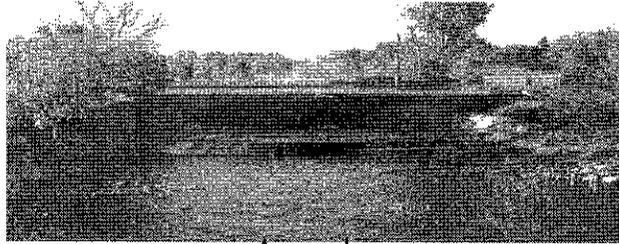


Board of Trustees
Village of Black River, New York



Agenda

Regular Meeting

May 7, 2018

- Call to order.
- Pledge of Allegiance.
- Approval of minutes of the 4/9/18 regular meeting & 4/30/18 special meeting.
- Public Comment.
- Code Enforcement Report & review of related correspondence.
- Superintendent's Report.
- Clerk-Treasurer's Report.
- Police Department Report.

Correspondence Received:

- A) Empire State Development
- B) Attorney Joseph Russell

Re: Restore NY Grant
Re: Legal Services Agreement

Correspondence Sent:

New Business:

- A) Set public hearing for property maintenance law revision.
- B) Troy & Banks utility audit.
- C) Approve facilities use requests.
- D) Water service connection fee.

Unfinished Business:

- A) LED street lighting.
 - Reports from Standing Committees.
 - Reports from Special Meetings.
 - Authorize payment of bills; adjournment.

Village of Black River
Board of Trustees
Regular Meeting
April 9, 2018

DRAFT

Mayor Carpenter called the meeting to order at 6:00 p.m.

Present:

Mayor Leland Carpenter
Trustee Francis Dishaw
Trustee Michael Caldwell
Superintendent Steven Lillie
Clerk-Treasurer Kristin Williams

Absent:

Trustee Gary McCullough
Trustee Corey Decillis

A motion was made by Trustee Dishaw, seconded by Trustee Caldwell to adopt the minutes of the March 5, 2018 regular meeting and the March 20, 2018 and March 28, 2018 special meetings. The motion was carried.

Public Comment: Patrick Flynn, 156 Maple St. was inquiring about the status of the cleanup at the properties on N. Main Street and on Maple St. Mayor Carpenter stated that the N. Main St. property cleanup will happen once the weather has cleared and that he will notify Code Enforcement Officer John Wiley about the Maple St. property.

Superintendent's Report: Superintendent Lillie stated that they had maintained the pump station, applied for the black fly permit, fixed three leaking service lines, stripped the old recycling trailer and did pothole repair.

A motion was made by Trustee Caldwell, seconded by Mayor Carpenter to open the budget public hearing at 6:12 p.m. The motion was carried.

The board agreed to hold the budget adoption meeting on Monday, April 30, 2018 at 6:00 p.m.

Correspondence Received: The board reviewed correspondence from Waste Management, New York Conference of Mayors (NYCOM) and NYS Department of Health regarding water testing.

Trustee Decillis entered at 6:20 p.m.

A motion was made by Trustee Decillis, seconded by Trustee Dishaw to adopt the following resolution:

Resolved, that the board will adopt the Standard Work Day and Reporting Resolution for Elected and Appointed Officials (See attached). The motion was put to a vote as follows:

Mayor Carpenter	Yes
Trustee Decillis	Yes
Trustee Dishaw	Yes
Trustee Caldwell	Yes
Trustee McCullough	Absent

The motion was carried and the resolution duly adopted.

A motion was made by Trustee Dishaw, seconded by Mayor Carpenter to adopt the following resolution,

Resolved, that unpaid water/sewer bills in the amount of \$1,826.50 be relieved to the 2018 Village tax bills. The motion was put to a vote as follows:

Mayor Carpenter	Yes
Trustee Decillis	Yes
Trustee Dishaw	Yes
Trustee Caldwell	Yes

Village Board
April 9, 2018
Page -2-

Trustee McCullouch Absent
The motion was carried and the resolution duly adopted.

Superintendent Lillie stated that the fire department was called to the library due to smoke in the building and that the lock on the door had to be popped in order to gain access to the building. He stated that he would like to have Knox boxes installed at all village buildings. He stated that there will be a key that will open the Knox box which will house the key to the building. The board agreed.

A motion was made by Trustee Dishaw, seconded by Trustee Decillis to close the public hearing at 6:35 p.m. The motion was carried.

Mayor Carpenter inquired about the LED street light replacement. Superintendent Lillie stated that he would contact the representative at National Grid to see when the incentive for replacement will begin.

A motion was made by Trustee Caldwell, seconded by Trustee Decillis to approve Jerry Conner as a new member for the fire department. The motion was carried.

