

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
MARCH 14, 2022 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Corcoran  
Councilman Molinelli  
Councilman Zambito  
Councilwoman Sessa  
Councilman Cauchi  
  
Colleen Corcoran, Town Clerk  
Tom Corcoran, Building Inspector-Code Enforcement Officer  
/Ulster County Legislator

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

***Councilman Molinelli made a motion to approve the agenda. Motion seconded by Councilman Cauchi.***

***Yeas: 5          Nays: 0          Carried***

ITEM #4 Motion to approve the February 28, 2022 Town Board Meeting

***Councilman Molinelli made a motion to approve the February 28, 2022 Town Board Meeting minutes. Motion seconded by Councilman Cauchi.***

***Yeas: 5          Nays: 0          Carried***

ITEM #5 Authorize payment of bills

***Councilman Cauchi made a motion to authorize payment of the abstract in the amount of \$202,323.58. Motion seconded by Councilman Molinelli.***

***Yeas: 5          Nays: 0          Carried***

ITEM #6 Comments on the agenda

*No comments on the agenda.*

ITEM #7 Presentations

*No presentations.*

ITEM #8 Report of Departments and Boards  
A) SUPERVISOR – SCOTT CORCORAN

**Supervisor's Report March 2022**

Attended the Monthly Ulster County Association of Town Supervisors and City Mayors meeting. We discussed the lifting of Covid mandates, discussed the winter ice storm damage, discussed the CAP program for centralized county arraignments and received an update from Chris Kelly from the County Executive's office.

Councilman Zambito and I met with the Highway Superintendent and the Water Superintendent to follow up on our Dept. meeting to discuss possible future budget personnel requests. We also discussed what's the best path forward to make sure sidewalks are cleared during snowstorms and how we can do two water extensions I would like done by doing the work in house with water and highway Dept employees.

Deputy Supervisor Appler and I met with Rosemary and Jerry Wein to discuss the DEC \$40K Estuary Grant we received for the accessible kayak launch with Dan Miller from the DEC. Also attending were Howard Baker, Ed Mackey Jr. and Colin Murphy from the Milton Landing Committee. We discussed the timeline for the project and the possible locations for the kayak launch.

Met with Superintendent Brooks to discuss the Bayside project PILOT request from developers Dan Reiger and Eric Baxter.

Met with County Executive Pat Ryan and Deputy Executive Chris Kelly to discuss the needs for Marlborough and how the county distribution of the \$34 million dollar ARPA funds will be utilized.

Had a follow up meeting with Deputy County Executive Chris Kelly on ways he and the County Executive can help with the Milton Landing CSX crossing delays.

Met with Pavan Naidu from Governor Hochul's office to discuss the needs of the Town of Marlborough and see if Governor Hochul can also help with the Milton Landing CSX crossing delays. I took Pavan on a tour of the Town so he could see the deep roots agricultural farming and wineries have played in the development of Marlborough. We also toured the Milton Landing, Sands Ave Park, Cluett Schantz Park, the TOMVAC building and the Marlboro Nature Trail.

Attended the Community Connections virtual meeting to discuss the power of your vote, registration and the upcoming election cycle. Presenters were Ashley Dittus and John Quigley from the Ulster County Board of Elections.

Councilman Zambito and I met with Herb Litz from Greenman Pedersen Inc. with Highway Superintendent Alonge, Deputy Lazaroff and Water Superintendent Muggeo to discuss future plans to upgrade the Highway / Water Dept. building at 1650 Rt 9W.

Water Superintendent Muggeo and I met with Julian Falco and Denis Larios to discuss the reclassification of the Town dam. We also discussed the upgrades for the Marlboro Sewer plant that we will be putting out to bid utilizing the ARPA money we received from the Federal government.

Attended the Annual Milton Engine Company #1 fire inspection dinner to honor 25 years of service for Gary Lazaroff, Ed Bozydaj, Steve Rivieccio and 40 year member Steve Kneeter.

Deputy Supervisor Appler and I met with Ulster County Sheriff Juan Figueroa to discuss the possibility of the Sheriff's Dept. docking a boat temporarily at the Milton Pier.

Councilwoman Sessa and I attended a Zoom meeting with Tina Rosa and James Mullen to discuss ways in which we can fill the position of camp director for the Marlborough summer camp.

Met with our co-camp directors, assistants and Tina Rosa to start the process for town summer Camp. We discussed the resignation of longtime camp director Kim Pomeroy, overview of rules and regulations, staffing, daily program, registration times and weekly rates for this year's camp.

Attended a CAP stakeholders meeting in the Town of Ulster to discuss with the committee members how a consolidated county arraignment system would impact Marlborough.

Attended a Zoom meeting with Deputy Supervisor Appler, John Behan and the Milton Landing Committee with CSX representatives to discuss the Milton Landing pedestrian and emergency vehicle crossing.

Attended an Emergency Management planning meeting with Councilman Zambito which was hosted by Deputy Supervisor Appler. Attendees were both Milton and Marlboro Fire Chiefs, Highway Superintendent, Deputy Highway Superintendent, Building and Code Enforcement Officer and the County emergency management team. Gael Appler Jr. is leading the team on updating our Town Emergency Management Plan.

Respectfully submitted,

Scott Corcoran

Supervisor  
Town of Marlborough

B) BUILDING INSPECTOR - THOMAS CORCORAN

**THOMAS CORCORAN - BUILDING INSPECTOR  
MONTHLY REPORT - BUILDING DEPARTMENT  
MONTH OF: FEBRUARY 2022**

CERTIFICATE OF OCCUPANCY	3	STOP WORK ORDER	0
REQUEST FOR INFORMATION	14	ZBA APPLICATION	0
TRAILER PARK RENEWALS	0	ORDER TO REMEDY	3
BUILDING EXTENSIONS	13	COMPLAINTS	12
FIRE INSPECTIONS	9	BURN PERMITS ISSUED	11
FIRE CALLS	1	CLOTHING BIN RENEWALS	0
TOTAL MILEAGE	756	TOTAL GAS USAGE	41

