

March 16, 2017: Village Board Meeting  
**Minutes of Regular Meeting Sodus Point Village Board**

Mayor Tertinek called the regular meeting to order at 7:00 PM and led the Pledge of Allegiance.

Present: Mayor Tertinek, Deputy Mayor Kallusch Trustee Eckberg, Attorney Williams, CEO Druschel

Public: 3

Absent: Trustee Kennedy, Trustee McDowell and Officer Mackin

**MOTION** by Trustee Eckberg and seconded by Trustee Kallusch to approve the minutes of the February 16, 2017 regular meeting.

Motion carried all voting aye.

**Reports were given as follows:**

Mayor Tertinek- Highway and Wastewater report

Deputy Mayor Kallusch- Fire

Trustee McDowell-na

Trustee Kennedy- na

Police Officer Mackin- na

Trustee Eckberg – Ambulance and Community Center

CEO Druschel- Building report.

**Public Comments:**

None

**Old Business:**

**2017-3a Resolution**

**MOTION** by Trustee Eckberg and seconded by Trustee Kallusch to adopt Local Law no. 3, 2017

Whereas, the Village of Sodus Point Board of Trustees has conducted a public hearing on proposed Local Law #3 for 2017 and no public comments were received,

It is hereby resolved that the Board of Trustees adopts said law creating Chapter 125 Recreational Vehicles and Campers as follows

**CHAPTER 125**  
**Recreational Vehicles and Campers**

**Section 125-1. Title.**

This chapter shall be known as the “Recreational Vehicles and Campers” local law.

**Section 125-2. General Intent.**

It is the purpose of this chapter to promote the health, safety, and general welfare of the inhabitants of the Village of Sodus Point by the more efficient regulation of recreational vehicles and campers.

**Section 125-3. Definitions.**

- A. Camper.** A vehicle, be it self-driven or towed, with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses.
- B. Occupant.** The residing of an individual overnight in a camper or recreational vehicle

**C. Recreational Vehicle (RV).** Any building, structure, or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, travel trailers, and camping trailers not meeting the specifications required for a manufactured home or mobile home.

**Section 125-4. Prohibition.**

- A.** No camper or recreational vehicle shall be occupied within the Village of Sodus Point except in approved and permitted mobile home parks or recreational vehicle parks with the exception that the temporary occupancy by family of the owner of the real property or the invited guest of the owner of the real property upon which the recreational vehicle or camper is located shall be permitted provided that the recreational vehicle or camper not be occupied in excess of 10 days in a calendar month and in no event shall a recreational vehicle or camper be utilized as a rental unit or occupied upon a lot where there is no existing, one, two multiple family residence other than in an approved and permitted mobile home or recreational vehicle park.
- B.** No more than one camper or recreational vehicle shall be allowed, stored or maintained on any residential lot within the Village of Sodus Point.

**Section 125-5. Penalties for offenses.**

- A.** Any person, firm or corporation who violates any provision of this chapter shall be subject to a fine of not less than \$50.00 nor more than \$100.00. The imposition of all penalties for any violation of this chapter shall not excuse the violation or permit it to continue.
- B.** The application of the above penalty or penalties or the prosecution of the violation of the provisions of this chapter shall not be held to prevent the forced removal of the conditions prohibited by this chapter. When a violation of any of the provisions of this chapter is continuous, each 24 hours thereof shall constitute a separate and distinct violation.
- C.** The code enforcement officer for the Village of Sodus Point or his designated agent shall have the authority to enforce this chapter.

Resolution adopted all voting aye.

**2017-3b Resolution**

**MOTION** by Trustee Eckberg and seconded by Trustee Kallusch to adopt Local Law no. 4, 2017

Whereas, the Village of Sodus Point Board of Trustees has conducted a public hearing on proposed Local Law #4 for 2017 and no public comments were received,

It is hereby resolved that the Board of Trustees adopts said law creating Chapter 124 Green Energy as follows.

**Chapter 124 Green Energy**

**§ 124-1. Title.**

This chapter shall be known and may be cited as the "Green Energy Law of the Village of Sodus Point, New York."

**§ 124-2. General Intent.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize damage or obstruction of historic areas, views and or other protected amenities of the Village.

