pays out of pocket, using cash, personal credit card or store Town Credit Card, they must follow the following procedure for reimbursement:

- Any purchases not for town business will be paid personally by employee
- Any employee personal credit card used for Town purchases will require the same procedures listed above to be followed

TOWN OF PARMA INVESTMENT POLICY

A. Investment Policy

The objectives of the Investment Policy of the Town of Parma are to minimize risk, to ensure that investments mature when the cash is required to finance operations and to insure a competitive rate of return. The Town Board would like to maximize interest income on all funds not immediately needed for payment of obligations. Investments of excess funds shall be governed by the regulations contained in the Town Law, General Municipal Law and Local Finance Law. The priorities for investment of funds shall be:

1. To conform with all applicable federal, state and other legal requirements
2. To adequately safeguard principal
3. To provide sufficient liquidity to meet all operating requirements
4. To obtain a reasonable rate of return

B. Delegation of Authority for Investing Town Money

The Town Board delegates the authority to make the day-to-day investment decisions within the guidelines and limitations of this policy to the:

1. Town Supervisor as Chief Fiscal Officer
2. Director of Finance

C. Investment Regulations

The custodial agreement shall provide that securities held by the bank or agent of and custodian for the local government will be separate and apart from the general assets of the custodial bank and will not in any circumstances be co-mingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

As authorized by General Municipal Law, Section 11, the Town of Parma authorizes the chief fiscal officer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Certificates of deposit
- Special time deposit accounts
- Obligations of the United States of America
- Obligations of the State of New York

PROCUREMENT POLICIES AND PROCEDURES FOR THE TOWN OF PARMA

This document sets forth the policies and procedures of The Town of Parma to meet the requirements of General Municipal Law, Section 104-b.

Purpose

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner to assure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Parma Town Board is adopting internal policies and procedures governing all procurements of goods and services which are not required to be pursuant to the competitive bidding requirements of the General Municipal Law, Section 103 or of any other general, special, or local law.

Procedures for Determining Whether Procurements are Subject to Bidding

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

Formal Bids – Purchases over \$20,000, \$35,000 for Public Works

General Municipal Law 103 provides that all purchase contracts involving expenditures more than \$20,000 and all contracts for public work involving expenditures in excess of \$35,000 be awarded through the competitive bidding process for political subdivisions. Although not defined in General Municipal Law 103, the Office of the State Comptroller has expressed the opinion that the term “purchase” applies to the procurement of commodities, while the term “contract for public work” encompasses contracts for services, labor or construction. In determining the necessity for competitive bidding, the cumulative amount to be expended for an item or commodity in a fiscal year must be considered.

Formal Bid Procedures:

- A. The Department Head must receive approval from the Town Board for the bid process to start and establish the date and time the bid opening will be held.
- B. The Department Head should prepare sufficient specifications and describe the purchase in enough detail to generate fair competition among multiple vendors. Requests for Proposal (RFP) or Requests for Information (RFI) should be used in establishing specifications.
- C. Formal bids are processed and published by the Town Clerk’s office with direct assistance from the Department Head in the preparation of technical specifications, plans and drawings where required.
- D. Formal bids will be received and opened publicly at the specified date, time and place set forth in the bid documents.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances.

- A. Through county contracts – General Municipal Law 103(3)
- B. Through state contracts – General Municipal Law 104
- C. Through agencies for the blind or severely handicapped – State Finance Law Section 175-b
- D. Through articles manufactured in correctional institutions – Correction Law Section 186
- E. Sole source situation
- F. Personal service contracts – accountants, engineer, architect or attorney
- G. Emergency purchases – An "emergency" exists when a breakdown in machinery, equipment, and/or a threatened termination of essential services, including maintenance and repair of essential office equipment; or a dangerous condition develops; or when supplies are needed for immediate use in work which may vitally affect the safety, health, or welfare of the public.
- H. The Department Heads of the various departments of the Town of Parma be and herby are authorized to purchase equipment, machinery, goods and supplies from any State, County, Town, Village or School District who have secured an award for such items of equipment, machinery or supplies through the solicitation of the competitive bidding process in accordance with the provisions of General Municipal Law Section 103 and within the parameters of the Town of Parma Procurement Policy.