**BUILDING PERMITS**

ADDITION / RENOVATION	4	POOL / HOT TUB	1
BARN	2	ROOF	0
BURNING	11	SHED	2
CARPORT / GARAGE	1	SIGNS	0
DECK/STAIRS	0	SINGLE FAMILY	1
DEMOLITION	0	SOLAR PANELS	2
ELECTRICAL / HVAC	1	TANK INSTALL / REMOVAL	2
FURNACE / BOILER	2	WIRELESS COMMUNICATION	0
GENERATOR	0	WOOD / PELLET STOVE	1
TOTAL PERMITS	30	EST. COST OF BUILDINGS	\$838,977.00

**FEES COLLECTED**

CERTIFICATE OF OCCUPANCY	\$450.00
PERMIT EXTENSIONS	\$5,053.00
BUILDING PERMITS	\$5,053.50
REQUEST FOR INFORMATION	\$2,300.00
<b>TOTAL BUILDING FEES</b>	<b>\$12,856.50</b>
FIRE INSPECTIONS	\$680.00
TRAILER PARK RENEWALS	\$0.00
<b>TOTAL FIRE FEES</b>	<b>\$680.00</b>
<b>BURNING FEES</b>	<b>\$25.00</b>
ZBA APPLICATIONS	\$0.00
ZBA ESCROW	\$0.00
<b>TOTAL FEES</b>	<b>\$13,561.50</b>

*Councilman Cauchi asked Mr. Corcoran how he handles complaints.*

*Mr. Corcoran explained that all code violating complaints are to be in writing which then can be handled by phone call, letter, or an order to remedy.*

C) POLICE CHIEF - GERALD COCOZZA

Police Department  
Town of Marlborough

MEMORANDUM

To: Town Board of the Town of Marlborough  
From: Chief Cocozza  
Date: March 14, 2022  
Subject: Activity Summary for the Month of February 2022



Following is a summary of the activity of the Police Department for the month of February 2022

<u>MOTOR VEHICLE ACCIDENT</u>	February 22	Yr. Date 22	February 21	Yr. Date 21
Personal injury	2	10	3	7
Fatal	0	0	0	0
Property Damage	13	39	20	41
Total	15	49	23	48

<u>SUMMONSES ISSUED</u>				
Vehicle and Traffic	73	130	46	108
Parking	0	1	1	3

<u>COMPLAINT ACTIVITY</u>				
Total Blotter Entries	1338	2809	1408	3102
Total Arrests	23	43	18	38

<u>TOTAL TELEPHONE CALLS</u>	1826	3782	1801	3804
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POLICE DEPARTMENT OVERTIME HOURS payroll 04 & 05

Full Time Officer Overtime	(see attached)	(see attached)	
Full Time Officer Grant O/T	(see attached)	(see attached)	
Part Time Officer Overtime	(see attached)	(see attached)	
Part Time Officer Grant O/T	(see attached)	(see attached)	
Full Time Dispatchers Overtime	0 (\$ 8	0 (\$ 0	0
Part Time Dispatchers Overtime	24 (\$673) 49	8 (\$208)	32

<u>Police Mileage</u>	8194	17174	12418	22330
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Police Department  
Town of Marlborough



**MEMORANDUM**

Activity Summary for the month of February 2022

Page 2.

**Police Department Payroll 4 & 5 Regular Hours**

	February 22	Yr. Date	February 21	Yr. Date
Full Time Police Officer	1120	2329	1120	2296
Part Time Police Officer	1120	2280.75	1070	2168.5
Full Time Dispatcher	160	484	480	960
Part Time Dispatcher	515.5	1079.5	296	624.25
Traffic Officer	48	113	0	48

**Police Department Fuel Consumption**

Police	1053.624	2227.045	1088.738	2259.345
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**Use of Force**

0-use of force	YTD 0 - use of force
2-deer	YTD 4 - deer
0 - Animal	YTD 0 - animal
0- Hands	YTD 0 - hands

Civilian Complaints 0



## Incident Breakdown By Month Report



Print Date/Time: 03/10/2022 12:38  
Login ID: ivanamburgh.natirpd  
Year: 2022

Marlborough Town Police Department  
ORI Number: NY0555800  
Incident Type: All

Incident Type	January		February		March		April		May		June		July		August		September		October		November		December		Yearly Totals
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
7 Digit Call	4	50.0	4	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	8
911 Abandoned	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2
911 Misdeal	0	0.0	2	50.0	2	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	4
911 No Voice Call	2	66.7	1	33.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3
Accident Personal	8	61.5	2	15.4	3	23.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	13
Accident Property	26	55.3	13	27.7	8	17.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	47
Alarm Burglary	16	37.2	20	46.5	7	16.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	43
Alarm Panic	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2
Animal	4	25.0	7	43.8	5	31.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	16
Assault	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Assist EMS	70	48.3	58	40.0	17	11.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	145
Assist Fire	18	43.9	17	41.5	6	14.6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	41
Assist Other	2	33.3	3	50.0	1	16.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	6
ATV Complaint	0	0.0	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2
BOLO	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Bomb Threat	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Burglary	0	0.0	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2
Civil Matter	0	0.0	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2
Criminal Mischief	4	80.0	1	20.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	5
Custody Dispute	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Disabled Vehicle	3	37.5	5	62.5	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	8
Dispute	6	37.5	7	43.8	3	18.8	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	16
Domestic Dispute	9	42.9	9	42.5	3	14.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	21
Erratic Vehicle	7	50.0	5	35.7	2	14.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	14
Error	1	33.3	1	33.3	1	33.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3
Fight	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	4