A motion was made by Trustee Dishaw, seconded by Mayor Carpenter to adopt the following resolution:

Resolved, that the following abstracts of audited vouchers be approved: interim abstract dated 3/15/18 in the amount of \$7,377.43 (General Fund: \$7,131.29 Trust & Agency Fund: \$246.14) interim abstract dated 4/2/18 in the amount of \$1,199.31 (General Fund: \$859.26 Water Fund: \$101.49 Trust & Agency: \$238.56) and regularly monthly abstract dated 4/9/18 in the amount of \$11,831.05 (General Fund: \$7,808.48 Water Fund: \$4,022.57). The motion was put to a vote as follows:

Mayor Carpenter	Yes
Trustee Decillis	Yes
Trustee Dishaw	Yes
Trustee Caldwell	Yes
Trustee McCullouch	Absent

The motion was carried and the resolution duly adopted.

A motion was made by Trustee Decillis, seconded by Trustee Caldwell to adjourn the meeting at 7:08 p.m. The motion was carried.

Respectfully submitted,

Kristin Williams
Clerk-Treasurer

Village of Black River
Board of Trustees
Special Meeting
April 30, 2018

DRAFT

Mayor Carpenter called the meeting to order at 6:00 p.m.

Present:

Mayor Leland Carpenter
Trustee Francis Dishaw
Trustee Michael Caldwell
Superintendent Steven Lillie
Clerk Treasurer Kristin Williams

Absent:

Trustee Gary McCullough

The board discussed health insurance for the employees and decided to review options before the next budget year.

A motion was made by Trustee Decillis, seconded by Trustee Dishaw to adopt the following resolution:

Resolved, that the village budget for the fiscal year of June 1, 2018 - May 31, 2019 be adopted. The motion was put to a vote as follows:

Mayor Carpenter	Yes
Trustee Decillis	Yes
Trustee Dishaw	Yes
Trustee Caldwell	Yes
Trustee McCullough	Absent.

The motion was carried and the resolution duly adopted.

A motion was made by Trustee Decillis, seconded by Trustee Dishaw to adjourn the meeting at 7:23 p.m. The motion was carried.

Respectfully submitted,

Kristin Williams
Clerk-Treasurer

**BLACK RIVER/EVANS MILLS POLICE DEPARTMENT
MONTHLY REPORT
APRIL 1 - 30 2018**

	B/R	E/M	TOTAL	Mar-18	Feb-18
ARRESTS -	1	0	1	0	2
COMPLAINTS -	9	8	17	26	31
VEHICLE STOPS -	20	25	45	28	13
TICKETS ISSUED -	9	4	13	6	10
ACCIDENT REPORTS -	0	0	0	0	1
PARKING VIOLATIONS -	0	3	3	2	11
MOTORIST ASSISTS -	1	0	1	0	1
ASSIST OTHER AGENCY -	4	1	5	11	11
ESCORTS -	0	0	0	3	1
VEHICLES TOWED -	0	0	0	0	3
PROPERTY CHECKS -	21	16	37	37	27
INCIDENT REPORTS -	3	4	7	12	4
DOMESTIC REPORTS -	0	0	0	0	0
OFFENSE REPORTS -	0	0	0	0	0
FOLLOW UP REPORTS -	0	0	0	0	3
CRIMES REPORTED -	1	0	1	0	0

DAYS WORKED PER MONTH - 16/30 DAYS

GAS USED - 66.8 GALLONS

HOURS WORKED - 99.5 HOURS

MILES DRIVEN - 679 MILES

EXTRA DETAILS - INTERN FROM INDIAN RIVER CS FOR 16 HRS, BRIANNA ALVERSON

**POLICE CHIEF, STEVEN C WOOD #2701
POLICE DEPARTMENT
VILLAGE OF BLACK RIVER/EVANS MILLS NY**

Steven C Wood

UTT Report by Date

From 04/01/2018 to 04/30/2018

Date	Officer Name	Badge	Case Number	Section And Offense	Status	Location	Local Code
04/21/2018	WOOD S	01	C32185MD0M	5098 FLD/NOTIFY DMV CHANGE OF ADDRESS	7	160 LERAY ST B/R	18BR00220
04/21/2018	WOOD S	01	C32185M4BV	3752A3 NO/INSUFFICIENT TAIL LAMPS	7	SR 3 @ W REMINGTON ST	18BR00218
04/21/2018	WOOD S	01	C32185M1LV	1180D SPEED IN ZONE	7	SR 3 @ HUNTINGTON ST	18BR00213
04/20/2018	OBRIEN D	03	C32185GNDL	1180D SPEED IN ZONE	4	LERAY ST, E/M	18BR00216
04/14/2018	WOOD S	01	C32184V9JJ	4031 NO/MORE THAN ONE STICKER	7	SR 3 @ HUNTINGTON ST	18BR00212
04/14/2018	WOOD S	01	C32184V7JB	4031 NO/MORE THAN ONE STICKER	7	SR 3 @ LIMITS WEST	18BR00211
04/14/2018	WOOD S	01	C32184V3VL	1123 IMPROPER PASSING	7	SR 3 @ CESARIOS	18BR00210
04/14/2018	WOOD S	01	C32184TW0C	1110A DISOBEYED TRAFFIC CONTROL DEVICE	7	SR 3 @ STAFFORD DR	18BR00208
04/12/2018	WOOD S	01	C32184NLB7	3752A1 NO/INADEQUATE LIGHTS	7	US 11 @ PECK ST	18BR00205
04/09/2018	WOOD S	01	C32184B5N5	37540B INADEQUATE OR NO STOP LAMPS	3	LERAY ST @ HENRY ST E/M	18BR00200
04/03/2018	OBRIEN D	03	C32183P4FB	1180D SPEED IN ZONE	7	WILLOW ST	18BR00178
04/02/2018	WOOD S	01	C32183L8PP	1180D SPEED IN ZONE	7	SR 3 @ W REMINGTON ST B/R	18BR00176
04/02/2018	WOOD S	01	C32183KNRC	306B UNINSPECTED MOTOR VEHICLE	7	LERAY ST @ HOWE ST B/R	18BR00171