Adequate Documentation

A good faith effort shall be made to obtain the required number of written (3) or verbal (2) quotes. All written quotes are to be filed with the Town Clerk to be put in the minutes and a copy to be filed with voucher. Verbal quotes are the responsibility of the Department Head and must be submitted with the payment voucher.

Contracts

All Department Heads must receive prior approval from the Town Board for all contracts that are entered into on behalf of the Town. The Supervisor should be the designated person to sign the contract, if not available, the Deputy Supervisor will have that authority. In the case where a contract requires two signatures the primary individuals designated to sign will be the Supervisor and the Deputy Supervisor if one is not available the Finance Director will have that authority.

Awards to Other Than the Lowest Bidder

The lowest proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the lowest bidder.

Items Exempted from this Policy and Procedures by the Board

- D. The Finance Office will have the responsibility for determining the eventual disposition of the surplus material. The first consideration will be whether to transfer to another Department or municipal agency that may need the items. The second consideration will be what to do with the item if it cannot be used by another Department or municipal agency. The Finance Office with the aid of the using Department will then determine the best method of disposition (auction, transfer, discard, etc.) which will be in the best interest of the Town of Parma.
- E. A Resolution identifying the obsolete or surplus material and method of disposition will be prepared and adopted by the Town Board prior to the disposition.

INSURANCE

General

During the term of any contract for service, the vendor entering the contract shall provide evidence of insurance in the amounts stated. Only the Town Board, based on recommendation from the Supervisor, can amend these requirements.

All references in this Section to the Town refer to the Town of Parma, Monroe County, a political subdivision of New York State.

The Finance Director shall have the right to represent the Town, its officials, employees, and volunteers in all matters relating to this Section. (S)He shall provide information, assistance, and recommendations to the Supervisor in the administration of insurance requirements imposed under this Section.

Requirements

No contract for building, construction, reconstruction, renovation, demolition, or maintenance; or for any activity related to building, construction, reconstruction, renovation, demolition, or maintenance shall be awarded by the Town to any person until that person shall assure; by affidavit, that all the contractors and subcontractors employed, or that will be employed under the provision of the contract; shall be in compliance with New York requirements for worker's compensation insurance, unemployment insurance and all other legal regulations.

If deemed necessary by the Town, the vendor entering into a contract for service agrees to maintain continuous professional liability coverage written on an occurrence basis or, if on a claims made basis, with an extended coverage provision (ERP) of not less than three years. Coverage will be provided through insurance companies authorized to do business in the State of New York with the Best Rating of A- or better with a financial standing of X or better.

Professional liability coverage shall be provided in the following minimum amounts (if applicable):

- 1) \$1,000,000 per claim and
- 2) \$1,000,000 per annual aggregate

The following policies are to contain, or be endorsed to contain the following provisions; (The following is language usually in a contract but not written into an insurance policy.)

COMMERCIAL GENERAL LIABILITY, CONTRACTUAL LIABILITY AND AUTOMOBILE LIABILITY COVERAGE:

- a. The Town, its officers, employees, and volunteers are to be covered as insured as respects: liability arising out of activities performed by, or on behalf of, the vendor entering into a contract for service including the insured's general supervision of the premises owned, occupied or used by the vendor entering into a contract for service, or automobiles owned, leased, hired, or borrowed by the vendor entering into a contract for service. The coverage shall contain no special limitations on the scope of protection afforded to the Town, its officers, employees, and volunteers.
- b. The vendor, entering into a contract for service: insurance coverage shall be primary insurance as respects the Town, its officers, employees, and volunteers. Any insurance or self-insurance maintained by the Town, its officers, employees, and volunteers shall be excess of the vendor entering into a contract for service's insurance and shall not contribute to it.
- c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, employees, and volunteers.
- d. Coverage is to be written on an occurrence basis through an insurance company, or companies, lawfully authorized to do business in the State of New York with at best rating of no less than A-
- e. The vendor entering into a contract for service agrees to hold harmless and indemnify the Town, its officers, employees, and volunteers for all liability arising out of the contract, except that arising out of the sole gross negligence of the Town.