## Incident Breakdown By Month Report



Print Date/Time: 03/10/2022 12:38  
Login ID: jvananburgh.maripd  
Year: 2022

Marlborough Town Police Department  
ORI Number: NY0555800  
Incident Type: All

Incident Type	January	February	March	April	May	June	July	August	September	October	November	December	Yearly Totals
Fraud	6	3	1	0	0	0	0	0	0	0	0	0	10
Harassment	2	8	1	0	0	0	0	0	0	0	0	0	11
Information	5	6	1	0	0	0	0	0	0	0	0	0	12
Larceny	2	5	0	0	0	0	0	0	0	0	0	0	7
Lock Out	4	15	1	0	0	0	0	0	0	0	0	0	20
Lost or Missing	1	0	1	0	0	0	0	0	0	0	0	0	2
Mental Health Law	1	0	0	0	0	0	0	0	0	0	0	0	1
New Call	1	1	0	0	0	0	0	0	0	0	0	0	2
Noise Complaint	0	0	1	0	0	0	0	0	0	0	0	0	1
Open Door	1	2	0	0	0	0	0	0	0	0	0	0	3
Police Public	4	6	1	0	0	0	0	0	0	0	0	0	11
Police Station	5	1	2	0	0	0	0	0	0	0	0	0	8
Property Check	1059	45.2	917	39.2	366	15.6	0	0	0	0	0	0	2342
Property Found	0	0	2	100.0	0	0	0	0	0	0	0	0	2
Property Lost	2	50.0	2	50.0	0	0	0	0	0	0	0	0	4
Psychiatric	0	0	3	60.0	0	0	0	0	0	0	0	0	3
Public Safety	1	100.0	0	0	0	0	0	0	0	0	0	0	1
Road Hazard	5	29.4	11	64.7	1	5.9	0	0	0	0	0	0	17
School Check	107	47.3	84	37.2	35	15.5	0	0	0	0	0	0	226
School Incident	0	0.0	2	66.7	0	0.0	0	0.0	0	0.0	0	0.0	3
Seize Papers	2	33.3	4	66.7	0	0.0	0	0.0	0	0.0	0	0.0	6
Shots Fired	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Special Detail	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Suicide or	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Suspicious	11	47.8	9	39.1	3	13.0	0	0.0	0	0.0	0	0.0	23
Traffic Complaint/	3	17.6	13	76.5	1	5.9	0	0.0	0	0.0	0	0.0	17





## Incident Breakdown By Month Report



Print Date/Time: 03/10/2022 12:38  
Login ID: Warranburgh,marfpd  
Year: 2022

Marlborough Town Police Department  
ORI Number: NY0555900  
Incident Type: All

Incident Type	January		February		March		April		May		June		July		August		September		October		November		December		Yearly Totals
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Traffic Stop	44	37.0	56	47.1	19	16.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	119
Trespass	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2
Unknown Police	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Vehicle	2	66.7	0	0.0	1	33.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3
Welfare Check	13	35.1	20	54.1	4	10.6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	37
Total:	1471	44.4	1338	40.4	501	15.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3310

**Police Officer Overtime** ( these figures are not exact and are intended for budget use and tracking)  
Figures are up to date of last payroll

Line Item	Yr. to Date	Budgeted	remaining	% utilized
Admin	\$226	\$3,162	\$2,936	7%
DARE	\$0	\$4,110	\$4,110	0%
F/T Court	\$0	\$2,984	\$2,984	0%
F/T Holiday *	\$4,325	\$37,311	\$32,986	12%
F/T Investigations	\$780	\$8,086	\$7,306	10%
F/T Shift Cover	\$5,570	\$17,797	\$12,227	31%
F/T Training	\$0	\$6,133	\$6,133	0%
P/T Court	\$207	\$4,457	\$4,250	5%
P/T Holiday *	\$4,870	\$12,228	\$7,358	40%
P/T Investigations	\$1,060	\$6,980	\$5,920	15%
P/T Shift Cover	\$5,315	\$16,238	\$10,923	33%
P/T Training	\$0	\$6,576	\$6,576	0%
F/T Firearms training & taser	\$0	\$5,247	\$5,247	0%
P/T Firearms training & Taser	\$0	\$7,076	\$7,076	0%
FT Special detail	\$0	\$9,762	\$9,762	0%
PT Special Detail	\$0	\$12,201	\$12,201	0%
<b>Total</b>	<b>\$22,353</b>	<b>\$160,348</b>	<b>\$137,995</b>	<b>14%</b>
*Holiday	\$9,195	\$49,539	\$40,344	19%

Police Officer Grant Overtime ( these figures are not exact and are intended for budget tracking only)  
 Figures are up to date of last payroll

Line Item	Yr. to Date	Budgeted	remaining	% utilized
Grant Funds				
BUNY (buckle up NY)	\$0	\$2,000	\$2,000	0%
DWI (driving while intoxicated)	\$0	\$2,500	\$2,500	0%
PTS (police traffic services)	\$0	\$3,500	\$3,500	0%

## D) HIGHWAY SUPERINTENDENT – JOHN ALONGE

### **SUPERINTENDENT OF HIGHWAYS**

*Town of Marlborough  
1650 Route 9W, P.O. Box 305  
Milton, New York 12547*



**John Alonge**  
Highway Superintendent

**Phone:** 845-795-2272 x 6  
**Fax:** 845-795-6037  
**Cell:** 845-849-5549

Supervisor Corcoran  
Town Clerk Colleen Corcoran  
Town Board Members

#### **Monthly Report for February 2022**

The ice storm on the weekend of February 4<sup>th</sup> devastated many towns in Ulster County. Before the storm we sent out road patrols to clear all catch basins. We sent trucks out to pretreat and then called all men in at 5 am on Friday to plow and salt. We spent the rest of the weekend treating icy spots and scraping shoulders. Ulster County Emergency Management requested help in Stone Ridge and also with Central Hudson, we sent 3 men to assist them. In March, County Executive Patrick Ryan will host a special ceremony in appreciation of our dedication and support for the residents of Ulster County during the ice storm.

#### **Highlights for the month:**

1. Throughout the month we cleaned catch basins and continued to cold patch in both Marlboro and Milton. We continued road patrols checking for icy spots throughout the month.
2. On 2/1 we worked with the Water Department to repair a service line on Prospect St.
3. On 2/8 we had crews out to chip any down trees or limbs from the ice storm.
4. On 2/9-2/11 we sent men to the Town of Kingston to help with their clean up after the storm on 2/4.
5. There were several winter storms this month:  
2/4 - Snow and sleet. Forecast was for 5"-8", we received 4"-5" with 1" of sleet.  
2/13 - Predictions were for a dusting of snow, but we received approx. 4".  
2/19 - Snow Squall. All men into salt and plow.  
2/24 - Forecast was for 5"-8" of snow. We received 4"-5" of snow with 1" of sleet.
6. We spent the month trimming brush and trees in preparation for our 2022 paving projects.

