

**Minutes for the Ticonderoga Regular Town Board Meeting held on November 10, 2016 commencing at 6:00 p.m. with Public Hearings for LL # 5 & #6 of 2003 (Code Violations) - LL for NYS Uniform Fire Prevention & Bldg Code, and the 2017 Ticonderoga Town Budget**

**Present:** Joseph M. Giordano, Supervisor  
Fred Hunsdon, Councilman  
Wayne Taylor, Councilman  
Dorcey Crammond, Councilwoman  
Matthew Fuller, Town Attorney  
Tonya M. Thompson, Town Clerk

**Others:** Michael Richardson, Chattie Van Wert, Art Hatfield Joyce Cooper, Holly & Dick Dixon, Sal Barnao, Mitch Cole, George Hurlburt, Chief Johns, Ava Backman, Judy Keller and other residents from Liberty Affordable Housing.

Supervisor Giordano opened the meeting with the Reciting of the Pledge of Allegiance and opened the Public Participation section of the meeting.

Holly Dixon read from the minutes of the Budget Workshop held on October 14, 2016. The minutes begin with a statement from Mike Richardson and she would like to read a couple of sentences from that and to ask a couple of questions about the surplus that the Town is running in it's budget. This rendering of Mr. Richardson's statement says, that it looks like the Town is running in the General Fund and in the Highway Fund of about a two million dollar surplus. It some ways the state should have been here saying that you guys have too much money in your reserve budget if you have a five million dollar budget and then it goes on to say the Town is running at about 40% of the budget as surplus. It also says the State of New York has a financial restructuring board in which will determine if a municipality is in fiscal distress or not and one way they determine this is the average full value of property tax rates and they say that anything over \$7.1674 is stressed and you - meaning the town - are taxing your people more than this. So we are taxing the property owners to much and we are running at way too high a budget surplus. Now this is a rendering of words by Michael Richardson and she would like to know what is his authority for making these statements and perhaps Mr. Richardson would be able to answer that and what documents has he seen and what sort of phonics is he looking at to arrive at these two major conclusions that the Town has a two million dollar or so surplus and also that the Town has been overtaxing its property owners. So how is it that he knows that, what kind of audit has been run. What do we know so far about these two features and where do we know it from and then how are we going to find out what has happened to two million dollars, what is happening, where is it and so on. How are we going to be able to trace that? She knows there is a question about how it is going to be spent and she is not interested at the moment in that.

Supervisor Giordano stated that this is the public comment section and we will have a much more in depth conversation during the Public Hearing for the Town Budget.

Mrs. Dixon asked if there isn't an answer to this or they just aren't going to answer her at this point.

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Mr. Fuller stated that the public comment period is just for that, for the Town Board to accept public comments, they are not legally obligated to answer questions. People don't like to hear that, but there is nothing statutory that says that it is a question and answer period. They board accepts comments and they will deliver their business.

Mr. Richardson stated that this information will be discussed at the public hearing.

Mrs. Dixon stated that we spend as you know most of the year in public comment with the former supervisor, Mr. Bill Grinnell in which there was not just people standing up and asking questions, but the board and supervisor responded to us. Now you are saying that you are not going to do that.

Supervisor Giordano stated that we will talk about it at the Public Hearing.

Mrs. Dixon stated that her questions are out there and she would like an opportunity to ask more questions then, if you don't discuss this in a way that she has asked. Thank you.

Liberty Affordable housing (Moses Circle Apartments) residents are here for comment. You may remember that you came and smoozed us before election and we are all very concerned that our rent is being raised because of the water rate. We at Moses Circle cannot drink our water, we cannot cook with our water so she is wondering why we are paying the brunt. Secondly, it seems to her that two or three years ago there was a substantial amount of money given for improvements of water and sewer areas. She is curious where that ever went. We are all at Moses Circle on fixed incomes and we are being penalized while we must buy bottled water to drink and cook with. She is sure that the board is not going to respond, however, there are many of us who live there, 31 people or more that are a little distressed by this situation and the fact that we have to bear the brunt for something that we are not able to use. Thank you.

Public Hearings

1374 Lower Road - Code Violations for Local Law #5 and # 6 of 2003

Mrs. Drinkwine-Holman explained that this particular property owner has been written up before for the same thing. He has not shown progress. There are still vehicles and all kinds of junk in the yard. There are still complaints out there on this property.

Supervisor Giordano explained that at this particular time it is suggested that the property owner be written up and taken to court.

Mr. Fuller noted that this will be the actual criminal summons if that is the board's preference at this point. If he doesn't respond for the criminal proceedings to remedy this then you would reconsider whether or not you would like the Town to do the work and relevy that fee to the taxes. There is a difference between autos and litter. If litter is there it is deemed to be a public nuisance, but with autos - it has to be a threat. For us to

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go in and remove automobiles there needs to be a little bit more of a threshold and it needs to be dangerous. It needs to be more than just annoying. If this is the board's preference then the Codes Office can get them into court and we will go from there.

Councilman Taylor noted that he had not been down that way in a while, he remembers seeing some lawn mowers and such.

Mrs. Drinkwine-Holman stated that there is rubbish on the property.

Councilwoman Van Wert asked about the campers on the property that are the kind that sit on the back of pick-up trucks.

Mr. Fuller does not feel that this falls under the junk yard section, it would probably be the litter section but he will check into it.

A resident from Moses Circle Apartments spoke up to state that you didn't say anything regarding the people that spoke up earlier, what do they need to do. Should they just get up and say forget it. What do they need to say.

Supervisor Giordano stated that he will address those issues later.

Public Hearing closed at 6:20 p.m.

Local Law providing for the Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code

Mr. Fuller explained that there were some change to State Law dealing with Code Enforcement that we had to adjust our local laws to come into compliance and given the general Code Enforcement push that we had, we added some mechanisms - some teeth, to that law to give us more options. This is the public hearing and if anyone would like to comment they can do so at this time.

Joyce Cooper inquired what this law says about maintenance of lawns.

Mr. Fuller explained that we do not change the State law, however, there are some state laws that are being changed just for that. He believes that they will be coming down in January with those.

Mrs. Drinkwine-Holman explained that the town is supposed to set the height of the grass. Still only a certain amount around the house needs to be maintained per the state law possibly six feet from the house.

Mrs. Cooper explained that six feet is nothing, her house is maybe 20 feet from her neighbors where there is an existing problem. This doesn't really prevent their house from fire. You are talking a massive amount of four foot tall grass around that house.

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Mr. Fuller explained that the Town always has the ability by local ordinance to be more restrictive on something like that. That is a local policy call.

Mrs. Cooper stated that those houses are very close together on Amherst and on Lake George and she feels that this is something that needs to be taken into consideration. She would ask that you please consider doing this.

Councilman Hunsdon asked if the Town is adopting the law as presented by the State?

Mr. Fuller explained that there are provisions from the Codes office to give us more enforcement tools. Pretty much across the board in our local laws - litter, junk yard and things like that, we have provisions where if something is bad enough, similar to the Public Hearing that we just had that we can hold a public hearing on a piece of property and if something needs to be fixed then we also have the ability to fix that and assess that to the property. That is not something that you are going to use every day, but it is another tool in the tool box to address code violations based on complaints that you are getting.

Councilman Hunsdon explained that according to what he read you can't have one vehicle on your property that isn't licensed or road worthy, is that correct?

Mr. Fuller would need to look, he doesn't believe that was changed from the old law. Only the underlined is what we are proposing to update.

Councilman Taylor explained that the changes are the ones that the Councilman (Taylor and Hunsdon) held the informational meetings on with the fire departments.

Councilman Hunsdon is ok with that, he was just curious because he knows that some people don't have the money to go out and buy new cars and everything so if one breaks down and they have another one, same model and make and they take the parts off from one to make a complete vehicle to make it back and forth to work. There are people that are living paycheck to paycheck.

Councilman Taylor explained that they did do two informational meetings at our local fire stations and we got no negative feedback to those proposed changes to our Zoning Law involving the enforcement.

Public Hearing closed at 6:25 p.m.

2017 Ticonderoga Town Budget

The Supervisor explained that the Town Board has spent the better part of October and September going through the Budget process, this is a new process for him and it's a process that the other board members have been participating in at various levels. They

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have gone about this in a different way than what he understands that the boards have done it in the past. We really tried to look and see how the Town's expending the monies prior to sitting down and working through the Preliminary process, our consultant, who has a number of years of experience working in the Albany legislature on finance, has been assisting us with going through department by department and really trying to hone in on exactly what we are spending. The practice that has been done in the past has been incremental budgeting and we are trying to really focus in on exactly what we are spending and making sure our appropriations match our expenditures on an annual basis. It has been a very informative process and he thinks the board has had a lot of lucrative conversations and discussions and that is how the process has been laid out. As you know, there has been some financial changes such as staffing and the town is still working on trying to get some numbers on last years expenditures which is always part of the budget process, but some of the records have not been kept up well so we are working through that. So to answer any questions, such as the one that Mrs. Dixon brought up about the fund balance - there is an excessive amount of fund balance, and parts of the process of the incremental budgeting that has taken place year, after year, after year in which the Town is trying to resolve moving forward so that we are taxing the public appropriately, financing projects that the Town needs to finance and doing so in a very transparent and fully disclosed manner. In going through this process, the departments involved have been able to come up with what we feel is the appropriate amount, there are a few that we did have to roll over due to some time constraints and we will deal with them in the following year. If anyone from the board would like to share their experience with this process they can.