**§ 124-3. Definitions and word usage.**

**Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number include the singular, unless the context indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a copartnership and any other agency of voluntary action. The phrase "used for" includes "arranged for" and "occupied for," "maintained for," "intended for" and "designed for."**

**GREEN ENERGY – Energy from natural sources such as sunlight, wind, rain, tides, plants, algae and geothermal heat or others not mentioned herein but are classified as renewable sources.**

**SOLAR POWER - Power obtained by harnessing the energy of the sun's rays.**

**WIND TURBINE – A turbine having a large vaned wheel rotated by the wind to generate electricity.**

**§ 124-4. Permit.**

It is hereby stated that all forms of green energy equipment shall need a permit prior to the placement or use of said energy sources.

**§ 124-5. Wind Turbine.**

Wind turbines are hereby recognized as a renewable source of energy and no person shall operate, install, or permit the use thereof without first receiving a permit from the Code Enforcement Officer. The following will be the requirements hereby enacted to appropriate the permitting of such turbines;

- A. The number of wind turbines on a property shall be limited to the onsite energy consumption of the property.
- B. No wind turbine shall be permitted within areas zoned waterfront commercial or waterfront residential in the effort to maintain the natural landscape and protect the view scopes of the Village.
- C. Installers must be recognized by NYSERDA of who maintains a list of program eligible installers, which depend on education, training and experience.
- D. All wind turbine application shall go before the Planning Board to assure consistency to the LWRP or other applicable statutes used to maintain the integrity of the Village.

1. If applicable all towers shall be placed in the rear of the property to assure the least impact on neighborhood.
  2. Guy wires and anchors must meet the setbacks as listed in § 190-11 and at no time may a wire be permitted any closer than 10 feet from a property line. All wires must clearly marked with reflective signage to assure safety.
  3. If applicable neutral colors shall be used to assure tranquility and effective camouflage to ensure the natural state of the area.
  4. Minimum set back from property lines, public roads, power lines, and any preexisting and or future structures by a distance at least equal to the height of the tower plus the blade length plus 25 feet. The Planning Board may require additional setbacks in consideration to public safety and or future developments. The Zoning Board may waive setback requirements from adjacent properties if the property owner agrees to grant an easement binding on the current and future owners of said property.
  5. An emergency telephone number shall be posted on a visible part of the sight, on a permanent structure, so that persons may contact the appropriate parties in the event of an emergency to which the turbine may require immediate attention. The telephone number must be located outside the fall zone of the tower and in a place that would be easily noticeable. Placement shall be subject to change based on Code Enforcement Officers request.
- F. The wind turbine design shall not be readily climbable by the public for a minimum height of 15 feet from the ground to assure safety.

#### **§ 124-6. Solar panels.**

Solar panels shall require a permit prior to installation and will be considered legal under the guidelines listed herein:

- A. Ground mounted solar panels will be considered accessory structures and must meet the setbacks for the zoning of the property as listed in § 190-11.
- B. If a ground mounted solar collector ceases to function or is abandoned for more than 60 consecutive days, the property owner shall remove the collector, mount and associated equipment and facilities by no later than 90 days after notification from the Code Enforcement Officer.

#### **§ 124-8. Fees.**

The Village Board shall establish by resolution, a fee to be charged for the procurement of a Green Energy permit which fee may be changed from time to time by resolution of the Village Board.

#### **§ 124-9. Violation.**

- A. Any person, firm or corporation who violates any provision of this chapter shall be subject to a fine of not less than \$50.00 nor more than \$100.00. The imposition of all penalties for any violation of this chapter shall not excuse the violation or permit it to continue.
- B. The application of the above penalty or penalties or the prosecution of the violation of the provisions of this chapter shall not be held to prevent the forced removal of the conditions prohibited by this chapter. When a violation of any of the provisions of this chapter is continuous, each 24 hours thereof shall constitute a separate and distinct violation.
- C. The code enforcement officer for the Village of Sodus Point or his designated agent shall have the authority to enforce this chapter.

### **2017-3c Resolution**

**MOTION** by Trustee Eckberg and seconded by Trustee Kallusch to adopt Local Law no. 5, 2017

Whereas, the Village of Sodus Point Board of Trustees has conducted a public hearing on proposed Local Law #5 for 2017 and no public comments were received,

It is hereby resolved that the Board of Trustees adopts said law modifying Chapter 102 Fire Prevention & Bldg Construction Law as follows.

### **§ 102-5. Building permit.**

#### **A. Permits required.**

(1) Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Officer.