Summary

Query returned 13 records.



April 19, 2018

Hon. Leland Carpenter
Village of Black River
107 Jefferson Place
Black River, NY 13612

Re: Village of Black River - Restore NY V – Revive Downtown Village of Black River
(Project #131,749)

Dear Mayor Carpenter:

I would like to take this opportunity to offer my congratulations on the Village of Black River's Restore NY grant and to update you on the next steps in the Empire State Development Corporation's ("ESD") grant process. According to our records, funds have been awarded for the following Restore NY project(s) and will be used as outlined in your original application:

- Revive Downtown Village of Black River #131,749 (\$263,000)

If necessary, please send an update of any changes to your application (revised timeline, State Environmental Quality Review Act ("SEQRA") update, State Historic Preservation Office ("SHPO") review information, etc.) to your project manager, John VanDeLoo, at Empire State Development, 317 Washington Street, Watertown, NY 13601. As soon as we receive this information your project manager will work with you as necessary to finalize your application.

When your application has been finalized, the Village of Black River's Restore NY project will be presented to the ESD Board of Directors for approval. The Directors meet on a monthly basis. Please note that no project will be presented to the ESD Board of Directors for approval until both the SEQRA and SHPO reviews have been completed.

ESD's Contractor & Supplier Diversity policies will apply to this project. The Office of Contractor and Supplier Diversity ("OCS D") will assign Minority- and Women-owned Business Enterprise ("MWBE") and Service-Disabled Veteran-owned Business ("SDVOB") participation goals to this project. While ESD's agency-wide MWBE goal is 30% and SDVOB goal is 6%, your individual project-specific goal may be higher or lower. ESD will contact you for a detailed scope of work, budget, and information on additional sources of funding in order to establish the project-specific goals. You shall also be required to use good faith efforts to achieve the goals assigned to this project. Compliance with laws and the policy of ESD prohibiting discrimination in employment on the basis of age, race, creed, color, national origin, gender,



sexual preference, disability or marital status shall also be required. Your OCSD Project Manager is Danah Alexander, and may be contacted at Danah.Alexander@esd.ny.gov.

After board approval, all Restore NY projects must go through ESD's public hearing process and subsequently be approved by the Public Authorities Control Board. Once these final steps are achieved, your project manager will send you a signed Grant Disbursement Agreement ("GDA") for execution. Project disbursements may occur after ESD's receipt of the executed GDA and with the submission of the appropriate supporting documentation. As mentioned throughout the application process, payments will be made in a lump sum on a reimbursable basis. However, highly or moderately distressed communities may, upon request, receive progress payments throughout the Restore NY project.

This award shall terminate two calendar years from the date of this letter if the project has not commenced.

Should you have any questions regarding how to proceed, please feel free to call me at (315) 785-7907. We look forward to working with you on this important project.

Sincerely,

John VanDeLoo
Project Manager
North Country Region

CC: Steve Hunt
Danah Alexander



Joseph W. Russell, Esq.
jrussell@menterlaw.com

May 1, 2018

Leland Carpenter, Mayor
Village of Black River
107 Jefferson Place
Black River, New York 13612

Re: Legal Services Agreement

Dear Mayor Carpenter:

Thank you for considering Menter, Rudin and Trivelpiece, P.C. ("Menter"), to provide legal services to the Village of Black river.

It is my understanding that you have selected Menter and by countersigning this letter, it shall constitute our Legal Services Agreement with the Village of Black River.

It is also my understanding that the Village wishes to be billed on an hourly basis of \$200 per hour for attorney's fees and \$85 per hour for paralegal fees.

This agreement shall be effective June 1, 2018 through June 30, 2019. We will review our fee arrangement during your 2019 budget process, and suggest any modifications we believe to be appropriate.

If you are in agreement with the terms contained in this correspondence, please countersign this letter where indicated and return a copy to the undersigned.