Councilman Hunsdon believes that Mr. Richardson has suggested that this is what could be there. We don't have proof, we have a CPA working on it. Once he gets it to a point to where we know what we have, then we can make our decisions on what to do. At this point in time, he feels that we shouldn't do anything until we know.

Mr. Richardson believe a general overview of this process would help with some questions. He would like to stress what the Supervisor said about incremental budgeting. It is a common practice, it is not a good practice, where municipal budgets take the numbers that they have had in previous years figuring that this is enough, that number worked and they just used it again. If you do that too often, if you do a budget where gasoline is \$3.50 a gallon and then it goes to \$2.50 and you didn't make the adjustment to go down the numbers would stay high, there are many other examples, so when you do the incremental budgeting and you just tweak up and down, it is possible that you are overstating your expenditures and that can compound money. Now at the same time if you are understating your revenues, it is going to mean at the end of the year that you are going to have a very large surplus and this in municipal finance is called a fund balance. You don't know your fund balance until the end of the year, in fact you don't know until March after the end of the year. Apparently, the fund balance got to be rather large here relative to appropriations. On the last Annual Adjusted Budget document that we have on file was from 2014, this is called an AUD, (annual updated document - not an audit), the numbers for sure in the fund balance of unallocated funds (cookie jar/money in the

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mattress) was around two million dollars. Two million on a five million dollar budget is 40%. That is a little high, the state Comptroller likes you to be somewhere between 8 and 12% of appropriated expenditures in that fund. Some of us like to see more like 20% in fact in the Highway Budget where a lot of things can go wrong in a year, he would like to see 40%. So in the DA - Highway 40% is a nice number, but over in the A - General fund, 20% is a nice number. State Comptroller would like to see anything between 8 and 12%.

Mrs. Dixon asked why Mr. Richardson's rate was different from the State Comptroller's?

Mr. Richardson stated that they are all opinions...

Mrs. Dixon interrupted to ask a question, but Mr. Richardson stated that this is not an argument period, he is telling you something.....

Mr. Dixon stated that is fine, people like to tell other people things.....

Mr. Richardson began again and stated that the State Comptroller likes to see between 8 and 12% of an unappropriated fund balance relative to the appropriations expenditures of that particular fund. Conservative CPA's like to see 40% where there is high risk (Highway Budget) and would like to see something around 20% in the General Fund where there is less risk. Nobody would argue that 40% on a total budget is too high. The Town Board is aware of that, now there is another factor in there and that is called your tax rate. Here too, the tax rate for the Town in 2016 was \$7.77 per thousand. The Comptroller has put, just like you say if you have less than 5% of reserve that is a risk factor, they say anything over \$7.17 is at risk. So they don't want to see you taxing your people more than \$7.17 and they don't want to see more than 12% or less than 5% in the cookie jar. More is an arbitrary number, he can show you some towns that are actually 200%. So the Town Board is very mindful that the tax rate for 2016 is \$7.77 and the fund balance from 2014 was quite large. They don't have the numbers for the closeout of 2015 because the AUD was not done. We do have reason to believe that the number is that if not more. The reason was because the 2016 budget was done in incremental, in fact when the Town went through with what we call reality based budgeting this time, where we looked at line after line, set down with every department and went over everything, we found that right now the budget presently is \$245,533 below the tax cap. That means that if you appropriate the budget that is in the preliminary form, the tax rate will come down .39 cents. The total assessed value is about the same, sometimes that will help the tax rate, but it is the same so it didn't help much. By going through and carefully identifying what are the real expenditures against the total assessed value, the tax rate will be coming down .39 cents per thousand. We have reason to believe that, going through this exercise one more time in 2017 for the 2018 budget, there might be some more expenditures that are not exactly what they should be. We just don't know because there hasn't been sufficient records kept over the past year and now those records are being kept and now when the budget for 2018 is prepared, he thinks that you will have extremely accurate numbers. He knows that the Highway Department is already

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working on those numbers. When we go through this exercise 10 months from now, it should be a rather straight forward process, we will be confident with our numbers. So the large part of this is, financially, the Town is in very good shape in the sense that you have sufficient amount of fund balance and the Town board can now take a look at that and take care of some one time expenditures that are very, very necessary for your infrastructure and you won't have to go to the tax base to take care of that. You can make your improvements that you want to make and not go to the tax payers. By properly managing your budget as we have started to do now, you should find that your are operating in a rather comfortable zone and you will have your tax rate down below that \$7.00 and change number that the comptroller likes to see. From his experience working with municipalities around the state, he often comes in when they are in crisis - structural deficits, you are not there, you are in the opposite direction. Yet you have a need to bring the tax rate down, you can fix up your infrastructure and he thinks you are on the right track for getting this done. This speaks to your general fund and your highway fund. He thinks you will be taking the very same measurements next year when it comes to your water and sewer.

Councilman Hunsdon stated that we have all of this supposedly extra money, but they decided the Town Board did not get a raise this year. He thinks this is kind of putting us down tremendously.

Mrs. Dixon noted that Mr. Richardson is a self-described, conservative advisor and it looks like he would conservatively advise the Town to run a budget surplus that is about 12% higher than what the State would recommend if she reads the numbers correctly. She thinks that the Town Board needs to recognize what happens when the Town is running a surplus, what happens with that money and the best way to do that at this point is to find out what happened to a budget surplus of around two million dollars from 2014 carried over into now. The Town needs to do a deeper audit and trace those monies to find out where they went, what happened to them and where they are now if they still exist and what happens, and then can perhaps make a better assessment of what will happen to these high end budget found surplus that Mr. Richardson .... and again, she does not know what his authority is, she knows he has worked down in Chatham and the board members in Chatham have had some objections to his proposals. She ----( in audible.)...

Mr. Richardson would like to know if Mrs. Dixon would like to talk to the Town Supervisor personally down in Chatham, they are having their budget hearing right now. He takes great offense to that -

Supervisor Giordano asked if Mrs. Dixon has any other questions.... (she answered no)

Mr. Richardson would like some points of clarification put out there since this is on tape. All of that is distorted greatly in the sense of the two million, the two million is your unappropriated fund balance. The surpluses from year to year from prior administrations were we don't know, but something in the tune to around \$300,000.00 otherwise, if we

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would have rolled the same budget over, we would have another \$237,000.00 more. That is the amount that you are below the tax cap. We have an indication that there is a quarter of a million to \$300,000.00 or surplus that was happening to this prior year. If we have \$300,000.00 and then \$300,000.00 and then \$300,000.00 then you have a 1.2 million, so there is not a two million dollar surplus every year, it is around \$250,000.00 to \$300,000.00 surplus each year and that feeds into the two million dollar fund balance. All of that two million dollars is there, it didn't go anywhere, it is sitting in the bank. There are no forensic audits that need to take place. The fact of the matter is that the Town right now has quite a bit of money and you also have a very high tax rate. You are taking very good measures to take care of that. You are going to bring your fund balance down to something more pragmatic and your are bringing your tax rate down - not all at once - but cautiously this year and maybe next year cautiously some more, who knows, maybe three years in a row. We will have to see as we get closer and closer to home and that pencil gets a little sharper. You are going to look at a lot of your staffing levels and man power needs. Some things may go up, some may go down. So no one should walk away from here, thinking in any way that this Town is mismanaging anything, quite to the contrary with some help from some very good department heads, you are on a very, very good, sound track of best practices which have not been in place in the past.

Councilman Hunsdon stated that we have some infrastructure that seriously needs attention.

Mr. Dixon asked then if there was no form of mismanagement, were people dismissed out of hand with regard to the budget and poor funds in this town. He was under the impression that certain people lost their jobs, the cause of something that you have now said that we are in fine condition. Why would you undertake and cause people to lose their jobs if there was no problem in the management of funds. The second statement is, is there a causal relation between high taxes and a high fund balance and how deep is that causal relation for how long has this town been stressing its citizens by over taxing them on property and then comes the question, what is the purpose of rowening millions of dollars, two million dollars in supplemental funds. Why does the state tell you not to do it? Is it not a lure, enticement to an inducement to corruption at the local level to have two million extra dollars sitting around people can use.....

Supervisor Giordano interrupted and explained that the Town did a restructuring based on staffing needs and best practices. That is not how the restructuring came about and this new way of doing the budget is something that hasn't been done before because we haven't had someone who knows how to do that process effectively and that is why we are going through that process now. You are criticizing what we haven't been doing in the past and that is why we are making the changes we are doing to move forward.