**Fuel Usage:** Gas: 183 gallons      Diesel: 1,951 gallons

Respectfully submitted,

John Alonge,  
Highway Superintendent

E) WATER SUPERINTENDENT - CHARLIE MUGGEO

WATER SUPERINTENDENT  
TOWN OF MARLBOROUGH  
1650 ROUTE 9W, PO BOX 305  
MILTON, NY 12547

CHARLES MUGGEO  
WATER SUPERINTENDENT

FAX (845) 795-2031  
PHONE (845) 795-5100

DATE: 3/14/2022

TO: SUPERVISOR SCOTT CORCORAN  
TOWN BOARD MEMBERS  
TOWN CLERK

RE: MONTHLY REPORT FOR FEBRUARY

Water consumption totaled 14,554 million gallons, which is a daily usage of 519,806  
Compared to last month 16,324 million gallons, which is a daily usage of 526,580  
Compared to a year ago water consumption was 15.953 million gallons for the month,  
which is a daily usage of 514,612.

SUMMARY FOR THE MONTH

BILLING: People called for high bills, calls had to be alleviated. Bills were mailed out,  
if you have any problems or questions feel free to give us a call.

CURB BOXES: We had to repair a curb box on Hudson Terrace.

METERS: Again, we continue to get calls to replace frozen meters.

SERVICE LINES: We had to repair service lines on Orchard St., Albertson Ln. and Old  
Indian Rd. in Milton.

SEWER: We helped repair the sewer pump at the Marlboro Sewer Plant.

We also assisted in the clean up and renovation of the TOMVAC Building.

CLOSINGS: 7  
MARKOUTS: 15  
Gallons of Gas: 265  
Gallons of Diesel: 25  
Mileage for the month: 1,600

# F) TOWN CLERK - COLLEEN CORCORAN

03/01/2022

## Town Clerk Monthly Report Monthly Report February 01, 2022 - February 28, 2022

Page 1

Account Description	Fee Description	Account#	Qty	Local Share
building Dept/ Burn permits	Burn Permits	00-2110	1	30.00
			<b>Sub-Total:</b>	<b>\$30.00</b>
Conservation	Conservation	A1255	1	1.38
			<b>Sub-Total:</b>	<b>\$1.38</b>
Dog Licensing	Female, Spayed	A2544	7	35.00
Dog Licensing	Female, Unspayed	A2544	1	10.00
Dog Licensing	Male, Neutered	A2544	2	10.00
Dog Licensing	Male, Unneutered	A2544	1	10.00
			<b>Sub-Total:</b>	<b>\$65.00</b>
General Fund	Towing Licenses	00-2590	1	250.00
			<b>Sub-Total:</b>	<b>\$250.00</b>
LANDFILL FEES	T/s Permits	00-2130	9	465.00
LANDFILL FEES	T/s Punch Cards	00-2130	20	1,340.00
			<b>Sub-Total:</b>	<b>\$1,805.00</b>
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	1	17.50
			<b>Sub-Total:</b>	<b>\$17.50</b>
Misc Fees	Building Fees\Building Dept	00-2110	1	8,939.90
Misc Fees	Fire Fees\Building Dept	00-2110	1	1,145.00
			<b>Sub-Total:</b>	<b>\$10,084.90</b>
MISC. FEES	Accident Reports	00-1255	23	125.00
MISC. FEES	Burgular Permits	00-2590	1	20.00
MISC. FEES	Certified Copies	00-1255	1	100.00
MISC. FEES	Foi Requests	00-1255	1	3.75
MISC. FEES	Minor Sales	00-2655	1	50.00
MISC. FEES	Park Fees	00-2001	3	1,300.00
			<b>Sub-Total:</b>	<b>\$1,598.75</b>
<b>Total Local Shares Remitted:</b>				<b>\$13,852.53</b>
Amount paid to:	NYS Ag. & Markets for spay/neuter program			15.00
Amount paid to:	NYS Environmental Conservation			23.62
Amount paid to:	State Health Dept. For Marriage Licenses			22.50
<b>Total State, County &amp; Local Revenues:</b>	<b>\$13,913.65</b>	<b>Total Non-Local Revenues:</b>	<b>\$61.12</b>	

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Colleen Corcoran Town Clerk, Town of Marlborough during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor	Date	Town Clerk	Date
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## G) WASTEWATER TREATMENT FACILITY- JULIAN FALCO

Water Quality Management, Inc.  
P.O. Box 655  
Marlboro, NY 12542

March 1, 2022

For the month of February 2022, both the Marlboro and Milton Wastewater Treatment Plants complied with all of the SPDES requirements. The following are monthly statistics for both plants;

### **Marlboro WWTP**

- Average Daily Flow = **156,000** gallons per day.
  - (About 89% of design capacity.)
- Average BOD removal = **98%**
- Average Suspended Solids removal = **95%**

### **Milton WWTP**

- Average Daily flow = **31,000** gallons per day.
  - (About 56% of design capacity)
- Average BOD removal = **99%**
- Average Suspended Solids removal = **93%**

Both the Marlboro and Milton treatment plants operated normally during the month of February without any major changes or events. The highflow to the Marlboro plant was likely due to snowmelt and rain water infiltrating into the collection system. The highway department helped remove a Grinder that was slowly leaking water around our digester tank. We have determined that the lower bearings have rusted out and need replacement. We have ordered the replacement parts from GP Jager Inc and should receive them in 3-4 weeks. DJ Heating and Air Conditioning helped repair 3 out of the 4 exhaust fans at the Milton facility. We are currently waiting on a new motor for the last fan. Having these running will help with the high moisture within the building. Overall, both wastewater treatment plants are in good working order but are getting older. If you need any additional information, please do not hesitate to contact me.

Thank you,  
Julian Falco  
Water Quality Management, Inc.

H) DOG CONTROL OFFICER - ANDREW MCKEE

21 Milton Turnpike  
Marlborough, New York, 12547

## Town of Marlborough Dog Control

Andrew McKee-Dog Control Officer      Bethany Wager-McKee Deputy Dog Control Officer

Monday, March 7, 2022      February 2022 Monthly Report

### Monthly Report – 2/1/2022 through 2/28/2022

#### Overview:

We received a total of 15 calls this month including 2 calls to service from the New York State Police and Ulster County Sherriff.

Responded to 4 active complaints and/or cases which are now closed or resolved

We currently have 1 open case or complaint.