Suite 200 • 308 Maltbie Street • Syracuse, New York 13204-1439
Phone (315) 474-7541 • Fax (315) 474-4040

Suite 500 • 120 Washington Street • Watertown, New York 13601-3330
Phone (315) 786-7950 • Fax (315) 786-7852



May 1, 2018
Page 2

If you have any questions or need further clarification, please do not hesitate to contact me at your convenience.

Very truly yaours,

MENTER, RUDINE & TRIVELPIECE, P.C.

Joseph W. Russell
Signed in the Absence of
The Writer to Expedite Delivery

JWR/dec

VILLAGE OF BLACK RIVER

The above terms are acceptable.

By: _____
Hon. Leland Carpenter, Mayor

Chapter 128

PROPERTY MAINTENANCE

- | | |
|---|---|
| § 128-1. Purpose and findings. | § 128-7. Refuse containers. |
| § 128-2. Title. | § 128-8. Business premises requirements. |
| § 128-3. Applicability. | § 128-9. Responsibility of owner. |
| § 128-4. Definitions. | § 128-10. Enforcement. |
| § 128-5. Maintenance of yards. | § 128-11. Notice of violation; abatement. |
| § 128-6. Maintenance of buildings and structures. | § 128-12. Penalties for offenses. |

[HISTORY: Adopted by the Board of Trustees of the Village of Black River 9-3-1991 by L.L. No. 2-1991. Amendments noted where applicable.]

§ 128-1. Purpose and findings.

The Village Board of Trustees of the Village of Black River has determined that in order to preserve the public safety, health and welfare and protect property values within the Village of Black River it is necessary to provide certain standards for property maintenance and a mechanism by which to assure that private properties are maintained in a safe, healthy and aesthetically pleasing manner. Accordingly, the Village Board of Trustees of the Village of Black River hereby adopts this chapter to provide for proper property maintenance on private properties within the Village of Black River.

§ 128-2. Title.

This chapter shall be known as "The Village of Black River Property Maintenance Law."

§ 128-3. Applicability.

This chapter shall apply to all residential, commercial and industrial premises within the Village of Black River, whether improved or vacant.

§ 128-4. Definitions.

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

BUSINESS - A building or combinations of buildings and structures and the lot on which it is located used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly, shopping centers, supermarkets, retail stores, warehouses, manufacturing or fabrication plants, gasoline stations and other business uses.

COMMERCIAL - A building or combinations of buildings and the lot on which it is located, used wholly or in part for retail or wholesale distribution of products or services.

GARBAGE - A putrescible or decayable waste, except sewage and body waste, including vegetable and animal offal and carcasses of dead animals, including all substances accumulated on or removed from public and private establishments and properties, including residences.

INDUSTRIAL - A building or combination of buildings and structures and the lot on which it is located used wholly or in part for manufacturing, fabricating, processing of goods to make such goods ready for distribution.

JUNK VEHICLE - [Added 5-2-2005 by L.L. No. 1-2005]

- A. Any motor vehicle, automobile, bus, trailer, tractor, motor home, motorcycle, bicycle, minibicycle or snowmobile or any other device originally intended for travel on the public highways which meets any of the following conditions:
- (1) The vehicle is unlicensed, or uninsured.
 - (2) The vehicle is either abandoned, wrecked, stored, discarded, dismantled or partly dismantled.
 - (3) The vehicle is not in any condition for legal use upon the public highway.
 - (4) The vehicle is in such condition as to cost more to repair and replace in operating condition than its reasonable market value at the time before such repairs.
- B. With respect to any motor vehicle not required to be licensed or a motor vehicle not used on public highways, the fact that such motor vehicle has remained unused and is not in any condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

LITTER - Garbage and rubbish as herein defined and all other waste material which if thrown or deposited tends to create a danger to public health, safety and welfare or spoils the natural beauty of a lot.

LOT - A plot, tract, premises or parcel of land with or without buildings or structures located thereon.

OWNER OF RECORD -- Any and all legally titled owner(s) of a lot or parcel.

RESIDENTIAL - A one-, two- or multiple-family building or structure and the lot on which it is located, whose purpose is principally to house or occupy families or individuals.

RUBBISH - Generally dry material produced routinely by household, commercial or industrial establishments such as paper, cans, bottles, containers, ashes, parts of equipment, motor vehicles, unusable furniture and other such similar items, including bushes, branches, Christmas trees, lawn rakings and similar waste materials and discarded household appliances or equipment and materials from building demolition and construction waste.

YARD - An open space on any lot, whether occupied or not.

§ 128-5. Maintenance of yards.

- A. No owner of record or occupant of a lot shall allow garbage, litter or rubbish to accumulate upon such lot. Garbage, litter or rubbish which is stored in

appropriate receptacles shall be permitted, provided that the owner of record or occupant of the lot has made arrangements for regular removal of all garbage, rubbish and litter contained in those receptacles on at least a biweekly basis.