Mr. Dixon did not criticize, he is not sure what we have been doing in the past, but if nothing was being done wrong, he doesn't understand why we would.....

Supervisor Giordano explained that we have been taxing people more than .....



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Mr. Dixon continued that you have undertaken to outsource publicly responsible activities that are guaranteed to a town under political process to a private corporation that was handled by people in the town - outsourcing, this is a technique of the modern regime, public party with partnerships, get rid of jobs with benefits and give people jobs with per diem sales with no health insurance. This is a technique run in the United States, run by a number of people for the last 30 years to destroy civil government and destroy political process and replace it with rule by business rule. When business rules, business rules in its way, which is very authoritarian as he is....

Supervisor Giordano stated that this is enough....

Mr. Dixon stated that this is enough, thank you. Did you sit and say enough.....

Mrs. Dixon interrupted with an inaudible comment ending with ... 45 minutes running to Bill Grinnell.....

Mr. Dixon has a question for Councilman Taylor, is this two million dollars the same thing that Grinnell referred to that as the amount of money that he could and had at his disposal every year to do with as he wanted. Is that what he was referring to, do you remember the discussions..... I have this money, it comes to me in January, its there, its the fund balance, I can spend it as I see fit without a vote of a person. Is that what he was referring to, this money?

Councilman Hunsdon stated that a lot of this is that the other administrations did not ear mark the money for all of these things that really need to be done. We have the water system that is costing us an arm and a leg because we have never replaced any of the pipe from Gooseneck, all they did was fix it. That is one. The Highway garage should have been kept up, things should have been done to it to prolong it a lot longer, the police building... this should have been ear marked for each of these projects and it hasn't been done. They didn't do anything about it, they just let it roll over and roll over and that is where the excess money is there, for that reason. It should have been all ear marked.

Mr. Dixon asked is this a causal reaction between taxing people too high and having too much money.

Councilman Hunsdon noted that this is a possibility, but as soon as we find out exactly and we know.. as soon as this CPA is done, he is supposed to be able to tell us how much money we have left over. Once that is done, then we can make our move, if we have that kind of money we can cut the taxes. That is his opinion.

Mr. Dixon asked if we didn't have CPA's doing audits prior to this?

Councilman Taylor stated that we were behind on these AUD's for a couple of years, the one for 2015 still is not done. We have un-reconciled numbers that have been put in the

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Supervisor's monthly reports so technically, according to the CPA and others that the best we will be able to do in terms of numbers for this year is 85% accurate and it will take another budget cycle to get us where we actually know for sure exactly how much of a fund balance we are talking about here. We are not in the red, we have money, we just have to get a better handle on the numbers and make sure that they are reconcilable and accurate as to the best we can make.

Mr. Dixon asked another question to the Supervisor, was it necessary to go out of the town to find the people to construct and accurate audit of the Town's budget. Did you have no trust in your own population?

Mrs. Dixon stated another question is, since we just heard that there was no mismanagement with the budget, at the end of August the Budget Officer was dismissed by some result of executive decision of the board.

Supervisor Giordano explained that the budget officer was not dismissed. The budget officer.....

Mrs. Dixon interrupted stating that the job was eliminated and the work was outsourced.

Supervisor Giordano explained that the budget officer typically stands with the Supervisor, who is the chief financial officer and he assumed that position because that is why he ran, he ran to understand how these monies that the Town is collecting is to be used. That had not been the case for the last 15 years, so he re-assumed that position and then we did a work force establishment, we had a number of years where just as we were talking with incremental budgeting decisions had been made year after year based on whatever and we took a look at the department and said we are over staffed for what we need and that is why we restructured.

Mrs. Dixon stated that there is some correlation here between finding problems with the budget and the dismissal of ... (inaudible - interruption) she understands that the board doesn't want to talk about and she understands that she is not allowed to find out why that happened, but the sequence of events is there.

Supervisor Giordano explained again that the AUD has not been done in a timely fashion, specifically it should be done within 90 days, give or take 30 depending on the size of the Town. Ours has been repeatedly late for several years as it is this year and as mentioned it is still not done, which makes it a very challenging process to go through the budget without having last years expenditures to determine how to budget for this year.

Mr. Dixon asked if there was a reason for that?

Councilman Hunsdon stated it is because we didn't have a good AUD, we did not know the monies that were there...

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Mr. Dixon stopped and said no, is there a reason why you didn't have a CPA that gave you these figures last year?

Councilman Taylor explained that it has to be done by an independent accounting firm and a couple years ago we had a firm in our employment, but the auditor became ill so it just did not get done in a timely manner that year and it just kind of got worse as we went along. It is happening now, it will be done fairly soon.

Mr. Dixon has one final question in this regard. Are you going to permanently outsource budget preparations in this town to private companies or are you going to keep it as a public function and keep it within the town and the people who are politically responsible to the citizens of the town. As soon as you outsource things, you lose political control. This is not just a question.. (inaudible interruption)

Supervisor Giordano stated that we just hired a president in the US that has no background in government.

Mr. Dixon stated that he didn't tell anyone to do that, he is talking about.....

Supervisor Giordano stated that he came in and he has a background in engineering, he doesn't have a background in government, so there is a process to learning what to do with this thing. It is easy to come in and criticize, but it is a very challenging job to sit up here and go through the process that you have to go through to do this.

Mr. Dixon asked if the town is going to continually outsource....

Supervisor Giordano stated that we are going to our professionals so that we have the best practices, so the Town can run the best way that it needs to and NO it is not going to continue to infinity, it is going to be tapered off as we become better at doing the process that we have not been doing well for a while. That is why we have talked about the incremental budgeting changes from incremental to reality based budgeting. You can't do that if you have never done it before, so we need someone to help us through that process, Mr. Richardson came on to help us. We have hired a CPA who knows municipal accounting which we didn't have before helping the Town and that is why we are going to get our AUD done on time from now on and get those processes done --- interrupted -- we did outsource our payroll, that is a minor function ----

Mr. Dixon stated that this is just one more example .....

Supervisor Giordano stated that it is an example of how things were in the past and the past doesn't necessary determine what the future should be...

Mrs. Dixon stated that the future isn't necessarily good....

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Supervisor Giordano thought that the future looks pretty good, based on what we have gone through...

Mrs. Dixon stated yeah, I bet you do...

Supervisor Giordano thanked the Dixon's for their comments.

Public Hearing closed at 6:55 p.m.

2017 Budget adjustments

Supervisor Giordano explained that there were a few adjustments that need to be made to the 2017 budget that was determined yesterday while sitting down with a couple additional department heads.

Sewer - SS05

**Resolution #428-2016** brought by Wayne Taylor, seconded by Dorcey Crammond to adjust SS05 Serial Bonds - Principal Account #SS9710.6 to be \$169,122.00. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

(Need to correct the addition in the SS05.8120 section and change the account codes in same from SS05.8110.477 & .499 to SS05.8120.477 & .499)

Mr. Richardson would like to review page 1 with the board. The assessed value is down slightly. Take the appropriation that you need and divide that into your assessed value and that gives you how much you have to raise per thousand. In the General Fund - total appropriations are \$3,383,864.00 - there is \$837,457.00 that comes from other sources, the amount to be raised by taxes is \$2,546,407.00, that is \$185,229.00 less than last year. What that does on your rate per thousand is bring it in at \$4.84 per thousand which is \$.34 less - the tax rate is coming down in the General Fund by that. Now for Highway you have \$1,705,630.00 minus the other sources of income equaling \$373,765.00 and you have \$1,331,865.00 to be raised by taxes. That is \$29,211.00 less than last year so the rate is \$2.53 per thousand which is roughly \$.05 less than last year. In the aggregate you are coming in at \$245,000.00 under the tax cap and you are reducing taxes by \$.39.

In his opinion as he said earlier, as we have a better understanding of the reality of carefully tracking expenditures against purchase orders this next year, he thinks you will be doing something very similar next year. He hates to speculate that it will be this dynamic, but something similar. He thinks there is probably still some room in your budget, we went cautiously so as not to do it all at once.

Councilman Hunsdon is not in favor and objects until we know what we have.

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Supervisor Giordano explained to the public that we did not hold a public hearing for the water and sewer rates because they are going to remain the same as last year.

Councilman Taylor asked if we were adopting the budget tonight.

Mr. Richardson noted that since the last time the board met, there were a couple of hiccups so we will update those and adopt at the scheduled Special meeting that the board scheduled for November 17, 2016 at 6:00 p.m.