In addition:

- a. General Liability coverage shall be written on ISO Occurrence form CG00 01 (10/01) or a substitute form providing equivalent coverage and shall cover liability arising from premise and operations, independent contractors, products-completed operations and personal and advertising injury and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).
- b. Town of Parma and all other parties required of shall be included as additional insureds on the Commercial General Liability (CGL), using ISO Additional Insured Endorsement CG 20 10 (11/85) (on going and product completed operations) or both CG 20 10 (10/01) (ongoing operations) and CG 20 37 (10/01) (product completed operations) or an equivalent coverage to the additional insured. This insurance for the additional insured shall be as broad as the coverage provided for the named insured contractor. It shall apply as primary insurance on a non-contributing basis before any other insurance or self-insurance, including any deductible, maintained by or provided to, the additional insured.
- c. Waiver of subrogation
- d. Cancellation notice of 30 days
- e. There shall be no endorsement of modification of the Contractors CGL policy arising from pollution, explosion, collapse, underground property damage of work performed by subcontractors.

Annual Review

The Parma Town Board shall annually review these policies and procedures. The Parma Town Supervisor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of the General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of Parma or any officer or employee thereof.

2. **FORWARDING THE REPORT:** Forward the report to the Director of Finance, Supervisor or Town Board as circumstances dictate.
3. **RETALIATION:** Employees who make a complaint in good faith will not be retaliated against or penalized in any manner. If you observe retaliation or receive a report of retaliation, report it using the steps outlined in step 3.

Town of Parma Workplace Violence Prevention
Policy & Incident Reporting

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

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

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

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

Designated Contact Person:

Name: Jim Roose

Title: Town of Parma Supervisor

Department: Supervisor

Phone: (585) 392-9462

Location: 1300 Hilton Parma Corners Road, Hilton, NY 14468

WHAT CAN BE DONE TO PREVENT WORKPLACE VIOLENCE?

Any preventive measure must be based on a thorough understanding of risk factors associated with the various types of workplace violence. And, even though our understanding of the factors which lead to workplace violence is not perfect, sufficient information is available which, if utilized effectively, can reduce the risk of workplace violence. However, strong management commitment, and the day-to-day involvement of department heads, supervisors, employees and labor unions, is required to reduce the risk of workplace violence.

FOUR TYPES OF WORKPLACE VIOLENCE

Prevention programs include all forms of violence. To help sort out the different types of workplace violence, specialists agree that workplace violence falls into four broad categories. They are:

TYPE 1: *Violent acts by criminals who have no other connection with the workplace but enter to commit robbery or another crime.*

Type 1 acts of violence account for the vast majority—nearly 80 percent—of workplace homicides. In these incidents, the motive is usually theft, and in a great many cases, the criminal is carrying a gun or other weapon, increasing the likelihood that the victim will be killed or seriously wounded. This type of violence falls heavily on particular occupational groups whose jobs make them vulnerable. This includes taxi drivers (the job that carries by far the highest risk of being murdered), late-night retail or gas station clerks, as well as others who are on duty at night, who work in isolated locations or dangerous neighborhoods, and who carry or have access to cash.

Type 1 preventive strategies include an emphasis on physical security measures, special employer policies, and employee training. Because the outside criminal has no other contact with the workplace, the interpersonal aspects of violence prevention that apply to the other three categories are normally not relevant to Type 1 incidents.

TYPE 2: *Violence directed at employees by customers, clients, patients, students, inmates, or any others for whom an organization provides services.* In general, the violent acts occur as workers are performing their normal tasks. In some occupations, dealing with dangerous people is inherent in the job, as in the case of a police officer, correctional officer, security guard, or mental health worker. For other occupations, violent reactions by a customer or client are unpredictable, triggered by an argument, anger at the quality of service or denial of service, delays, or some other precipitating event.