- B. Any lumber, building materials, equipment or parts of equipment being stored by an owner of record or occupant of a lot shall be stored in a neat and orderly fashion.
- C. No owner of record or occupant of a lot shall permit any litter, (windblown or otherwise), tree limbs, brush or fallen trees to accumulate and prompt arrangements shall be made for their disposal. In addition, no owner of record shall allow historically and routinely mowed lawns to grow to a height in excess of six inches. Appropriate mowing and trimming intervals shall be dictated by conditions to maintain lawn height at or below the maximum height for safety, health and consistency through the neighborhood and Village. Trimming around, stored equipment, trees, flower beds and structures shall be required.
- D. Each owner of record of a lot shall provide for proper drainage and grading on a lot to protect buildings and structures and to prevent the development of stagnant ponding of water and to prevent runoff onto adjoining public or private properties.
- E. No owner of record of a lot shall permit any tree or portion thereof which constitutes a hazard to persons or property to remain. Each owner shall be required to make prompt arrangements for the removal of all such dangerous trees and/or limbs.
- F. It shall be unlawful for any person, firm, or corporation, either as owner of record, occupant, lessee agent, tenant, or otherwise of property within the Village to store, deposit or cause to permit to be stored or deposit any abandoned, junk, discarded or unlicensed motor vehicle or any part or piece thereof on any private property in the Village, unless said motor vehicle or parts are stored in an enclosed permanent structure.
 - (a) Any licensed auto dealer or licensed repair shop shall be exempt from the provisions of 128(5)(F) if the vehicle or parts in question are part of the inventory for their business.

PROPERTY MAINTENANCE

- C. All businesses shall maintain dumpsters or other large receptacles for garbage, litter and rubbish in an area shielded from public view by appropriate landscaping or architectural screening.
- D. Shopping centers, supermarkets and other similar businesses shall provide permanent receptacles on the premises for public use at fifty-foot intervals along the front of the building.

§ 128-9. Responsibility of owner.

The owner of record of any lot or building shall be responsible for any violation which occurs on that lot, whether or not that owner actually occupies the lot or building. In addition to the responsibilities of owners, any occupant of a lot or building may also be responsible for the condition of that lot and subject to the penalties of this chapter.

§ 128-10. Enforcement. [Amended 9-14-2009 by L.L. No. 2-2009]

The Code Enforcement Officer or Village Police Department of the Village of Black River is hereby empowered to enforce this chapter; provided, however, that as to the provisions of § 128-SC the DPW Superintendent may give notice to property owners of a violation. The Code Enforcement Officer or Village Police Department shall be responsible for the initial determination where a condition is hazardous or unsafe or such determinations are required under this chapter.

§ 128-11. Notice of violation; abatement.

- A. The Code Enforcement Officer shall give notice to any owner of record or occupant of a lot or building of any violation of this chapter. Such notice shall specify the nature of the violation and the action needed to correct the violation and shall state a reasonable period of time in which to do so. The notice shall further state that in the event that the owner does not correct the condition within the specified time, other enforcement action will be taken in accordance with this chapter.
- B. In the event that the owner of record or occupant of the lot does not comply with the violation notice within the time set by the Code Enforcement Officer, the Code Enforcement Officer shall report the same to the Village Board. The Village Board shall, except in the event of an emergency, thereupon direct that a notice be served upon the occupant stating that if the condition is not remedied within an additional reasonable period of time, not less than 10 days nor more than 30 days as established by the Village Board, that the Village Board shall seek further enforcement under this chapter, which enforcement may include one or more of the following:
 - (1) The hiring of appropriate individuals to perform the necessary work. In the event that this option is elected by the Village Board, the Village Board will charge back all costs to the owner or occupant, and if the same is not paid by the owner or occupant, the same may be added to the tax bill for the property as a special assessment.
 - (2) The Village may seek the imposition of a monetary penalty in a court of competent jurisdiction as set forth below.
 - (3) The Village may seek injunctive relief in a New York Supreme Court.

§ 128-6. Maintenance of buildings and structures.

- A. No owner of record of a lot or building shall allow or permit steps, sidewalks or parking spaces on the lot to fall into disrepair in such a manner as to make it unsafe for normal use and weather conditions. With respect to sidewalks, it is recognized that sidewalks are utilized by the public and it is the responsibility of each owner of record to keep the sidewalk in good repair and free of hazards.
- B. No owner of record or occupant of a lot or building shall allow any building or part of a building to have improperly or unsecured objects or materials about it, which objects or materials could fall or be blown from the building into any public area.
- C. No owner of record or occupant of a lot or building shall allow a building or structure to be maintained with graffiti or other defacing materials on it and shall promptly remove such graffiti or other defacing materials from the building or structure.
- D. No owner of record or occupant of a lot or building shall allow the exterior of the structure or any fence, shed or other accessory building or structure to be in a state of disrepair and shall repair such deficiencies within a reasonable time, but not to exceed 90 days from the service of constructive or written notice from a Village official with authority to give such notice.
- E. All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed.