**Resolution #429-2016** brought by Dorcey Crammond, seconded by Joseph Giordano to exit the Regular Town Board Meeting at 7:09 p.m. and enter into an Executive Session to discuss the Water and Sewer Contract Negotiations inviting Michael Richardson and Chattie Van Wert to stay. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #430-2016** brought by Dorcey Crammond, seconded by Fred Hunsdon to exit out of Executive Session and re-enter the Regular Town Board meeting at 7:37 p.m. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #431-2016** brought by Fred Hunsdon, seconded by Dorcey Crammond to authorize the Supervisor to ratify the tentative agreement with the Town's Water and Sewer's Union. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

Highway/Transfer Station - Wayne Taylor, Councilman

Ticonderoga Highway Meeting  
10/27/16  
8:00 AM

In attendance: Sal Barnao, Mitch Cole, John Deming, Bunny Fuller, Jody Olcott (Essex County IDA), Shaine Porter, Derrick Fleury, Fred Hunsdon Sr and Wayne Taylor Sr., (Supervisor Giordano was previously excused).

- Meeting opened with the pledge of allegiance to the flag.
- Minutes of the Sept 29, 2016 Highway Meeting were accepted as presented.
- Bunny Fuller addressed the committee requesting that a no parking sign be installed at 95 Lord Howe St. She also complained about the neighbors parking on the sidewalk and depositing snow in the road and on the sidewalk in the winter. Sal Barnao reported that he had received another complaint on this matter from Jim Gabler and also mentioned the aforesaid parking problem had resulted in a recent accident at this location. Sal went on to say that he is recommending that a no parking sign be installed at this location. Wayne Taylor will offer up a resolution at the November 10, 2016 TB Meeting to authorize the sign placement. Sal will pursue the

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sign installation upon completion of a dig safe evaluation of the site.

- Shaine Porter spoke to the committee about his concern with the markings on the surface of the road at the intersection of St Claire and Grove Streets. He had assumed that the markings indicated that an additional catch basin was going to be installed that would add additional storm water to his property. Shaine said that he understood the town's situation in trying to protect their road and the health and safety of the neighborhood and passing motorists. There was a lengthy discussion on the history of the situation and possible remedies. Shaine said that he would not object to the installation if someone could ascertain how much water would be diverted here, the condition of the infrastructure and where the water would daylight after leaving the pipe. Sal Barnao will gather the data and report back. Wayne Taylor said that he would support a comprehensive fix to the situation as soon as a plan of action can be put together. Derrick Fleury reported on his efforts requesting that the NYS DOT help in diverting some of the storm water from Wicker St from this problem area to another line that empties into Trout Brook. Supervisor Giordano will be asked to contact NYS DOT Region 1 representatives to request their help.
- Jody Olcott of the Essex County IDA presented a plan that would provide for the development of Lot # 3 at the Ticonderoga Industrial Park. A firm has purchased the lot and wants to install a boat storage facility there. Jody modeled a scenario that would allow for the town to be held harmless with the developer achieving access. It would require the town to declare approximately .7 acres of road area surplus and retain QA highway rights. The property transfer would need certain provisions that would provide for potential future infrastructure installations as necessary. Wayne Taylor will offer a resolution authorizing this if everything is found in order and presentable to the town.
- John Deming reported that a survey crew will check this coming week as to whether the solar array at 35 Grace Ave is in the town highway ROW or not.
- John Deming reported on several other properties that the town owns that could be declared surplus and put back on the tax rolls. He cited a tract of land that the town owns between Sunset St and Burgoyne Rd. He also mentioned a potential home site in the former Burleigh Lot adjacent to the water department.
- Sal Barnao reported that he would be meeting with the town's CPA to put together a financial plan to purchase the three new equipment purchases authorized at the October 13 TB Meeting.
- Meeting adjourned 10:30 a.m.

Respectfully submitted by Wayne Taylor, 11/2/16

**Resolution #432-2016** brought by Wayne Taylor, seconded by Joseph Giordano to place "No Parking" signs on Lord Howe Street. (No Vote)

Mr. Fuller explained that this will need to be an amendment to the Ordinance that is on file for the Town.

**Resolution #433-2016** brought by Wayne Taylor, seconded by Joseph Giordano to withdraw their proposed Resolution #432-2016 (No Vote).

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Specifications will be drawn up to include in the Town's Restricted Parking Ordinance, a legal description is needed.

Discussion on Lot #3 at the Industrial Park will need to be surveyed for a description of the land.

Quotes will be received for leasing a storage facility for Highway Equipment.

Issues are arising again with logging trucks on Warner Hill - a car was run off the road. This will be pursued.

Mr. Richardson wanted to add that since we are in hopes to get the AUD and Bank reconciliations by the end of November by Mike McCarthy, he should come and give you a presentation of the AUD and also explain what is going on with the reconciliations. That will tell you how much money you had in surplus at the end of 2015 and how well you are doing going through this year and that will be just a peak under the tent for what the AUD will be for March of 2017 for this year. We will know exactly how much that cushion is there and then it is time for you all to sit down with him and whoever and take a look at that Highway garage, police department and sidewalks or whatever you feel like you need to do and map that out. You will probably use a lot of that fund balance, not all, you will probably want to use some financing also. You don't want to take all of your fund balance for that. You have a CPA that does municipalities so you will be in good shape. The Town has done a lot of good work with this budget.

Public Safety - Fred Hunsdon, Councilman

Public Safety Meeting  
Minutes  
10/24/2016

Meeting was called to order at 5:00pm with the Pledge of Allegiance.

Committee Members present: Dave Woods, Bill Ball, Danielle Holman, Chief Mark Johns, Councilman Fred Hunsdon, Commissioner Margaret Lauman, Matt Watts & Kortney Bessett

Excused Members: Don Paige

Guest present: Bunny Fuller and Roger Nolfé

Councilman Hunsdon opened discussion for public participation.

**Bunny Fuller**

Bunny Fuller came to this meeting to discuss the parking situation on Lord Howe Street. Mrs. Fuller has requested a "no parking" sign placed in front of her residence that continues to the corner of Pearl Street. She was under the impression that the sign was approved and it was going to be put up. She stated that she spoke to the Supervisor and that he thought it was taken care of. More recently she had spoken to the Highway Superintendent who she stated told her he did not feel there was a need for it. She came

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to this meeting to ask what happen to the original plan of installing the sign. Councilman Hunsdon responded that he thought it was all approved and that the sign was going to be installed. He also told her that he would check into this but that he recommended that she come to the Highway meeting on Thursday morning. She stated that she will be there.

**Roger Nolf**

Roger Nolf came to this meeting to discuss the parking problems that he is seeing throughout town. Mainly on Champlain Avenue, Lord Howe Street, The Portage and Lake George Avenue. He is concerned about people parking on the sidewalks and parking the wrong way on the street. He has provided the committee with a sample of a regulation from another jurisdiction. Councilman Hunsdon responded that they have spoken with the attorney and that the reason that these regulations were not adopted a few years back was because of church on Sundays. People were concerned about not having any place to park during the church service. The attorney is supposed to be revisiting this law and looking into implementing these regulations. Mr. Nolf told the committee that parking on Sunday's should have nothing to do with parking on Champlain Ave. and that there is a state law to regulate these parking issues. Mr. Hunsdon stated that they were looking into adopting a local law. Mr. Nolf stated that he thinks that simple things in this town take forever to get done. Commissioner Lauman asked if anyone had researched any existing laws regarding parking in this town. Chief Johns explained some of the laws that are available. Mr. Nolf would like to see warning tickets issued and then if people disregard then he would like to see tickets issued. Commissioner Lauman asked if Chief Johns had warning tickets that could be issued. He responded that he did.

**Ticonderoga Police Department Report**

Chief Johns updated the committee that during the last Town Board meeting the Highway Department was instructed to put up the signs downtown that made everyone aware that there was a maximum of 3 hour parking. Once these are posted the officers can begin enforcement.

During the September Public Safety meeting there was a complaint about parking on the corner of Champlain Ave and Father Jogues. The recommendation at the last public safety meeting was that there would be a no parking sign placed on that side of the road (in front of the apartment building) to resolve this problem. This was discussed at the last Town Board meeting but no action was taken due to the fact that the conversation continued into other parking issues. Chief Johns is requesting that this committee make this recommendation again that this issue be discussed at the next Town Board meeting. All in Favor, no oppositions, carried. Councilman Hunsdon would like to add that possible lines be painted.

Chief Johns informed the committee that during the DEA Drug Take Back Day on October 22, 2016 that the Ticonderoga Police Department collected 24.8lbs of unwanted prescription drugs. Between that and the amount that had been collected over the past few months at our permanent drop box the DEA collected 60.9lbs of unwanted prescription medication from the Town of Ticonderoga.

Commissioner Lauman asked Chief Johns about rumors that she has been hearing about break-ins in the Father Jogues area. He responded that he was aware of a vandalism case that had been solved and possible vehicles that had been rummaged through. There was



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also one case where someone was standing on a porch. Chief Johns discussed the potential benefits to a computer program that the town is considering that would address these concerns in different neighborhoods.

**Ticonderoga Fire Department**

The district has adopted their budget and they stayed within the tax cap. Chief Watts updated the committee that the department was pretty busy last month with 12 fire calls with a few very large fires. The department has applied for a grant through the Charles Wood Foundation that they are waiting to hear back about. The grant would provide the department with an UTV.