Employees experiencing the largest number of Type 2 assaults are those in healthcare occupations—nurses in particular, as well as doctors and nurses aides who deal with

psychiatric patients; members of emergency medical response teams; and hospital employees working in admissions, emergency rooms, and acute care units.

- Supporting, not punish, victims of workplace or domestic violence.
- Adopting and practicing fair and consistent disciplinary procedures.
- Fostering a climate of trust and respect among workers and between employees and management.
- When necessary, seeking advice and assistance from outside resources, including threat-assessment psychologists, psychiatrists and other professionals, social service agencies, and law enforcement.
- Providing regular training in preventive measures for all new/current employees, supervisors and managers.

THE ROLE OF THE EMPLOYEES

Employees have the right to expect a work environment that promotes safety from violence, threats, and harassment. They can actively contribute to preventive practices by doing the following:

- Accept and adhere to an employer’s preventive policies and practices.
- Become aware of and report violent or threatening behavior by coworkers or other warning signs.
- Follow procedures established by the workplace violence prevention program, including those for reporting incidents.
- Go to HR Director or Department Head if uncomfortable.

COMMUNICATION

Town of Parma recognizes that to maintain a safe, healthy and secure workplace we must have open, two-way communication between all employees, including supervisors and department heads, on all workplace safety, health and security issues. Town of Parma has a communication system designed to encourage a continuous flow of safety, health and security information between management and our employees without fear of reprisal and in a form that is readily understandable.

RECORD KEEPING AND REVIEW

In reviewing records, care must be taken to ensure appropriate confidentiality of medical and personnel records.

Periodic updates and reviews of the following workplace violence reports and records will be made.

- Department of Safety and Health (OSHA) 300 logs
- Workplace violence incident reports
- Workplace Survey
- Accident Investigations
- Training Records
- Grievances

- Location and operation of alarm systems, panic buttons and other protective devices.
- Communication procedures.
- Self-Protection
- Dealing with angry, hostile or threatening individuals.
- Using the “Buddy” system or other assistance from co-workers.
- Awareness of indicators that lead to violent acts by service recipients.
- Managing with respect and consideration for employee well-being.

REPORTING AND INCIDENT INVESTIGATION

Procedures for reporting incidents and investigation of incidents for workplace violence – threats and physical injury – include:

Employees are responsible for:

- Reporting their concerns to their immediate Supervisor.
- Employees are encouraged to fill out an incident report which can be obtained from management.
- Employee is required to request assistance if necessary.

Employers are responsible for:

- Reviewing and investigating the incident and report findings.
- Reviewing all previous incidents.
- Visiting the scene of an incident as soon as possible.
- Interviewing threatened or injured employees and witnesses.
- Examining the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the offender.
- Determining the cause of the incident.
- Taking corrective action to prevent the incident from recurring.
- Recording the findings and corrective actions taken.

Appendix 1

IF ASSAULTED, answer next 6 questions. **IF THREATENED**, go to next section

1. What started the assault?
2. What did the assaulter say when you were assaulted?
3. What was used to hit/strike/injure you?
4. What injuries did you sustain? Was medical treatment necessary?
5. How did the assault end?
6. How did you leave the assault site?

IF THREATENED, answer next 3 questions

1. As closely as possible, what were the words used?
2. Was "threatener" in a position to carry out the threat immediately?
3. How serious do you believe the threat was and why?

EMPLOYEE RELATED ACTIONS (Employee must complete next two questions whether a threat or assault)

1. What actions were taken by the employee? (e.g. filed workers' compensation, obtained medical treatment, used sick leave/vacation, etc.)
2. What specific actions from Employer does employee request related to assault/threat? If none, so indicate.