We Impounded 0 dogs this month.

no appearance tickets were issued this month

We have 0 Dangerous Dog cases in progress in the Marlborough Justice Court

Warmer weather is on the way. Please check your fences, cable dog runs and electric fences for damage. Dogs have spring fever too !

End of report.



I) ASSESSOR - CINDY HILBERT

**To:** Town Board

**From:** Cindy Hilbert

**CC:** Colleen Corcoran

**Date:** March 11, 2022

**Re:** **March** Report

We prepared 5 tax estimates and are working on three commercial tax estimates.  
We processed 36 sales this month.

We have completed the majority of our field work and building permit review.

We have received back all of our exemption applications (Agricultural, Veterans and Non-Profit), which we are currently processing.  
We are continuing to value our new construction.

J) PLANNING - CHRIS BRAND

Town of Marlborough

# Planning Board Review February 2022

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February 2022 Financial Report	
February 2022 Application Fees	\$900
February 2022 Escrow Fees	\$3,023.20
February 2022 Recreation Fees	\$2,000
February 2022 Invoices	\$6,907.53

Meeting: February 7, 2022

## ATTENDEES

Chris Brand, Cindy Lanzetta, Joe Lofaro, Bob Troncillito, James Garofalo, Steve Jennison

## AGENDA

### Approval of Stenographic Minutes for 12/20/2021 & 1/18/2022

Approval for the 12/20/2021 minutes was granted unanimously. Approval of the 12/20/2021 minutes was approved with Member Garofalo abstaining.

### Blasher Hafred, 346 Mt. Zion Rd., Marlboro: Final, Minor Site Plan

- Final Approval was granted unanimously.

### Pollock Site Plan, 39 Main Street, Milton: Public Hearing, Site Plan

- The Public Hearing was opened. The Board reviewed comments from Engineer Pat Hines. Major concerns raised by the public in attendance included parking, truck traffic, construction phasing, the possibility of blasting, Main Street congestion, off site parking controls and signage,

and pedestrian traffic to Brewster Street Lot. The applicant agreed to establish some type of plaque or signage indicating the site was home to the first firehouse in Milton. The Board closed the Public Hearing, but included a motion to allow written statements to be received for a period of two weeks.

**Qiang Subdivision, 24 Plattekill Road, Marlboro: Sketch, Subdivision**

- The Board reviewed comments from Engineer Pat Hines which included a copy of the ZBA approval. Possible issues regarding the deed were discussed and the Board requested clarification.

**NEXT Deadline**

Friday, February 11, 2022

**NEXT Scheduled Meeting**

Monday, February 21, 2022

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**Meeting: February 21, 2022**

**\*\*\*Meeting Canceled\*\*\***

**NEXT Deadline**

Friday, February 25, 2022

**NEXT Scheduled Meeting**

Monday, March 7, 2022

Respectfully Submitted,

Chris Brand, Chairman, Town of Marlborough Planning Board

ITEM #9 Report of Committees

A) RECREATION COMMITTEE

*Councilwoman Sessa reported that the committee met on March 7<sup>h</sup> along with Meet Me in Marlborough members to discuss melding events. The Easter Egg Hunt will be at the Hudson Valley Sports Dome on April 7, 2022 from 5:30 to 7:30 p.m.*

B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE

*Supervisor Corcoran reported that there was an emergency management meeting as stated in his report and updates will be done to the plan once some items are discussed further.*

C) CONSERVATION ADVISORY COMMITTEE

*Supervisor Corcoran stated that the Board doesn't have anything for the CAC to work on right now.*

D) IT COMMITTEE

*Supervisor Corcoran stated that all personnel should have laptops now.*

*John Alonge stated that his secretary could use one in case she needs to work from home.*

E) MILTON TRAIN STATION FOUNDATION

*Supervisor Corcoran read the report from the foundation meeting which is incorporated into the meeting as follows:*

Milton Train Station Foundation Meeting  
March 8, 2022  
6:45pm at Milton Train Station

In attendance: John Scott, Cindy Lanzetta, Glen Botto, Rosemary Wein, Joanne Pagnotta  
Town Board Rep: Manny Cauchi  
Guest: Al Lanzetta

Treasurer's Report (submitted by Ed Mackey)  
Checking Account bal: \$240.09  
Savings Account bal: \$82,672.88 (aprox \$50,000 encumbered for Grant for landscaping)  
Ed filed the 990 paperwork for the 501C(3)

Deck Repair (Glen Botto)  
Glen explained the problem with "green wood" on eastern outside decking. Replacement will require extensive work. Glen had a conversation with Supervisor Corcoran and the Town is willing to replace the deck.

Ballards (Cindy Lanzetta)  
Cindy spoke to Highway Superintendent John Alonge and he was willing to work with the Foundation to put in ballards to protect the Western exterior of the building. Now that work will need to be coordinated with the plans for resurfacing the parking area. Rosemary Wein volunteered to coordinate this work with the Town and the consultants.

Rosemary brought up correspondence in the mail. She will contact a rail preservation group to have the Train Station listed and give the Town information as a contact.

Discussion about original (lost) historic plaque. John Scott will try to get more information as to replacement ideas and costs.

Discussion about flag pole location in regard to landscaping plans. Will remain in place for now.

Discussion about use of Freight room. Rosemary said there are grant monies to do a study to see how it might be utilized and we also discussed that that would be dependent on accessibility. The current state of the Freight room necessitates a Clean Up Day for Board members to assess what materials need to remain in the room and what needs to go. We will circulate some Sunday dates in April to schedule that clean up.

Mark your calendar with these dates for our Quarterly Meetings in 2022:

June 14th	6:45pm	Train Station
Sept 13th	6:45pm	Train Station
Dec 13th	possible Holiday Meeting? TBA	

Respectfully, Cindy Lanzetta

F) MILTON LANDING CITIZENS COMMITTEE

*Supervisor Corcoran clarified that there is \$13,000.00 in escrow for a pedestrian crosswalk. He also clarified that John Behan is going to plan and design the crosswalk which will need to be submitted to CSX then DOT and finalized by August.*

G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE

*No report.*

H) MEET ME IN MARLBOROUGH

*Supervisor Corcoran read the MMiM report which is incorporated into the minutes as follows:*

March 14, 2022

Meet Me in Marlborough Town Board Report

- Tues. 3/1 Zoom meeting with Sherida Sesse, Town of Marlborough Councilwoman
- Tues. 3/8 Attended the Town of Marlborough Recreation Committee Meeting
- Wed. 3/9 Zoom Meeting with Agriculture Members
- Fri. 3/11 MMiM participated in the MHS workshop event. A slideshow showcasing Marlborough's agriculture was presented to students.
- Sat. 4/23 (rain date Sun. 4/24) Blossom Street Fair in the Hamlet of Milton. To celebrate the beginning of the Agriculture Season. Shops, Businesses, Crafts, School Groups, Farms & Community Organizations.