Bonnie Fuller asked what she should do about someone burning something in her neighborhood that is causing a significant smell. She believes it may be tires or garbage. Chief Johns responded that normally that part of the law is enforced through Unlawful Burning through the environmental department but that it is a legitimate call to make to dispatch and law enforcement will respond to the call if DEC is not available in the area. He stated that it is often difficult to pin point the exact location.

Chief Watts advised Councilman Hunsdon and the committee that he is going to be meeting with the State DOT to discuss solutions to shutting roads down during an emergency. There was a recent incident where there was some confusion about whose responsibility it was to continue to monitor the roads while clean-up was in progress after an emergency. He would like Chief Johns to attend this meeting as well.

**Ticonderoga EMS**

Dave Woods asked if there has been anything done on the 911 numbering. Councilman Hunsdon responded that he left a message with the county about the signs. He also asked Mike Mascarenas if there was any grants for this type of project. He did not receive calls back yet. He also spoke to the Chilson Fire Department and they have agreed that their new guys can volunteer to put the signs up, this would help them learn the address. Dave Woods asked Bill Ball about the requirements for the 911 numbering.

**Code Department**

Bill Ball discussed a grant that they were waiting on to receive funds from to help with cleaning up properties. He updated the committee that he is supposed to be meeting with the Supervisor about some specific properties tomorrow. Danielle has been doing some research on the Thompson property. Councilman Hunsdon asked if they had heard anything on his server. Mr. Ball has not heard anything at this time.

Rodger Nolfé asked about the continuous yard sale on Baldwin Road. Mr. Ball responded that we do have something in our local laws that would apply in this situation.

Councilman Hunsdon asked about the trailer on Putts Pond Road. Mr. Ball responded that has been shut down. He cannot live in it without septic system.

A short discussion about Knox boxes were had between Matt Watts and Bill Ball. Mr. Ball is going to take care of some of the businesses that have not complied yet.

Councilman Hunsdon updated the committee that there is still talk of putting a trade college into the Lowes Building.

There was a short discussion about the 911 numbering again. Where they could be purchased, about how much they cost, and how many parcels are in the town that would need them. Chief Johns advised the committee that Kortney Bessett would write the grant through IP if that was something they were interested in.

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Matt Watts made a motion that we adjourn, meeting was adjourned at 5:50pm  
Next Public Safety Meeting will be on November 28, 2016  
Minutes prepared by Kortney Bessett – Records Clerk – Ticonderoga Police Department

**Resolution #434-2016** brought by Wayne Taylor, seconded by Fred Hunsdon to schedule Public Hearing for December 8, 2016 at 6:00 p.m. to amend the Order Restricting Parking to add a section on Lord Howe Street and on Father Jogues. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

Supervisor Giordano shared a letter he received recently from Sgt. Quesnel.

During the recent power outage Ticonderoga police department had numerous back to back calls for service. The town got very busy very quickly. With just myself and officer Genier on duty at the time we were unable to manage traffic control at several busy intersections in the town with traffic lights being out do to loss of power. As a result of one phone call I made to Highway Superintendent Sal Barnao, I had enough manpower to assist in keeping our streets safe. When I phoned Sal he was already on his way to the highway garage. Within a short time, Sal and his crew were dealing with slippery roads and putting out stop signs at various locations. Anywhere I requested them, they were there quickly to assist. This allowed Officer Genier and I to assist other calls for service. As town officials you often hear negativity and complaints, I wanted to give you some positive feedback and extend my appreciation to the highway department for assisting our town and police department so quickly and professionally during a few hours of chaos.

Respectfully,  
Sergeant Dale Quesnel Jr.

Airport - Fred Hunsdon, Councilman

**TICONDEROGA AIRPORT 4B6**  
**9 November 2016**

The meeting was called to order at 0905, in the Town Hall, by chairman Fred Hunsdon. Members Joe Giordano, Dave Iuliano, Jon Hanna, Roger Nolf, and, Ernie Tobin. Ernie was at the Airport yesterday when a plane came in for fuel. The pilot was having trouble with the credit card reader, Ernie told him that our unit does not take American Express. As we do not have a notice to this effect Jon will make a note stating this information. We do have problems with the credit card reader that it will not read proper cards and can require several scans for it to accept the card, this may be a timing issue and Mark will be contacted about a solution.

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Dave has received the Shell fuel stickers for the tank and will store them till spring when we can install them in the warmer weather. Shell will also provide us with free wind socks.

The on-off switch has not been replaced yet, but it is working at this time.

The phone cable is still not buried; Joe is working on this item with all parties involved. Jon will check the replacement bulb we received to ensure that it is working and if it is, then we will contact Base Line to make repairs to the REIL light. Ernie will send out the contact information for Baseline lighting.

Jon has covered the fueling steps one and fourteen on the QTpod as we do not want pilots doing those steps. He will check to see if the steps need to be removed from the tank.

APA has been contacted about the Airport land usage and will get back to us.

We talked about the land needed for the taxi way on the South West corner. Joe will look into options.

Ernie will contact the FAA to check on the status of the night landing approach the should be lifted as the obstructions have been cleared.

We then talked about looking into other engineering firms for work going forward.

Next meeting will be at 0830 on Tuesday, 6 December, at the town hall.

Submitted by Jon Hanna

Public Works - Joseph Giordano, Supervisor

**Town of Ticonderoga  
Water/Sewer Committee Meeting Minutes  
October 25, 2016 – 9:30 am**

**Present:** Supervisor Giordano, Derrick Fleury, Tracy Smith, Matt Fuller (*Town Attorney*), Wayne Taylor, Sr. and Nancy LaVallie

**Others:** Rob Wick (*AES*), Fred Hunsdon, Sr., Jody Olcott (*Essex Cty. IDA*)

**Pledge**

Supervisor Giordano opened the meeting with the Reciting of the Pledge of Allegiance.

**Items for discussion:**

1. Dumping spoils (clean fill) at the airport
  - a. Sal had requested that the topic of dumping spoils at the airport be addressed at today's meeting. He would like to know if it would be a possibility and what restrictions there may be.
    - i. Supervisor Giordano clarified that the area in question is located east of the hanger.

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- ii. Matt stated that the airport is classified by the APA as resource management, and a permit would need to be authorized by the DEC and APA.
  1. After a brief discussion, Matt will look into what the process would be to possibly pursue getting a permit.
2. Master Water Contract through AES
  - a. Rob distributed a hand out that explained the concept behind consolidating the various contracts to one contract package. He explained that AES is attempting to reduce the administration time for tracking multiple projects which would benefit the Town, AES and the Funding Agency.
    - i. Matt requested that Rob send the Master Water Contract to him next week for review prior to the November 10<sup>th</sup> Town Board meeting.
3. Surplus photocopiers - Water and Wastewater Departments
  - a. New copiers were installed at each department. The question arose about the surplus of the machines, and possibly using them in another department.
    - i. The Committee suggests that other departments be contacted to see if there is a need for one of the machines.
4. Richard Nock – 113 Champlain Avenue
  - a. Mr. Nock sent a letter to the Committee requesting that his water/sewer bill be suspended until July 2017, as the property is considered unlivable and currently vacant.
    - i. The Committee reviewed Mr. Nock’s letter prior to the meeting.
      1. Matt stated that the charges for the property will not be suspended, and a response letter from the Town will be mailed to Mr. Nock.
5. Leona Simpson – 23 & 25 Colonial Street
  - a. As a follow-up from the September Water/Sewer Committee meeting, Derrick is looking into Ms. Simpson’s request a bit further, and will respond soon. The request was in regard to connecting both properties to the Town’s septic system.
6. Rosemary Holder (On behalf of Diane Bence) – 2070 Black Point Road
  - a. Derrick met with Todd to talk over different scenarios on how to solve the odor of the pump station near the residence. He will follow up with Ms. Holder to let her know that they are working on a solution.

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**Water/Wastewater Supervisor's Report – Tracy Smith**

1. Inter-municipal Agreement with the Village of Lake George
  - a. The Village of Lake George recently purchased a sewer inspection camera.
    - i. Tracy asked Matt what should be done with the agreement.
      1. Matt will contact the plant supervisor for the Village of Lake George, and will follow-up with Tracy after the discussion takes place.
2. Aqua Logics Systems, Inc.
  - a. As there is money in the budget to do so, Tracy will be scheduling Aqua Logics to calibrate the flow meters, and also do maintenance on the SCADA system.
3. WWTP Diffusers
  - a. As a follow-up from the September Water/Sewer Committee Meeting, Tracy asked Rob if he could remind Todd to look at the diffusers to see what options there are for possibly replacing them this year.