§ 128-7. Refuse containers.

- A. All owners of record and occupants of lots or buildings which are occupied in any manner shall provide appropriate receptacles for collection of garbage, litter and rubbish. Appropriate receptacles shall be opaque and have lids or other covering devices and shall be maintained in such a manner that dogs or other birds animals will not be able to have access to the garbage, litter or rubbish.
- B. Receptacles shall be stored inside or, in the event such storage is not possible, only on the rear or side of buildings and not in the front yard. Receptacles may, however, be placed in the front of the building no sooner than 7 PM the night before pickup by a municipal, commercial or private hauler who will be removing garbage, litter and rubbish from the receptacles. Receptacles are to be promptly returned to their normal storage location by the end of the pickup day.

§ 128-8. Business premises requirements.

- A. No shopping baskets, carts or wagons shall be left unattended or standing in open areas. All such items shall be collected at the close of each business day and removed to the interior of the building or arranged neatly against the building and secured against removal by chains or other appropriate devices.
- B. No mobile refrigeration unit shall be operated on any business premises after the closing of the business unless such mobile refrigeration unit is electrically operated.

PROPERTY MAINTENANCE

- C. All businesses shall maintain dumpsters or other large receptacles for garbage, litter and rubbish in an area shielded from public view by appropriate landscaping or architectural screening.
- D. Shopping centers, supermarkets and other similar businesses shall provide permanent receptacles on the premises for public use at fifty-foot intervals along the front of the building.

§ 128-9. Responsibility of owner.

The owner of record of any lot or building shall be responsible for any violation which occurs on that lot, whether or not that owner actually occupies the lot or building. In addition to the responsibilities of owners, any occupant of a lot or building may also be responsible for the condition of that lot and subject to the penalties of this chapter.

§ 128-10. Enforcement. [Amended 9-14-2009 by L.L. No. 2-2009]

The Code Enforcement Officer or Village Police Department of the Village of Black River is hereby empowered to enforce this chapter; provided, however, that as to the provisions of § 128-SC the DPW Superintendent may give notice to property owners of a violation. The Code Enforcement Officer or Village Police Department shall be responsible for the initial determination where a condition is hazardous or unsafe or such determinations are required under this chapter.

§ 128-11. Notice of violation; abatement.

- A. The Code Enforcement Officer shall give notice to any owner of record or occupant of a lot or building of any violation of this chapter. Such notice shall specify the nature of the violation and the action needed to correct the violation and shall state a reasonable period of time in which to do so. The notice shall further state that in the event that the owner does not correct the condition within the specified time, other enforcement action will be taken in accordance with this chapter.
- B. In the event that the owner of record or occupant of the lot does not comply with the violation notice within the time set by the Code Enforcement Officer, the Code Enforcement Officer shall report the same to the Village Board. The Village Board shall, except in the event of an emergency, thereupon direct that a notice be served upon the occupant stating that if the condition is not remedied within an additional reasonable period of time, not less than 10 days nor more than 30 days as established by the Village Board, that the Village Board shall seek further enforcement under this chapter, which enforcement may include one or more of the following:
 - (1) The hiring of appropriate individuals to perform the necessary work. In the event that this option is elected by the Village Board, the Village Board will charge back all costs to the owner or occupant, and if the same is not paid by the owner or occupant, the same may be added to the tax bill for the property as a special assessment.
 - (2) The Village may seek the imposition of a monetary penalty in a court of competent jurisdiction as set forth below.
 - (3) The Village may seek injunctive relief in a New York Supreme Court.

BLACK RIVER CODE

- (4) The Code Enforcement Officer shall be allowed to issue appearance tickets for violations of this Code and seek relief in any court of competent jurisdiction. [Added 5-2-2005 by L.L. No. 1-2005]
- C. In the event of an emergency, the Village Board, upon determining that such emergency exists, may take immediate corrective action without further notice to the owners or occupants.

§ 128-12. Inspections.

All single-family, residential, two-family, multifamily, commercial and industrial buildings and premises subject to this chapter are subject to inspections by the Building Inspector at his discretion. At the time of such inspections, all rooms in the building and all parts of the premises must be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate inspections. Such inspections shall be made between 9:00 a.m. and 5:00 p.m., prevailing time, unless one of the following conditions **exists**:

The premises are not available during the foregoing hours for inspections.

There is reason to believe that violations are occurring on the premises which can only be apprehended and detected by inspections during other than the prescribed hours or which require immediate inspection after being reported.

There is reason to believe a violation exists, of a character which is an immediate threat to health or safety, requiring inspection and abatement without delay.

§ 128-13. Search warrants.