LAW ENFORCEMENT INFORMATION

Law Enforcement Agency Contacted – Name of Person/Officer	Date Contacted	Telephone Number
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Appendix 2

Personal Conduct to Minimize Violence	
Follow these suggestions in your daily interactions with people to de-escalate potentially violent situations. If at any time a person's behavior starts to escalate beyond your comfort zone, disengage.	
Do	Do Not
<ul style="list-style-type: none"> ❖ Project calmness, move and speak slowly, quietly and confidentially. ❖ Be an empathetic listener: Encourage the person to talk and listen patiently. ❖ Focus your attention on the other person to let them know you are interested in what they have to say. ❖ Maintain a relaxed yet attentive posture and position yourself at a right angle rather than directly in front of the other person. ❖ Acknowledge the person's feelings. Indicate that you can see he/she is upset. ❖ Ask for small, specific favors such as asking the person to move to a quieter area. ❖ Establish ground rules if unreasonable behavior persists. Calmly describe the consequences of any violent behavior. ❖ Use delaying tactics which will give the person time to calm down. For example, offer a drink of water (in a disposable cup). ❖ Be reassuring and point out choices. Break big problems into smaller, more manageable problems. ❖ Accept criticism in a positive way. When a complaint might be true, use statements like "You are probably right" or "It was my fault." If the criticism seems unwarranted, ask clarifying questions. ❖ Ask for his/her recommendation. Repeat back to him/her what you feel he/she is requesting of you. ❖ Arrange yourself so that a visitor cannot block your access to an exit. 	<ul style="list-style-type: none"> ❖ Use styles of communication which generate hostility such as apathy, brush off, coldness, condescension, robotism, going strictly by the rules or giving the run-around ❖ Reject all of a client's demands from the start. ❖ Pose in challenging stances such as standing directly opposite someone, hands on hips or crossing your arms. Avoid any physical contact, finger pointing or long periods of fixed eye contact. ❖ Make sudden movements which can be seen as threatening. Notice the tone, volume and rate of your speech. ❖ Challenge, threaten, or dare the individual. Never belittle the person or make him/her feel foolish. ❖ Criticize or act impatiently toward the agitated individual. ❖ Attempt to bargain with a threatening individual. ❖ Try to make the situation seem less serious that it is. ❖ Make false statements or promises you cannot keep. ❖ Try to impart a lot of technical or complicated information when emotions are high. ❖ Take sides or agree with distortions. ❖ Invade the individual's personal space. Make sure there is a space of three feet to six feet between you and the person.

GUIDELINES FOR PUBLIC COMMENT

Towns are authorized to enact rules and regulations regarding the conduct of public meetings and public hearings. Town Law, §130.

The public shall be allowed to speak only during a public hearing or during the public comment period of the meeting or at such other times as a majority of the Board shall allow. Comments must relate to the business of the Parma Board or the specific Public Hearing being held to provide information to the Board or express their concerns. The Public Comment period is not intended to be a question and answer period. When practical the Board will try to answer short direct questions.

Citizens that have a question or concern that will require some research are encouraged to provide that information to a Board member prior to the meeting. This should allow the Board to have a response or possibly resolve the matter beforehand.

The Chair shall recognize the person wishing to speak. Comments shall be limited to three minutes per person. Each participant shall be permitted to speak only once during each Town Board meeting. Comments shall be directed only to the Chairperson and Board members. Comments shall be respectful and in good order. The Chairperson or Board member may reply only after the speaker has finished talking.

Speakers must give their name, address and organization, if any and state the topic they wish to address.

Board members may, with the permission of the Chairperson, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Members of the public shall refrain from debate and argument among themselves during the Board meeting and shall address all remarks to the Board.

Prepared statements and accompanying documents and attachments shall not be read aloud but shall be submitted to the Chairperson for review by the Board in the future and may be included in the Board minutes.

When a group of persons wishes to address the Board on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Board and to limit the number of persons addressing the Board on the same matter so as to avoid unnecessary repetition.

Interested parties or their representatives may address the Board by written communications. Written communications shall be delivered to the Town Clerk or designee. Sufficient time should be allowed to distribute these communications to the Board members so they are aware of them prior to the next meeting.

INTERMUNICIPAL AGREEMENT

This Agreement, entered into by and between the Town of Parma, 1300 Hilton Parma Corners Road, Hilton, New York 14468 (hereinafter "Parma"), and the Town of Hamlin, 1658 Lake Road, Hamlin, New York 14464 (hereinafter "Hamlin").