**Deputy Water/Wastewater Supervisor's Report – Derrick Fleury**

1. Water main break along Route 74
  - a. Derrick addressed the Committee in regard to the water main break along Route 74. It was caused by a sprinkler company that did a flow test for Walmart.
    - i. The Town was not notified that the test would be taking place, and the same issue happened a few years ago as well.
    - ii. Derrick asked Matt if the Town could do anything about the matter.
      1. Matt stated he would need proof of why the water main break happened, and also the costs associated with repairs so follow-up can be done.

**Engineer's Report – Rob Wick**

1. Resolutions by the Town Board needed
  - a. Confirmation for AES to commence design and construction planning for the Stream Daylighting to continue to the LaChute River under AES Project# 4226.

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- b. Confirmation for AES to conduct advertisements of bidding on behalf of the Town for the Waste Water Treatment Plant Upgrades Phases 5 & 6, including the design and installation of a clarifier and UV disinfection; also known as AES Project #4174 WQIP.

**Public Comment**

No public participation at this time.

**Adjourn**

Supervisor Giordano adjourned the Water/Sewer Committee Meeting at 11:05 am.

The next Water/Sewer Committee Meeting is set for Tuesday, November 29<sup>th</sup> at 9:30 am.

**Resolution #435-2016** brought by Fred Hunsdon, seconded by Wayne Taylor authorizing AES to conduct advertisements of bidding on behalf of the Town for the Waste Water Treatment Plant Upgrades Phases 5 & 6, including the design and installation of a clarifier and UV disinfection; also known as AES Project #4174 WQIP. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorsey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #436-2016** brought by Fred Hunsdon, seconded by Joseph Giordano authorizing AES to commence design and construction planning for the Stream Daylighting to continue to the LaChute River under AES Project# 4226. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorsey Crammond - Aye. **Opposed** - none. **Carried.**

Buildings, Grounds, Parks, Recreation, Historical Land, Monuments, Cemeteries, Beach - Wayne Taylor, Councilman

Buildings & Grounds Parks & Rec Meeting

10/26/16

8:30 AM

In attendance: Bill Dolback, Chattie VanWert, Dick Bessette, Fred Hunsdon Sr., Tonya Thompson, Joyce Cooper and Jerry Cooper

- Meeting opened with the pledge of allegiance to the flag.
- Minutes of the Sept 20, 2016 B&G P&R Meeting were accepted as presented.
- With the resignation of Chattie VanWert from the town board the committee discussed the path forward for the committee.
- Committee identified three priorities; the Community Building, Bicentennial Park and the combined Police/Fire station.
- Committee discussed use of the SAM Grant.

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- Received an update on the Armory CDBG project. Work is planned to start on 10/31/16 with installation of the outdoor ramp.
- Tonya Thompson volunteered to communicate the Armory work plan with the Youth Group and the Senior Center.
- Committee discussed the 2017 team concept for prioritizing and addressing issues with the BGPR areas.
- Went over the proposed conversion of the former shooting range at the Armory to a Senior Club exercise room.
- Went over a recent request to establish a budget for particular buildings and projects.
- Heard reports that the seniors will be in need of an activities director with the pending departure of Alan Durkota.
- Joyce Cooper spoke of the plantings at the Armory. It was discussed who would be doing what in terms of plantings next year.
- The committee discussed the possibility of an adopt a garden effort. Town would start this winter to seeking interested volunteers.
- The committee felt it only fitting to recognize: Dick Slater, Betty Rettig, the Country Florist staff, Town of Ticonderoga Beautification and Highway crews and the Carillion Garden Club for their efforts on keeping our town looking great.
- Chattie VanWert reported on the recent meeting with Schroeder Engineering on the Liberty Pole evaluation that is scheduled. The poles that support street lighting are evaluated every 5 years. The last evaluation happened in 2012. Only the portion about the ground is tested.
- Received some questions about the maintenance of streetlights in the town.
- Discussed the staffing of the town beautification crew. The current staff consists of Dick Bessette, Eugene Alteri, Ron Burroughs and Scott Manning.
- Dick Bessette reported that the town beach equipment had been put into storage and that the water was also turned off.
- Joyce Cooper reported on the ongoing effort to replace the 3 hr. parking limit signs in the business district.
- Bill Dolback reported that he had not been able to get the planned masonry work done in the cemeteries for 2016.
- Dick Bessette requested that due to the recent retirement of Rich Holmberg that someone be designated to oversee the beautification crew. He also said that additional personnel are needed.
- Tonya Thompson reported that the holiday wreaths that are stored at the Armory need to be spruced up soon. She will attempt to get the inmates from Moriah Shock to do this again this year.
- Bill Dolback reported that there is a fair amount of winterization work that needs to be done in the park. He spoke of the installation of hay bales around the poles, garbage cans and the trees to be sure that no one sliding gets injured.
- The committee agreed that the bollards for the entrance to the park be purchased this year for installation next year.
- Bill Dolback reported on the Knox Trail celebration that will be happening in 2017. He also reported on the repairs to the vault at the Mt Hope Cemetery.
- The committee discussed the plantings at the Commerce Park and how much it would

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cost to renew them. Discussed a proposal from a local firm in the amount of \$4,500.

- The committee discussed the proposed installation of stadium lighting at the Ticonderoga Little League field. It was decided that due to the numerous building safety items currently in need of correction that the lighting proposition would be put on hold for the time being.

Respectfully submitted by Wayne Taylor, 11/10/16

**Resolution #437-216** brought by Fred Hunsdon, seconded by Wayne Taylor to authorize John Hayes Contracting to proceed with the ramp work and bathroom renovation inside the Armory on the Lower level as per the bid specifications. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #438-2016** brought by Fred Hunsdon, seconded by Joseph Giordano to authorize a payment to John Hayes Contracting in the amount of \$55,480.00 for work on the ADA - Ti Accessibility Project. (Mr. Hayes was not aware of the Town's monthly abstract process and the deadline for vouchers to be submitted). **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

Human Services - Youth/Seniors - Dorcey Crammond, Councilwoman

Seniors - November 2016

Because the Armory entrance has been under renovation for two weeks, the Senior Center has been closed. As soon as renovations are over they will be back on schedule as usual.

Since Ann's retirement, Alan Durkota has volunteered to step up to the plate and keep the Center going until the end of November and then he will be relocating. Before he leaves he will offer some computer training for the ladies that will carry on from him.

We sincerely thank everyone that has pitched in to help keep this "important program" going.

Youth - November 2016

The after school program is going along quite nicely with a very good attendance - averaging 27 children a day.

Economic Development - Joseph Giordano, Supervisor

No meeting - will start back up at the beginning of the year.

Multi Use Building - Wayne Taylor, Councilman



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No Report at this time.

Health Insurance - Wayne Taylor, Councilman

No Meeting.

Contract Negotiations - Joseph Giordano, Supervisor

Contract was ratified with Water/Sewer

I.T./Cable T.V. - Joseph Giordano, Supervisor

A meeting has been called with our I.T. firm tomorrow to discuss our plan for the future.

**Re: Charter Communications - Upcoming Changes**

Dear Municipal Official:

This letter is to inform you that Charter Communications (formerly Time Warner Cable) is making some exciting changes for customers in your community.

On or after December 13, 2016, Charter will begin removing the analog format of channels from its lineup and move toward delivering a higher-quality, digital-only experience for customers to provide better picture and sound, more HD channels and more On Demand choices. As part of this change, some programming will be exclusively offered in a digital format and will require the use of digital equipment to continue viewing this programming. Customers in your community will be notified of these changes at least 30 days prior to implementation. The programming customers will be unable to view without digital equipment is listed below.

<b>Programming</b>	<b>Channel Numbers</b>
<b>NBCSN</b>	44 and 314
<b>VH1</b>	56 and 117
<b>QVC</b>	22 and 480
<b>WE</b>	65 and 172
<b>SyFy</b>	53 and 111

Additionally, in an effort to align pricing for service fees, pricing for residential customers will be adjusted and notified as follows:

Effective on or after December 15, 2016:

**Minutes for the Ticonderoga Regular Town Board Meeting held on November 10, 2016 commencing at 6:00 p.m. with Public Hearings for LL # 5 & #6 of 2003 (Code Violations) - LL for NYS Uniform Fire Prevention & Bldg Code, and the 2017 Ticonderoga Town Budget**

Description	Legacy TWC	New Charter
Late Fee	\$8.50	\$8.95
Computerized Change of Service	\$2	\$0
Reconnection Fee	\$6	\$4.99
Agent Assisted Payment	N/A	\$5
Additional Statement Copy	\$5	\$1.99
<b>Unreturned Equipment</b>		
Cable CARD	\$32	\$22
Digital Receiver	\$95-\$302	\$123
Tuning Adapter	\$170	\$130
Digital Terminal Adapter	\$54	\$40

We remain committed to providing an excellent experience for our customers, in your community and in each of the communities we serve. If you have any questions or concerns, please feel free to contact me at 518-640-8575 or via email at [kevin.egan@charter.com](mailto:kevin.egan@charter.com).