Thank  
you,  
MMiM  
BOD

I) HAMLET OF MILTON ASSOCIATION COMMITTEE

*Councilwoman Sessa reported that the Spring Fling will take place on April 28, 2022 from 6-9 p.m. at Locust Grove Brewing Co.*

J) TRANSFER STATION REVIEW COMMITTEE

*No report.*

ITEM #10 Old Business

A) Tomvac Rehabilitation Update

*Supervisor Corcoran stated that the bid was awarded and the contractor was notified for the asbestos abatement. They will start work next week. The construction bid is scheduled to go out on April 11, 2022.*

B) South Pier Update

*Supervisor Corcoran stated that Brandee Nelson from Tighe & Bond was able to get Arben Group to agree to finish the necessary items for the pier so a Certificate of Occupancy can be issued. American Cruise Lines would like a 9 pile system and a design was drawn up and presented.*

ITEM #11 New Business

A) Motion to sign an agreement with Brinnier and Larios-Capital Project at the Hamlet of Marlboro Wastewater Treatment Plant on Dock Rd  
***Councilman Molinelli made a motion to allow the Supervisor to sign an agreement with Brinnier and Larios for the Capital Project at the Hamlet of Marlboro Wastewater Treatment Plant on Dock Rd. Motion seconded by Councilman Cauchi.***

***Yeas: 5            Nays: 0            Carried***

*Supervisor Corcoran explained that 5 items will need to be bid out. The engineer services and work will be covered by the American Rescue Plan Act (ARPA) grant.*

ITEM #12 Correspondences

*Supervisor Corcoran read correspondences:*

*A letter from the Planning Board Chairman stating that he is in receipt of the letter from the Town Clerk and the proposed zoning code changes and the Board is in favor of the changes.*

*A letter from Marlboro United Soccer Club (MUSC) requesting lower field usage for specific dates for their spring season.*

***Councilman Cauchi made a motion to allow MUSC usage of the soccer fields at Cluett Schantz Park for the dates they requested for the spring. Motion seconded by Councilwoman Sessa.***

***Yeas: 5            Nays: 0            Carried***

*A letter from Kattaya Fernandez asking to use the park on May 1<sup>st</sup> for an American Heart Association Zumba event.*

***Councilman Cauchi made a motion to allow Kattaya Fernandez to hold a Zumba event at Cluett Schantz Park to benefit the American Heart Association on May 1<sup>st</sup>. Motion seconded by Councilman Molinelli.***

***Yeas: 5            Nays: 0            Carried***

*A resignation letter from Police Officer Robert Doviken; he served as police officer for 41 years and his resignation is effective March 21, 2022.  
The Board thanked Officer Doviken for his service to the town.*

ITEM #13 Public Comments

*Mici Simonofsky asked for clarification on who the Red Cross liaison is.*

*Supervisor Corcoran stated that he and Councilman Zambito are the liaisons but Kathy Guarino is listed as the contact on Emergency Management Plan.*

*Ms. Simonofsky asked who the town is consulting for the pier work to make sure the negotiations are fair.*

*Supervisor Corcoran said Brandee Nelson from Tighe & Bond is the engineer who has been on the project. The price of the fender pile system has more than doubled and it is unknown if American Cruise Lines will pay for it.*

*Ms. Simonofsky stated that there is an upcoming Community Connections meeting to update the community about the TOMVAC building renovation. She contacted the Board prior to see if the engineer would speak at the meeting.*

*Some of the Board members discussed this with Ms. Simonofsky and it was decided that the engineer cannot attend because it would cost the taxpayers money. It was suggested that the meeting be held virtually because not many people attend in person meetings and so the recording of the Town Board meeting where Phil Bell presented could be played and the visuals be shown. Some of the councilmembers offered to be available for the meeting for questions.*

*There was a brief discussion about what the plan is once the pier is done.*

*Tom Corcoran asked as resident of Milton and County Legislator, for clarification about the cost of the pier (to the taxpayers). He also questioned how the cost or barter for the fender pile system will affect the taxpayers as lost revenue.*

*Supervisor Corcoran explained that the cost of the pier so far was 1.81 million dollars of which \$313,000.00 was a grant. About \$300,000.00 was paid from the fund balance and 1.2 million was bonded. The Town cannot pay for the fender piles as the cost keeps increasing significantly and is working on negotiating with American Cruise Lines to pay for the piles in lieu of docking fees, upkeep, and management.*

#### ITEM #14 Resolutions

- A). Resolution #36 To advertise for Highway Items
- B). Resolution #37 To advertise for Fuel Items
- C). Resolution #38 To adopt Local Law #1 of the year 2022
- D). Resolution #39 To appoint a part time dispatcher
- E). Resolution #40 To appoint a part time dispatcher

#### ITEM #15 Adjournment

***Councilman Molinelli made a motion to adjourn the meeting at 8:34 p.m. Motion seconded by Councilwoman Sessa.***

***Yeas: 5            Nays: 0            Carried***

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*



March 14, 2022

A). Resolution #36 To advertise for Highway Items

Supervisor Corcoran proposes the following:

Resolved, that the Town Board authorizes the Town Clerk to advertise for the following highway materials

Item#1 Road Materials-washed stone-3/4 stone, Item 4-delivered per New York State Specs  
Item#2 Material Hauling-specs available at the Town Clerks Office

Now therefore be it resolved, that the Town Board authorizes the Town Clerk to place a legal notice in the official newspaper for the Town requesting sealed bids on highway items and that all bids must be accompanied by a signed non collusion affidavit, and

Be it further resolved, that all bids be received by the Office of the Town Clerk, 21 Milton Turnpike, Milton NY 12547 until 2:00 PM April 14, 2022 at which time they will be opened and read aloud.