WHEREAS, the parties, pursuant to General Municipal Law Section 119-0, are authorized to enter into joint municipal agreements to share in their municipal obligations, and

WHEREAS, from time to time, Parma and Hamlin are in need of dog control services on an emergency basis and/or at such times as Parma or Hamlin personnel are unavailable; and

WHEREAS, Parma and Hamlin employ qualified personnel who are capable of providing such services on behalf of Parma and Hamlin on an emergency and/or as needed basis; and

WHEREAS, Parma has determined it to be in the best interests of the residents of the Town of Parma for Hamlin personnel to provide such services on behalf of the Town of Parma on an emergency and/or as-needed basis; and

WHEREAS, Hamlin has determined it to be in the best interests of the residents of the Town of Hamlin for Parma personnel to provide such services on behalf of the Town of Hamlin on an emergency and/or as-needed basis

NOW THEREFORE, in furtherance of the provisions of the New York State General Municipal Law Section 5-G and in consideration of the premises and the mutual promises and understandings contained herein, it is hereby agreed by and between the Town of Parma and the Town of Hamlin as follows:

- 1) Parma agrees to provide Hamlin with qualified personnel to perform dog control services, upon request, on an emergency or as-needed basis as is mutually agreed upon by the parties in accordance with the provisions of this Agreement. At a rate of \$ 25.00 a call.
- 2) Hamlin agrees to provide Parma with qualified personnel to perform dog control services, upon request, on an emergency or as-needed basis as is mutually agreed upon by the parties in accordance with the provisions of this Agreement. At a rate of \$ 25.00 a call.
- 3) Any request from Parma to Hamlin for such services shall be made by the Dog Control Officer of the Town of Parma to the Dog Control Officer of the Town of Hamlin during normal business hours or by notifying the Monroe County 911 center during off hours.

Parma, its agents, contractors or employees, which shall or may occur in furtherance of the within Agreement and from and against any matter or thing arising from or in furtherance of the within Agreement.

- 10) Each municipality shall remain fully responsible for its own employee's compensation, including, but not limited to: salary, benefits and worker's compensation.
- 11) This Agreement shall be for a term of one (1) year following its execution. However, either party hereto may cancel and terminate this Agreement upon thirty (30) days prior written notice to the other party. However, if either party should elect to so cancel the contract, Parma and Hamlin shall remain obligated to each other for any services provided prior to such termination.
- 12) It is hereby acknowledged and agreed that the within Agreement has been approved by a majority vote of the governing body of each municipality that is a party hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year written.

TOWN OF PARMA

Dated:

By: Jim Roose, Supervisor

TOWN OF HAMLIN

Dated:

By: Steve Baase, Supervisor

8. The Town of Hamlin will be responsible for collecting all fees for veterinary costs, adoption, spayed and neutered fees from the dog owner.
9. If the dog is not adopted or cannot be placed in a foster home after the hold period, the Town of Hamlin will take the dog to Lollypop Farm. There will be a \$35.00 charge for transporting the dog to Lollypop Farm. The Town of Parma will be responsible for the admittance fee to Lollypop Farm.
10. Lessor agrees to provide to Lessee a monthly report of the number of "dog days" used by lessee during the preceding month. A "dog day" is defined as the use of one kennel by one dog for one day (e.g., one dog held in one kennel for three days equals three "dog days").
11. Lessee shall pay to Lessor the sum of \$2,000.00 in two payments, \$1,000.00 upon the signing of this contract, and the final payment of \$1,000.00 shall be payable on or about July 1, 2023 by voucher submitted to the Parma Town Board of the Lessee.
12. This agreement shall commence on the 3rd day of January, 2023 and shall continue through the 3rd day of March 2024.
13. This agreement may be terminated by either party upon thirty days written notice to the other party, with monies due or overpaid prorated on a monthly basis to the termination date.

IN WITNESS WHEREOF, the parties have executed this agreement the day and date for above written.

WITNESS:

TOWN OF PARMA

By: _____

Jim Roose
Town Supervisor

WITNESS:

TOWN OF HAMLIN

By: _____

Steve Baase
Town Supervisor