Sincerely,

**Kevin R. Egan** | Director, Government Affairs  
 20 Century Hill Drive | Latham, NY 12110  
 518.640.8575 w | 518.424.9033 c

Resolutions for Consideration

**Resolution #439-2016** brought by Wayne Taylor, seconded by Dorcey Crammond to accept the minutes of the Regular TB Meeting on October 13, 2016 and the Budget Workshop Meetings on October 14, October 17, October 24, and October 28, 2016. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

(No Supervisors Monthly Report/Budget Transaction Report to adopt at this time)

**Resolution #440-2016** brought by Dorcey Crammond, seconded by Joseph Giordano to pay Abstract #11 of 2016. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

11/10/2016 Meeting Date

10/25/2016				Voucher #	Check #
Abstract	General (A)	\$14,959.69		13870-13875	20852-20857

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	Highway (DA)	\$43,417.77		
	Central Sewer(SS05)	\$3,850.42		
	Central Water(SW06)	\$4,917.42		
	Park Ave, (SS02)	\$9,562.95		
	Alex Ave.(SS03)	\$6,399.00		
	Homelands(SS04)	\$3,116.55		
	Commerce Park(SS06)	\$13,058.70		
	Delano Point Sewer (SS07)	\$3,092.85		
	Baldwin Road (SS08)	\$4,692.60		
	Black Point Rd (SS09)	\$16,892.18		
	Hague Road (SS10)	\$2,020.43		
	9N & 74 Sewer (SS11)	\$4,331.18		
		\$130,311.74		
<b>10/28/2016</b>				
<b>ck# 10/21/16</b>				
<b>Abstract</b>	General(A)	\$2,160.94	13866-13869	20848-20851
	Highway(DA)	\$73.80		
	Central Sewer(SS05)	\$198.22		
	Central Water(SW06)	\$392.59		
	Rt. 9N & Rt. 73 (SW01)	\$12,699.15		
	Street Road Water(SW02)	\$5,240.55		
	Alex Avenue (SW03)	\$5,208.00		
	Homelands (SW04)	\$2,064.60		
	Alex Ave II(SW05)	\$8,063.10		
	Park Ave. (SW07)	\$6,133.35		
	Shore Airport (SW09)	\$17,437.50		
		\$59,671.80		
<b>11/10/2016</b>			<b>voucher #</b>	<b>Check #</b>
<b>Abstract</b>	General (A)	\$71,603.07	13888-14028	
	Highway (DA)	\$49,346.83		
	C/P WQIP WWTP DISINFECT (H50)	\$24,208.87		
	Res & Design French SMILL(H51)	\$21,793.00		
	Clean Water Main (H53)	\$6,069.07		
	Claymore Sewer District (SS01)	\$31.56		
	Park Ave Sewer District (SS02)	\$29.59		
	Alex Ave Sewer District (SS03)	\$35.13		
	Homelands Sewer Dist (SS04)	\$52.42		
	Central Sewer (SS05)	\$25,307.98		
	Delano Point Sewer (SS07)	\$74.00		
	Baldwin Road Sewer Dist (5508)	\$1,691.55		

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	Black Point Road Sewer (SS09)	\$461.89		
	Hague Road Sewer (SS10)	\$10.06		
	9N & 74 Sewer (SS11)	\$127.25		
	9N & 74 Water (SW01)	\$10.91		
	Street Road Water (SW02)	\$10.91		
	Central Water(SW06)	\$20,111.90		
	Shore Airport Water (SW09)	\$20.88		
		\$220,996.87		

**Resolution #441-2016** brought by Joseph Giordano, second unanimously to regretfully accept Charlie Gonyea's letter of final retirement effective 11/12/2016. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #442-2016** brought by Wayne Taylor, seconded by Dorcey Crammond to hire Fred Hurlburt as full-time custodian effective November 12, 2016 at the rate of \$12.00 per hour. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #443-2016** brought by Wayne Taylor, seconded by Fred Hunsdon to approve the corrections to SS06.8130.400 in the amount of \$1,789.00 to charge SS09.8130.400 for \$894.50 and SS11.8130.400 for \$894.50. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #444-2016** brought by Dorcey Crammond, seconded by Fred Hunsdon to authorize an appropriation of \$3,071.31 out of SS05 Equipment Reserve to be used in SS08.8130.400 Contractual Expenses for relocation of a pump station on Baldwin Road. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #445-2016** brought by Fred Hunsdon, seconded by Joseph Giordano to authorize a loan from the General Fund to the H49 GIGP Daylight Stream Project in the amount of \$8,717.40. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #446-2016** brought by Joseph Giordano, seconded by Dorcey Crammond to establish a repair reserve for Water and Sewer. Funding to be determined by the funding process. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #447-2016** brought by Dorcey Crammond, seconded by Joseph Giordano to authorize a budget transfer from Contingency (A.1989.400) to General Auditing & Accounting Services (A.1320.400) in the amount of \$30,000.00. **All in Favor** Joseph

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Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #448-2016** brought by Joseph Giordano, seconded by Wayne Taylor to accept and sign the annual contract with Public Sector HR. (copy on file). **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #449-2016** brought by Wayne Taylor, seconded by Dorcey Crammond to accept the quote for services for Meyer & Fuller LLC in the amount of \$150 per hour starting January 1, 2017. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #450-2016** brought by Fred Hunsdon, seconded by Dorcey Crammond to enter into a one year contract with Ever Bridge in the amount of \$5,000.00 for a mass notification system. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #451-2016** brought by Fred Hunsdon, seconded by Wayne Taylor to reject all bids for the annual Fuel Bidding received October 13, 2016. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #452-2016** brought by Fred Hunsdon, seconded by Wayne Taylor to re-advertise for bids for the Town's annual Fuel Bid removing the wording that the Town may award to the bidder within the Town limits. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #453-2016** brought by Wayne Taylor, seconded by Fred Hunsdon to enter into a contract with Bridge Point Communications (rates will remain the same as current contract). **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #454-2016** brought by Fred Hunsdon, seconded by Wayne Taylor to schedule a Public Hearing for the 2017 Chilson Volunteer Fire Co. Contract. on December 8, 2016 at 6:00 p.m. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #455-2016** brought by Fred Hunsdon, seconded by Joseph Giordano to schedule a Public Hearing for the 2017 Ticonderoga Emergency Squad Contract on December 8, 2016 at 6:00 p.m. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

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**Resolution #456-2016** brought by Dorcey Crammond, seconded by Fred Hunsdon to schedule a 2nd Public Hearing for the awarded Community Development Block Grant for the Town of Ticonderoga - Street Road Water Main Replacement Contract on December 8, 2016 at 6:00 p.m. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #457-2016** brought by Fred Hunsdon, seconded by Wayne Taylor to advertise for a vacant position for the Ticonderoga Board of Assessment Review. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**Resolution #458-2016** brought by Dorcey Crammond, seconded by Fred Hunsdon to appoint Kristine Larmore as Petty Cash Officer for the Ticonderoga Youth Program (\$50.00). **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

Matthew Fuller, Town Attorney

The board held a public hearing earlier tonight regarding the adoption of a Local Law Providing for the Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code. The board can adopt this if they are ready.

**Resolution #459-2016** brought by Fred Hunsdon, seconded by Wayne Taylor to adopt the amended Local Law #3 of 2007 Providing for the Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code. **All in Favor** Joseph Giordano - Aye, Fred Hunsdon - Aye, Wayne Taylor - Aye, Dorcey Crammond - Aye. **Opposed** - none. **Carried.**

**TOWN BOARD  
TOWN OF TICONDEROGA  
COUNTY OF ESSEX, STATE OF NEW YORK**

**RESOLUTION #459-2016 ADOPTING  
A LOCAL LAW PROVIDING FOR THE  
ADMINISTRATION AND ENFORCEMENT OF THE  
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING  
CODE**

**Minutes for the Ticonderoga Regular Town Board Meeting held on November 10, 2016 commencing at 6:00 p.m. with Public Hearings for LL # 5 & #6 of 2003 (Code Violations) - LL for NYS Uniform Fire Prevention & Bldg Code, and the 2017 Ticonderoga Town Budget**

**WHEREAS**, pursuant to the Town Board of the Town of Ticonderoga wishes to clarify and amend the Town's administration and enforcement of the New York State Uniform Fire Prevention and Building Code; and

**WHEREAS**, a proposed Local Law has been drafted provided for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code; and

**WHEREAS**, the review of this proposed local law is a Type II action as provided in the SEQRA regulations at 6 NYCRR 617.5(c)(27), and (19); and

**WHEREAS**, the Town Board has held a public hearing for the consideration of a proposed Local Law providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code, in accordance with the Municipal Home Rule Law of the State of New York.