In addition to the provisions of § 128-13, the Building Inspector may, upon affidavit, apply to the Village Justice of the Village of Black River for a search warrant, setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter exists on the premises, and if the Village Justice is satisfied as to the matter set forth in said affidavit, he/she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists. Warrants for access may be issued by the Village Justice upon affidavit of the Building Inspector establishing grounds thereof.

§ 128-14. Specifications of notice.

Where a violation of this chapter or the regulations hereunder is found to exist, a written notice from the Building Inspector shall be served on the person or persons responsible for the correction thereof. The notice shall specify the violation or violations committed, what must be done to correct same, a reasonable period of time, not to exceed 30 days, to correct or abate the violation, the right of the person served to request a hearing and that the notice shall become an order of the Building Inspector in 10 days after service unless a hearing is requested pursuant to § 128-17..

§ 128-15. Service of notice.

13/15 Notice may be served personally or by prepaid telegram or by mail with postage prepaid, addressed to the last known address of the person to be served. In the case of an occupant who cannot be served as above, notice may be posted upon the door of his dwelling unit or rooming unit. Where it is ascertained that the owner does not reside on the premises, the last known address shall be the address of the owner as shown in the office of the Assessor. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building.

§ 128-16. Request for hearing.

Within 10 days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon before the Board of Trustees and serves a written request within the ten- day period, in person or by mail, on the Building Inspector. Such request for a hearing shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The Village Board of Trustees, upon receipt of the request, shall, within 30 days therefrom and upon five days' notice to the party aggrieved, set the matter down for hearing.

§ 128-17. Extensions.

The Building Inspector may extend the time for correction or abatement of the violations for an additional period of time, not to exceed 30 days, except where major capital improvements or renovations are involved, in which instance the time of completion may be extended for a period not to exceed 90 days beyond the expiration date of the original notice.

§ 128-18. Emergency abatement.

Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Building Inspector may either abate the violation or condition immediately or order the period of time not to exceed five days, and, upon failure of the occupant or owner to do so, the Building Inspector shall abate the condition immediately thereafter.

§ 128-19. Cost of abatement; lien.

Where abatement of any nuisance, as defined herein, correction of a defect in the premises or bringing the premises into compliance with the requirements of any village ordinance or state law applicable thereto requires expending village moneys therefor, the Building Inspector shall present a report of work proposed to be done to accomplish the foregoing to the Village Board with an approximate estimate of the cost thereof, along with a summary of the proceedings undertaken. The Village Board may thereupon, by resolution, authorize the abatement of the nuisance, correction of the defect or work necessary to replace the premises in proper condition and in compliance with the ordinances of the village and the laws of the state. In the event that an emergency, in the opinion of the Village Engineer, exists, then said Engineer may authorize that the work may be done immediately, in such a way as he deems fit to remove such emergency condition. The cost thereof of any such above work shall become a lien against said premises, collectible as provided by law. "Cost," as used herein, shall mean actual cost paid or incurred by or on behalf of the village, plus an amount for overhead which shall be equal to 20% of the total of such actual cost paid or incurred.

§ 128-20. Appearance tickets.

The Building Inspector and his designee(s) are authorized to issue appearance tickets for any violation of this chapter or the New York State Property Maintenance Code.

§ 128-21. Violation referrals.

Any violation of any ordinance or ordinances of the Jefferson County Board of Health, New York Board of Fire Underwriters, Fire Department, Police Department or any other departments or agencies of the Village of Black River discovered by the Building Inspector shall be referred by him to the official or agency responsible for the enforcement of such other ordinance or ordinances.

§ 128-22. Penalties for offenses.

Any person committing an offense against this chapter shall, upon conviction, be subject to a fine not exceeding \$250 or imprisonment for a term not exceeding 15 days, or to both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Kristin Burroughs

From: Diane Collette <mgebo@gebolaw.com>
Sent: 11 April, 2018 11:35 AM
To: 'Kristin Burroughs'
Subject: Property Maintenance Law/Inspections

Dear Kristin:

Thank you for forwarding to me the inspection language that is being discussed. The inspection language would seem to be in direct violation of the Fourth Amendment of both the United States and New York State Constitutions which provide that we are to be from unreasonable searches. The inspection clause as it is written, does not require that the Code Officer have any basis for wanting to do an inspection. He could basically just knock on your door any day between the designated hours and inspect (search). Further, you must give them access to every inch of your house. To me, this will not survive the reasonableness test that is contained in the Fourth Amendment. Why would there not first have to be some probable cause or rational basis that the building inspector can articulate to do the inspection, and why would the inspection not be limited to items relevant to these concerns.

A more appropriate inspection clause would say that your "building inspector" (do you mean Code Officer?) may inspect private property whenever there is reasonable cause to believe there may be a violation on such property. That the Code Officer will first give notice to the property owner and seek the property owner's permission for access to perform such inspection. The inspector shall be limited to those areas of the property related to the actual concerns. In the absence of such permission the Code Officer may seek a warrant from a court of competent jurisdiction to perform an administrative search.

Since this language is contained in the property maintenance section of your Code, I would anticipate that the inspection is solely for the purpose of determining compliance with the property maintenance provisions. If so, an interior search of the home would not always be necessary since many of the property maintenance items pertain to exterior things. Most of these exterior things are readily visible either from the street or adjoining properties and do not necessarily require an invasive search. If they do require an invasive search, then we would need to get permission from the property owner to be on their property or go through the search warrant process.

If you anticipate that searches are to cover Zoning or State Building Code issues, then I would suggest that we need to have similar provisions in the Zoning Law. I believe there are already provisions in the State Building Code pertaining to this. It is typical however, that when a public official is entering your property to look for things that they

tell you what they are specifically looking for and whatever search they are making, has to be limited in scope to those things. It is not intended to be a fishing expedition to go in and see what they can find.

Certainly, there could be some exceptions for emergencies.

I would be happy to try to rewrite this in some manner if that is the Village's request, but as it stands right now, I think S128-12 as written, has some difficulties.

Very truly yours,

HRABCHAK & GEBO, P.C.

Mark G. Gebo, Esq.

MGG/drc

Danielle R. Collette
Legal Assistant
Hrabchak & Gebo, PC
315-788-5900



TROY & BANKS

SMART SOLUTIONSSM

Statement of Objectives

Our principal business is utility and telecommunications auditing and consulting. Our mission is to apply our vast technical and analytical experience to help our Clients:

1. Reduce the costs of utility and telecommunications and other "auditable" external charges,
2. Recover payments made by our Clients in error,
3. Sort through the variety of service packages and options so they can make good choices among various providers,
4. Research tariff options, billing histories, service classifications, rate changes, service option modifications, and contract changes, and
5. Keep their costs as low as possible without sacrificing the services they require to achieve their own objectives.

At Troy & Banks, our greatest resources are our experienced staff, our home grown audit software for the analysis of invoices, and our extensive national tariff library. As part of our business philosophy or general methods used in doing business, Troy & Banks employs a number of strategies to insure maximum cost recovery.

Troy & Banks audit staff makes it a point to **minimize** the amount of time that the Client's personnel will have to put into the audit. We have the experience to make this audit work "behind the scenes" directly with the Client's vendors.

In order for Troy & Banks to perform our audit, we will need the following items:

1. Copy of a summary account listing by vendor including account number and address, preferably in an electronic format – OR – one month's (1) complete bill from each of the Client's accounts including all utility and telecommunications accounts.
2. An executed Agreement and Letter of Authorization form.

Each step of the audit process requires that data is tracked and logged. Invoice copies, transcripts, account numbers, vendors and their representatives, phone numbers, fax numbers, e-mails, vendor addresses, updated tariff information, audit results, claim items, claim dates, claim results, refund results, public service complaint submissions, and hearing dates and resolutions all contribute to the data that needs to be managed, analyzed and organized. All information logged can be used to produce various types of status reports.

Utility Audit

Troy & Banks deployed a four step process to complete the audit:

Step I: *Collection of Billing Information*

Troy & Banks is provided with an invoice copy for each of the accounts that are to be audited.

Step II: *Ordering of Historical Customer Service Records*

Troy & Banks reaches out to all vendors and requests historical billing records for each account.

Step III: *Detailed Audit*

Once billing records are received and the applicable tariffs are reviewed, Troy & Banks thoroughly audits each account. Examples of the items that will be evaluated for each account are:

- Incorrect Monthly Charges
- Incorrect Rate Assignments
- Alternate Rate Schedules
- Abnormal Demand Reads
- Multiple Month Billings
- Applicable Riders
- Applicable Credits or Discounts
- Incorrect Delivery Voltage Levels and Meter Multipliers
- Incorrect taxes

Step IV: *Claim Resolution & Future Savings Evaluation*

As incorrect billing items and opportunities for future savings are identified, claim letters are submitted to the respective utility(ies).

Telecommunications Audit

The following steps outline the process that Troy & Banks utilizes with regard to our audit.

1. Collect all Vendor account numbers
2. Collect all pertinent billing invoices
3. Collect all contract/service agreements, lease agreements, etc.
4. Review all billing and contracts for the following inconsistencies
 - a. Incorrect monthly charges
 - b. Dead accounts or lines
 - c. Incorrect taxes
 - d. Evaluation of current configuration
5. Establish location addresses to visit on initial site visits
6. Establish site contacts for each location
7. Conduct necessary site visits
8. Collaborate data from site visits
9. Determine need for further joint carrier site visits.
10. Coordinate any needed Tag and Locate visits with carrier and the Client's site contact
11. Compile results of tag and locate site visits
12. Initiate billing dispute of any services not found
13. Obtain Client's order to remove any non-existent services from billing
14. Track claim process
15. Notify Client of claim status.
16. Verify any billing changes with respective carriers.