And moves for its adoption:

Councilman Molinelli	Yes
Councilwoman Sessa	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

March 14, 2022

B). Resolution #37 To advertise for Fuel Items

Supervisor Corcoran proposes the following:

Resolved, that the Town Board authorizes the Town Clerk to advertise for the following items

Item#1 Propane

Item#2 Heating fuel

Now therefore be it resolved, that the Town Board authorizes the Town Clerk to place a legal notice in the official newspaper for the Town requesting sealed bids on fuel items and that all bids must be accompanied by a signed non collusion affidavit, and

Be it further resolved, that all bids be received by the Office of the Town Clerk, 21 Milton Turnpike, Milton NY 12547 until 2:00 PM April 14, 2022 at which time they will be opened and read aloud.

And moves for its adoption:

Councilman Molinelli	Yes
Councilwoman Sessa	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

March 14, 2022

C). Resolution #38 To adopt Local Law #1 of the year 2022

Supervisor Corcoran offered the following resolution which was seconded by Councilman Molinelli, who moved its adoption:

WHEREAS, a local law was introduced to be known as Local Law No. 1 of 2022, entitled, Local Law No. 1 of 2022 A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK REPEALING AND REPLACING CHAPTER 67, “BUILDING CONSTRUCTION,” OF THE MARLBOROUGH TOWN CODE.

WHEREAS, a public hearing in relation to said local law was held on March 14, 2022, at 7:00 p.m., prevailing time;

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Marlborough for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted

Section 1. Chapter 67 of the Town Code of the Town of Marlborough is repealed and replaced as follows:

Chapter 67. Building Construction

Article I. Administration and Enforcement

§ 67-1. Purpose.

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

## § 67-2. Definitions.

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

### **ASSEMBLY AREA**

An area in any building, or in any portion of a building, that is primarily used or intend 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**

The term "building permit" shall also include a building permit which is renewed, amended, or extended pursuant to any provision of this article.

### **CERTIFICATE OF COMPLIANCE**

A document issued by the Town stating that work was done in compliance with approved construction documents and the Codes.

### **CERTIFICATE OF OCCUPANCY**

A document issued by the 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**

The Code Enforcement Officer appointed pursuant to § 67-3B of this article.

### **CODE ENFORCEMENT PERSONNEL**

The Code Enforcement Officer and all inspectors.

### **CODES**

The Uniform Code and Energy Code.

### **ENERGY CODE**

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

### **FCNYS**

The Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225, as currently in effect and as hereafter amended from time to time.

### **FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION**

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**

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**

An inspector appointed pursuant to § 67-3D of this article.

### **OPERATING PERMIT**

A permit issued pursuant to § 67-10 of this article. The term "operating permit" shall also include an operating permit which is renewed, amended, or extended pursuant to any provision of this article.

### **ORDER TO REMEDY**

An order issued by the Code Enforcement Officer subject to § 67-15(A) of this article.

### **PERMIT HOLDER**

The person to whom a building permit has been issued.

**PERSON**

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**

The Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226, as currently in effect and as hereafter amended from time to time.

**RCNYS**

The Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220, as currently in effect and as hereafter amended from time to time.

**REPAIR**

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**

An order issued pursuant to § 67-6 of this article.

**TEMPORARY CERTIFICATE**

A certificate issued pursuant to § 67-7D of this article.

**TOWN**

The Town of Marlborough.

**UNIFORM CODE**

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, as currently in effect and as hereafter amended from time to time.

**§ 67-3. Code Enforcement Officer; 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 article. 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 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, and operating permits, and to include in building permits, certificates of occupancy, certificates of compliance, temporary certificates, and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this article;
- (4) To issue stop-work orders;
- (5) To review and investigate complaints;
- (6) To issue orders pursuant to § 67-15A, Compliance orders, of this article;
- (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 article, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this article; and (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this article.

B. The Code Enforcement Officer shall be appointed by 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, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this article.

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 article. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the ~~State Fire Administrator~~ 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.

#### § 67-4. Building permits.

A. Building permits required. Except as otherwise provided in Subsection **B** of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

B. Exemptions. No building permit shall be required for work in any of the following categories: [Amended 7-23-2018 by L.L. No. 3-2018]

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

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

(3) Installation of fences which are not part of an enclosure surrounding a swimming pool;

(4) Construction of temporary motion-picture, television and theater stage sets and scenery;

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

(6) Installation of partitions or movable cases less than five feet nine inches in height;

(7) Painting, wallpapering, tiling, carpeting, or other similar finish work;

(8) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

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

(10)Repairs, provided that 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 noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection **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 by 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 two 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 performed 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 months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection 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 § 67-16, Fees, of this article 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.

#### § 67-5. 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 Subsection **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) Building systems, including underground and rough-in;

(6) Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;

(7) Fire-resistant construction;

(8) Fire-resistant penetrations;

(9) Solid-fuel-burning heating appliances, chimneys, flues, or gas vents;

(10) 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;

(11) Installation, connection, and assembly of factor manufactured buildings and manufactured homes; and

(12) 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 § 67-16, Fees, of this article must be paid prior to or at the time of each inspection performed pursuant to this section.

#### § 67-6. 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 Subsection **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 § **67-15** of this article 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.

#### § 67-7. Certificates of occupancy.

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 certificates 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, 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 certificates 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 certificates of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy or certificates of compliance:

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

C. Contents of certificates of occupancy and certificates of compliance. A certificate of occupancy or certificate of compliance shall contain the following information:

- (1) The building permit number, if any;
- (2) The date of issuance of the building permit, if any;
- (3) The name (if any), address and Tax Map number of the property;
- (4) If the certificate of occupancy or certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy or certificate of compliance is issued;
- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The occupant load of the assembly areas in the structure, if any;
- (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) Any special conditions imposed in connection with the issuance of the building permit; and
- (10) The signature of the Code Enforcement Officer issuing the certificate of occupancy 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 allowing the temporary certificate of 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, 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 building or 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 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 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, certificate of compliance, or a temporary certificate was issued in error because of incorrect, inaccurate, or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

F.