**NOW, THEREFORE BE IT:**

**RESOLVED**, that the Town Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town; and be it further

**RESOLVED**, that proposed Local Law 2 of 2016 is hereby adopted as Local Law 2 of 2016, a copy of which is attached hereto and made a part hereof; and be it further

**RESOLVED**, that pursuant to and in accordance with the Municipal Home Rule Law, the Town Clerk is hereby directed to enter Local Law 2 of 2016 into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

**TOWN OF TICONDEROGA  
COUNTY OF ESSEX, STATE OF NEW YORK  
LOCAL LAW 3 OF 2007**

**A LOCAL LAW PROVIDING FOR THE  
ADMINISTRATION AND ENFORCEMENT OF THE  
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING  
CODE**

**Minutes for the Ticonderoga Regular Town Board Meeting held on  
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Be it enacted by the Town Board of the Town of Ticonderoga, in the County of Essex, as follows:

**SECTION 1. PURPOSE AND INTENT**

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

**SECTION 2. DEFINITIONS**

In this local law:

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

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

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

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

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

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

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

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

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



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

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

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

“Town” shall mean the Town of Ticonderoga.

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

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

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

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

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

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

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;

(7) to maintain records;

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

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(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law; and

(12) issue appearance tickets as provided for in this Local Law.

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

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by resolution of the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

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

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

**SECTION 4. BUILDING PERMITS.**

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building

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or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

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

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

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

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

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

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

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

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

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

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

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

(12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii)

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the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed

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as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

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

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

(i) Time limits. Building Permits shall expire 3 years after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

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

**SECTION 5. CONSTRUCTION INSPECTIONS.**

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector

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authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

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

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

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

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

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

**SECTION 6. STOP WORK ORDERS.**

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

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

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

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

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

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

**SECTION 7. CERTIFICATES OF OCCUPANCY**

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(a) Certificates of Occupancy required. A Certificate of Occupancy shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy.

(b) Issuance of Certificates of Occupancy. The Code Enforcement Officer shall issue a Certificate of Occupancy if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy.

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

(c) Contents of Certificate of Occupancy. A Certificate of Occupancy shall contain the following information:

(1) the Building Permit number, if any;

(2) the date of issuance of the Building Permit, if any;

(3) the name, address and tax map number of the property;

(4) if the Certificate of Occupancy is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of the structure, if any;

(8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;



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(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy or for Temporary Certificate.

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

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

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

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number I of the Year 1978, as now in effect or as hereafter amended from time to time.

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**SECTION 10. OPERATING PERMITS.**

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

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

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

(3) use of pyrotechnic devices in assembly occupancies;

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

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

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

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

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

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

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

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

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

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

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

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

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

(3) Fire safety and property maintenance inspections of all multiple dwellings and all non-owner occupied 1 and 2 family dwellings, not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every 36 months.

**Legislative History: Section 11(a)(3) amended by Local Law 2 of 2014 to include all non-owner occupied 1 and 2 family dwellings.**

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

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(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary:

(1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

(4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

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**SECTION 12. COMPLAINTS**

The Code Enforcement Officer shall review and investigate written complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

**SECTION 13. RECORD KEEPING.**

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) all applications received, reviewed and approved or denied;

(2) all plans, specifications and construction documents approved;

(3) all Building Permits, Certificates of Occupancy, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

(5) all statements and reports issued;

(6) all complaints received;

(7) all investigations conducted;

(8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and

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(9) all fees charged and collected.

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

**SECTION 14. PROGRAM REVIEW AND REPORTING**

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

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

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

**SECTION 15: VIOLATIONS**

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify that the Order must be complied with no later thirty (30) days from the date of said order; and (76) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the thirty (30) day time period. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail within five (5) days of the date of such order. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property

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personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

Any notice to be served as provided for in this Section 15(a) shall include the following statement: "NOTICE: Full compliance with this order to remedy is required by \_\_\_ [specify date], which is thirty (30) days after the date of this order. If the person or entity served with this order to remedy fails to comply in full with this order to remedy within the thirty (30) day period, the person or entity will be subject to a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both."

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code or this Local Law, including but not limited to any order to remedy issued pursuant to this Local Law.

(c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board.

(e) Remediation: In the event any person shall fail to comply with a written order of the Code Enforcement Officer, upon application by the Code Enforcement Officer to the Town Board, the Town Board may order the remediation to be performed by the Town or by its designee, or agent, including a private contractor lawfully engaged and authorized by the Town, with the expense to be recovered as provided for in this Local Law.

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(f) Fines: Penalties. Any person who shall fail to comply with a written order of the Code Enforcement Officer or any other duly designated individual under this Local Law within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, plumber or construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall violate any of the applicable provisions of this Local Law or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer or any other duly designated individual under this Local Law made thereunder or any person who shall violate any provision of this Local Law, the Building Code or any rules or regulations adopted pursuant to this Local Law or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, or who shall refuse to allow a required inspection, or fail to comply with the requirements of the New York State property maintenance code, in addition to other penalties provided for in this chapter shall be guilty of an offense punishable in the following manner:

(1) A fine of not more than \$1,000 per day or by imprisonment for not more than one year, or both.

(2) If the violation requires the abatement or maintenance be performed by the Town or by its designee, or agent, including a private contractor lawfully engaged and authorized by the Town, such expense shall be assessed against the record owner of the property. The expense so assessed shall constitute a lien in charge on real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner as other Town charges. Such assessments shall be made in accordance with Article 15 of the Town Law.

(3) The imposition of such penalties shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.

(g) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously



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with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

**SECTION 16: FEES**

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

**SECTION 17. INTERMUNICIPAL AGREEMENTS**

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

**SECTION 18. PARTIAL INVALIDITY**

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

**SECTION 19. EFFECTIVE DATE**

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

**SECTION 20. REPEALER**

This local law shall repeal, in its entirety, Local Law 2 of the Year 1985

Mr. Fuller has sent some Zoning examples from some other Town's for the board to look at regarding projects on Solar. This is a policy decision on how you adopt land use laws. You can let him know what the board's preference is right now.

The consensus of the board is to not regulate solar outside what was considered the hamlet. It should be subject to site plan review at a minimum. Free standing.

**Minutes for the Ticonderoga Regular Town Board Meeting held on  
November 10, 2016 commencing at 6:00 p.m. with Public Hearings  
for LL # 5 & #6 of 2003 (Code Violations) - LL for NYS Uniform Fire  
Prevention & Bldg Code, and the 2017 Ticonderoga Town Budget**  
Meeting adjourned at 8:58 p.m.

Respectfully submitted, Tonya M. Thompson, Town Clerk

As of 11/21/2016 1:39 AM

**Pledge to the Flag**

**Opening Remarks -- Announcements:**

Board of Health – no report

**Public Participation** (time limit 2-3 minutes)

**Public Hearing**

- regarding 1374 Lower Road on code violations Local Laws #5 & #6 of 2003
- Local Law for NYS Uniform Fire Prevention & Building Code
- present the 2017 Preliminary Budget

**Department Head**

Tonya Thompson

Patti Osier

Bill Ball

**Committee reports:**

Public Safety FH

Highway / Transfer Station WT

Airport FH

Public Works JG

Building Grounds Parks Rec Library JG

Human Services: Youth/Seniors DC

Economic Development JG

Multi Use Building Committee WT

Health Insurance WT

Contract negotiations JG

I.T. / Cable T.V. JG

**Resolutions:**

RESOLUTION to Accept/correct minutes of Regular TB Meeting October 13, 2016, and the Budget Workshop Meetings on October 14<sup>th</sup>, October 17<sup>th</sup>, October 24<sup>th</sup>, and October 28<sup>th</sup> 2016

**Minutes for the Ticonderoga Regular Town Board Meeting held on November 10, 2016 commencing at 6:00 p.m. with Public Hearings for LL # 5 & #6 of 2003 (Code Violations) - LL for NYS Uniform Fire Prevention & Bldg Code, and the 2017 Ticonderoga Town Budget**

RESOLUTION to Accept the Supervisors Monthly Report / Budget Transaction Report

RESOLUTION to Pay the Abstract

RESOLUTION to hire Fred Hurlburt as full-time custodian effective November 12, 2016 at the rate of \$12.00 per hour.

RESOLUTION to approve the correction to SS06.8130.400 in the amount of \$1789.00 to charge SS09.8130.400 for \$894.50 and SS11.8130.400 for \$894.50.

RESOLUTION to authorize an appropriation of \$3,071.31 out of SS05 Equipment Reserve to be used in SS08.8130.400 Contractual Expenses relocation of a pump station.

RESOLUTION to authorize a loan from the General Fund to the H49 GIGP Daylight Stream Project in the amount of \$8717.40

RESOLUTION to establish a repair reserve for Water and Sewer. Funding to be determined by the funding process.

RESOLUTION to authorize a budget transfer from Contingency (A.1989.400) to Professional Services Contractual (A.1320.400) in the amount of \$30,000.00

\*Attorney, Matt Fuller

**Executive Session** – For the purposes of discussing the tentative agreement with Water/Sewer Unit

**Public Participation** – Please Stand and State Your Name  
Adjourn the Town Board Meeting