(2) No permit shall be required for:

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

(b) Repairs, provided that such repairs do not involve:

[1] The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;

[2] The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

[3] The enlargement, alteration, replacement or relocation of any building system;

[4] The removal from service of all or part of a fire protection system for a period of time.

[5] The removal of one or more full sheets worth of dry wall, 4 foot by 8 foot in gross area.

#### **B. Application for a permit.**

(1) An application for a building permit shall request sufficient information to permit a determination that the intended work is in accord with the requirements of the Uniform Code and shall require submission of the following information and documentation:

(a) A description of the proposed work;

(b) The tax map number and the street address;

(c) The occupancy classification of any affected building or structure;

(d) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

- (e) At least two sets of construction documents (drawing and/or specifications) that define the scope of the proposed work.
- (2) Construction documents shall not be accepted as part of an application for a building permit unless such documents:
  - (a) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
  - (b) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
  - (c) Substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code.
  - (d) Where applicable, include a site plan that shows any existing and proposed 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 structures and the lot lines.
- (3) Applications for a building permit or for an amendment thereto shall be examined to ascertain whether the proposed construction is in substantial conformance with the requirements of the Uniform Code.
  - (a) The Code Enforcement Officer shall stamp, sign and date all accepted construction documents. One set of accepted construction documents shall be retained by the Code Enforcement Officer. One set shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Officer.
- (4) The building permit shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application and shall include the directive that the Code Enforcement Officer shall be notified immediately in the event of changes occurring during construction.
- (5) Building permits shall expire six months from the date of issuance unless any amount of work has commenced. In the event of construction Permits shall become invalid within 12 months following the date of issuance. Building permits may be renewed one time, within 30 days of the 12 month expiration point, provided that the work has commenced in such a manner as to be ongoing and upon payment of the appropriate fee.
- (6) Building permits which are issued in error because of incorrect, inaccurate or incomplete information, or when the work for which such permit was issued violates the Uniform Code, shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the code.
- (7) Building permits shall be visibly displayed at the work site and are to remain visible until the project has been completed.

#### **§ 102-6. Fees.**

A fee schedule shall be established, and changed as needed, by resolution of the Village Board. Such fees may be charged for the issuance of permits, permit renewals, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, operating permits and for fire safety inspections.

#### **§ 102-7. Construction inspections.**

A. Permitted work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. It shall be the responsibility of the owner, applicant, or his agent to notify the Code Enforcement Officer when construction work is ready for inspection. If entrance to make an inspection is refused or cannot be obtained, the Village Board, after being notified by the inspector of the situation, may apply for an order to make inspection to any court of competent jurisdiction.

B. The following elements of the construction process shall be inspected as determined by the Code Enforcement Officer to be applicable:

- (1) Work site prior to the issuance of a 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) Blower Door test;
- (10) Energy code compliance;
- (11) A final inspection after all work authorized by the building permit has been completed; and
- (12) Any other applicable inspections which may be deemed required by the Uniform Code.

C. 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.

Construction work not in compliance with code provisions shall be required to remain exposed until it has been brought into compliance with the code, been reinspected, and been found satisfactory as completed.

Resolution adopted all voting aye.

**New Business:**

A. **MOTION** by Trustee Eckberg and seconded by Trustee Kallusch to approve the Bike US for MS group permission to stay overnight on the grounds at the Lighthouse Museum on June 7<sup>th</sup>, 2017.  
Motion carried all voting aye.

B.

C.

D. Budget hearing is set for April 26<sup>th</sup> 2017 at 6:45pm at the Village Hall.

**Treasurer:**

**MOTION** by Trustee Eckberg and seconded by Trustee Kallusch to approve payment of claims 3-1 through 3-47 for a total of \$53,475.67; General/Highway \$34,117.62; Water \$3,675.42; Wastewater \$15,682.63.

Motion carried all voting aye.

**Other Business:**

**MOTION** by Trustee Eckberg seconded by Trustee Kallusch to move to executive session to discuss the acquisition, sale or lease of real property.

7:38PM.

Motion carried all voting aye.

**MOTION** by Trustee Eckberg seconded by Trustee Kallusch to adjourn from executive session and return to the regular meeting.

7:55PM

Motion carried all voting aye.

**MOTION** by Trustee Eckberg and seconded by Trustee Kallusch to adjourn the meeting at 7:55PM

Motion carried all voting aye.

Next scheduled regular Board meeting will be on Wednesday, April 26, 2017 at 7:00 PM.

Tracy B Durham, Clerk-Treasurer