Fee. The fee specified in or determined in accordance with the provisions set forth in § **67-16**, Fees, of this article must be paid at the time of submission of an application for a certificate of occupancy, certificate of compliance, or for a temporary certificate.

§ 67-8. Notification regarding fire or explosion.

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

§ 67-9. 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 procedures established by Chapter **67**, Article **II** of the Town Code, as now in effect or as hereafter amended from time to time.

§ 67-10. Operating permits.

A. Operating permits required.

(1) Operating permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(a) 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;

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

(c) Use of pyrotechnic devices in assembly occupancies;

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

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

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

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

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

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

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

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

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

(ix) Chapter 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;

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

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

(e) 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;

(f) Buildings containing one or more assembly areas;

(g) Outdoor events where the planned attendance exceeds 1,000 persons;

(h) Facilities that store, handle, or use hazardous production materials; and

(i) 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

(j) Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of Town.

(2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection 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. The subsection is intentionally omitted.

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 a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) 180 days for tents, special event structures, and other membrane structures;
- (2) Three (3) years for the activities, structures, and operations determined per paragraph (x) of subdivision (a) of this section, and
- (3) 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 § 67-16, Fees, of this article must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

#### § 67-11. Firesafety and property maintenance inspections.

A. Inspections required. Firesafety 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 schools and colleges within the Code Enforcement Officer's jurisdiction, 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 Subsection **A** of this section, a firesafety 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 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 subsection 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 article 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 any other authorized entity under Executive Law § 156-e and Education Law § 807-b. Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) such inspections are performed no less frequently than once a year;
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 67-15 Violations of this article.

E.Fee. The fee specified in or determined in accordance with the provisions set forth in § **67-16**, Fees, of this article must be paid prior to or at the time each of inspection performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

#### § 67-12. 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 article, 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 § **67-15**, Violations, of this article;

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.

#### § 67-13. Recordkeeping.

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 other features and activities specified in or contemplated by §§ **67-4** through **67-12**, inclusive, of this article; and

(9) All fees charged and collected.

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

#### § 67-14. Program review and reporting.

A. The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § **67-13**, Recordkeeping, of this article 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 the activities of this Town in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

#### § 67-15. 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 article. An order to remedy shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this article; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this article which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

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

The order to remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the order to remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such order to remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the order to remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail 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 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 order to remedy.

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 the Uniform Code, the Energy Code or this article, 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 article, shall be punishable by a fine of not more than \$1,000.00 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 local law, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this article, shall be liable to pay a civil penalty of not more than \$1,000.00 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 article, 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 article. 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 article, or any stop-work order, order to remedy, or other order obtained under the Uniform Code, the Energy Code or this article, 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 subsection 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 penalty 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 § 67-6, Stop-work orders, of this article, in any other section of this article, 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 § 67-6, Stop-work orders, of this article, in any other section of this article, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

#### § 67-16. Fees.

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, certificate of compliance, temporary certificates, operating permits, firesafety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this article.

#### § 67-17. Intermunicipal agreements.

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this article, 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.

#### § 67-18. Climatic and geographic design criteria.

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

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

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

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

(i) the accompanying Flood Insurance Rate Map (FIRM);

(ii) Flood Boundary and Floodway Map (FBFM); and

(iii) related supporting data along with any revisions thereto.

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

#### § 67-19 Partial invalidity.

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

#### § 67-20 Effective date.

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

### Chapter 67. Building Construction

#### Article II. Unsafe Buildings and Structures

#### § 67-21. Inspection; notice; hearing; removal; costs.

A. All buildings which are structurally unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to the safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment severally for the purpose of this section are declared unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation, or by demolition in accordance with the procedures of this section and of Subdivision 16 of § 130 of the Town Law.

B. The Town Board hereby appoints the Building Inspector of the Town of Marlborough as the official to make an inspection and report as to the unsafe condition of any building within the Town of Marlborough.

C. Upon completion of said inspection, the Building Inspector shall cause to be served a notice on the owner or someone 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's or someone of the owner's executors, legal representatives, agents, lessees or other persons having a vested or contingent interest in the same as shown by the records of the Receiver of Taxes containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous, and an order requiring that the same be made safe and secure or removed; and if such service be made by registered mail or a copy of such notice to be posted on the premises.

D.

The notice shall further provide for the time which such person served with such notice may commence the securing or removal of the buildings or structures.

E. The Building Inspector shall file a copy of such notice in the office of the County Clerk of the county within which said building or structure is located, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as provided, except as otherwise hereinafter provided in this subsection. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record, or upon the consent of the Town Attorney. The Clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order. Such notice shall further provide for a hearing before the Town Board, notice of which time and place thereof to be specified in the notice to repair or demolish served upon the owner and such person having an interest in the property or structure as is herein prescribed.

F. If after such hearing the Town Board determines that said building is an unsafe building and the owner fails to remove or refuses to repair the same within the time provided, the Town Board may order the removal of such building or structure.

G. If the Town shall be required to remove such structure, the assessment of all costs and expenses incurred by the Town in connection with the proceeding to remove or secure, including the cost of actually removing the building or structure, shall be levied against the land on which building or structures are located.

Section 2. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

Section 3. This local law shall be effective upon filing with the Secretary of State.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Corcoran	Yes
Councilman Molinelli	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Councilwoman Sessa	Yes

DATED: Milton, New York  
March 14, 2022

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COLLEEN CORCORAN, TOWN CLERK

March 14, 2022

D). Resolution #39 To appoint a part time dispatcher

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough Police Department has an open position for a part time police dispatcher, and

Whereas, it is the recommendation of the Chief of Police and the Police Committee to appoint Emily Aldrich as part time police dispatcher

Be it resolved, that Emily Aldrich be appointed effective immediately.

And moves for its adoption:

Councilman Molinelli	Yes
Councilwoman Sessa	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

March 14, 2022

E). Resolution #40 To appoint a part time dispatcher

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough Police Department has an open position for a part time police dispatcher, and

Whereas, it is the recommendation of the Chief of Police and the Police Committee to appoint Raquan White as part time police dispatcher

Be it resolved, that Raquan White be appointed effective immediately.

And moves for its adoption:

Councilman Molinelli	Yes
Councilwoman Sessa	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes