

November 3<sup>rd</sup>, 2021: Regular Meeting

There was a regular meeting of the Board of Trustees of the Village of Tully on Wednesday, November 3<sup>rd</sup>, 2021 at 7:00pm in the Municipal Building.

Present: Deputy Mayor Erin Goodfellow  
Roxanne Oliver, Trustee  
Kathryn Vernay, Trustee  
Daniel Poellot, Trustee  
Courtney Hills, Counsel  
Ruth Van Buskirk, Clerk/Treasurer  
Thomas Chartrand, Accountant  
Harold Kiehl, DPW  
Ken Teter, Engineer

Absent: Ralph Lamson: Codes

Visitors: Benjamin Bibik  
Richard Patterson  
Melissa Flint-Morgan

Pledge of Allegiance/Call to Order

Deputy Mayor Goodfellow ran the meeting since Melissa Flint-Morgan no longer resides within the Village limits.

Deputy Mayor Goodfellow led the Pledge of Allegiance and called the meeting to order at 7:01pm.

Deputy Mayor Goodfellow opened the public hearing for LL-2-2021, amending Chapter 56 of the Village of Tully Code entitled “Fire Prevention and Building Construction”, at 7:02pm.

Motion was made by Trustee Oliver, 2<sup>nd</sup> by Trustee Vernay to approve the minutes for the October 6<sup>th</sup>, 2021 meeting. Ayes carried.

Upon motion by Trustee Oliver, 2<sup>nd</sup> by Trustee Poellot it was unanimous to accept the treasurer’s report, subject to audit.

Upon motion by Trustee Vernay, 2<sup>nd</sup> by Trustee Oliver it was unanimous to approve the following transfers:

Transfer of Appropriations

GENERAL FUND

From: A1990.4	Contingent	Contractual	1,000.00
		<b>TOTAL</b>	<b>1,000.00</b>

To: A1440.4	Engineer	Contractual	1,000.00
		<b>TOTAL</b>	<b>1,000.00</b>

**Public Comment**

December 17<sup>th</sup>, 2021 will be the date for the payroll for the Board, clerk, and crossing guards as per annual resolution.

## **DPW**

DPW hopes to finish putting up the Welcome to Tully signs this week.

## **COUNSEL:**

Upon motion by Trustee Oliver, 2<sup>nd</sup> by Trustee Vernay it was unanimous to close the public hearing on LL-2-2021 at 7:13pm.

Upon motion by Trustee Vernay, 2<sup>nd</sup> by Deputy Mayor Goodfellow it was unanimous to approve LL-2-2021.

Deputy Mayor Goodfellow	yes
Trustee Poellot	yes
Trustee Vernay	yes
Trustee Oliver	yes

(Name of legislative Body) NEW YORK STATE DEPARTMENT OF STATE

# Local Law Filing

41 STATE STREET,  
ALBANY, NY 7531

---

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

## **Village of Tully**

Local Law No. two (2) of the year 2021.

**A local law amending Chapter 56 of the Village of Tully Code entitled “Fire Prevention and Building Construction.”**

**Be it enacted by the Village Board of Trustees of the Village of Tully, as follows:**

### **Section 1. PURPOSE AND INTENT**

The Village Board of the Village of Tully, New York seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. On May 12, 2020, the 2020 Energy Conservation Construction Code of New York State (“ECCCNYS”), updated by the New York State Fire Prevention and Building Code Council, became effective and must be complied with for residential and commercial buildings unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New

York State Energy Research and Development Authority (“NYSERDA”) developed and published the NYStretch Energy Code – 2020 (“NYStretch”), a more energy efficient building code than the 2020 ECCCNY. This local law seeks to amend the Village of Tully Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

**Section 2.** The definition of “Energy Code” under Section 56-2B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

ENERGY CODE – The New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time. The Energy Code includes 19 NYCRR Part 1240. In addition, the NYStretch Energy Code – 2020, published by the New York State Energy Research and Development Authority (“NYStretch”), shall be applicable to all new construction, substantial renovations, alterations and additions, as required by the 2020 ECCCNY as amended by NYStretch.

**Section 3.** Section 56-3B(1) of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- (1) Except as otherwise specifically provided by law, ordinance, rule or regulation or except as otherwise provided in this Chapter, the Building Inspector shall administer and enforce all the provisions of the Uniform Code, Energy Code, this Chapter, and any other law, ordinance, rule or regulation pertaining to requirements which apply to new construction and to plans, alterations, change in use, repair, removal, relocation and demolition of buildings and structures.

**Section 4.** Section 56-3D(1)&(2) of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- (1) The Fire Marshall and the Building Inspector shall jointly enforce those provisions of the Uniform Code and Energy Code relating to fire prevention and life safety during new construction.
- (2) Whenever the same may be necessary or appropriate to assure compliance with the provisions of the Uniform Code, Energy Code, this Chapter or any other applicable law, ordinance or regulation covering building construction, the Fire Marshall or the Building Inspector may require the performance of tests in the field by experienced, professional persons or by accredited testing laboratories, service bureaus or agencies.

**Section 5.** Section 56-3G of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- G. Rules and Regulations. The Board of Trustees may adopt, by resolution, rules and regulations for the administration and enforcement of the Uniform Code, Energy Code, and this Chapter. Such rules and regulations shall not conflict with the Uniform Code, Energy Code, this Chapter or any other provision of law.

**Section 6.** Section 56-3J of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- J. Procedure for Complaints. Procedures shall be established for addressing bona fide complaints which assert that conditions or activities that fail to comply with the Uniform Code, Energy Code, or this Chapter. The process for responding to such complaints shall include, when appropriate, provisions for inspections of the conditions and/or activities alleged to be in violation of the Uniform Code, Energy Code, this Chapter, or the laws and/or regulations adopted for administration and enforcement of the Uniform Code, Energy Code, or this Chapter.

**Section 7.** Section 56-4G of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- G. The Building Inspector shall mark, in writing or by stamp, the construction documents accepted as part of a permit application. One set of accepted construction documents shall be retained by the Building Inspector, as the officer responsible for the administration and enforcement of this Chapter, and one set shall be returned to the applicant to be kept at the work site so as to be available for use by the Building Inspector. The applicant shall notify the Building Inspector of any change in the information contained in the application during the period the permit is in effect. A permit will be issued when the application has been determined to conform to the requirements of the Uniform Code, Energy Code, and this Chapter. The authority conferred by such permit may be limited by conditions, if any, contained therein.

**Section 8.** Section 56-4I of the Code of the Village of Tully is hereby repealed and replaced with the following language:

A building permit issued pursuant to this Chapter 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. A building permit may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code, Energy Code, or this Chapter, or any condition contained in such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit, or if the building permit was issued in error and should not have been issued in accordance with the Uniform Code, Energy Code, or this Chapter, or if the person to whom a building permit has been issued fails or refuses to comply with a stop-work-order issued by the Building Inspector or Fire Marshall. Such permit 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 Village Code.

**Section 9.** Section 56-5B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- B. The application for a fire-prevention permit and its accompanying documents shall contain sufficient information to permit a determination that the intended activity accords with the requirements of the Uniform Code, Energy Code, and this Chapter.

**Section 10.** Section 56-5C(4) of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- (3) A statement that the activity or operation shall be performed in compliance with the Uniform Code, Energy Code, this Chapter, and applicable state and local laws, ordinances and regulations.

**Section 11.** Section 56-6B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- B. 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, Energy Code, or this Chapter. Construction work not in compliance shall be required to remain exposed until it has been brought into compliance, been reinspected, and been found satisfactory as completed.

**Section 12.** Section 56-7A of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- A. Whenever the Building Inspector or the Fire Marshall has reasonable grounds to believe that work on any building or structure is proceeding without a permit or is being performed in violation of the provisions of the Uniform Code, Energy Code, this Chapter or any applicable law, ordinance or regulation, or not in conformity with any of the provisions of the application, plans or specifications on the basis of which a permit was issued or is being conducted in an unsafe and dangerous manner, they shall notify the owner of the property or the owner's agent or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately stop such work and suspend all building activities until the stop-work order has been duly rescinded.

**Section 13.** Section 56-8D of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- D. The owner or his or her agent shall make application to the Building Inspector for a certificate of occupancy. Accompanying this application and before the issuance of a certificate of occupancy, there shall be filed with the Building Inspector an affidavit of the registered architect or licensed professional engineer who filed the original plans or of the registered architect or licensed professional engineer who supervised construction of

the work or of the superintendent of construction who supervised the work and who, by reason of his or her experience, is qualified to superintend the work for which the certificate of occupancy is sought. The affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought and that the structure has been erected in accordance with the Uniform Code, Energy Code, and this Chapter governing building construction, except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit. Also, where applicable, flood hazard certifications, prepared in accordance with the provisions of the Uniform Code, Energy Code, and this Chapter must be received prior to the issuance of the certificate.

**Section 14.** Section 56-9B of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- B. When, after a final inspection, it is found that the work has been completed in accordance with the Uniform Code, Energy Code, this Chapter, and applicable laws, ordinances, rules or regulations, the Fire Marshall shall issue a certificate of compliance. If it is found that the work has not been properly completed, the Fire Marshall shall not issue a certificate of compliance and shall order the work completed in conformity with the applicable building regulations.

**Section 15.** Section 56-11 of the Code of the Village of Tully is hereby repealed and replaced with the following language:

Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, Energy Code, or this Chapter, applications for variances consistent with the spirit of these regulations may be made to the Regional Board of Review in accordance with Part 440 of Title 19 of the New York Codes, Rules and Regulations. The Building Inspector or the Fire Marshall shall obtain a copy of all decisions rendered by the Board of Review pertaining to matters within the Village.

**Section 16.** Section 56-13A, B, C & E of the Code of the Village of Tully is hereby repealed and replaced with the following language:

- A. Upon determination by the Building Inspector or the Fire Marshall that a violation of the Uniform Code, Energy Code, or this Chapter exists in, or about any building, structure or premises, the Building Inspector or the Fire Marshall may order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code, Energy Code, or this Chapter which the particular condition violates and shall grant such time, not exceeding 30 days, for achieving compliance.
- B. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provisions of the Uniform Code, Energy Code, or this Chapter,

or to fail in any manner to comply with a notice, directive or order of the Building Inspector or the Fire Marshall or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit, certificate of occupancy, certificate of compliance or fire-prevention permit.

- C. Any person, firm or corporation who shall violate any provision of the Uniform Code, Energy Code, or this Chapter, shall be subject to the penalties provided in this Chapter, unless otherwise prescribed by law.
  
- E. An action or proceeding in the name of the Village may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, Energy Code, or this Chapter, or any rules and regulations adopted pursuant to this Chapter, or an order to cease the use or occupancy of a building. Such remedy shall be in addition to penalties otherwise prescribed by the Uniform Code, Energy Code, and this Chapter.

**Section 17. Illegality/Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

**Section 18. Effective Date.**

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_ of 2021 of the ~~(County)~~(City)(Town)(Village) of Tully was duly passed by the Board of Trustees of the Village of Tully on \_\_\_\_\_, 2021 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective \_\_\_\_\_ Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_ of the ~~(County)~~(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 19\_\_, and was (approved)(not approved)(repassed

\_\_\_\_\_(Name of legislative Body) disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 1178\_ (Elective Chief Executive Officer\*)

in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 1178\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the on \_\_\_\_\_, 19\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_. Such local law was \_\_\_\_\_ (Elective Chief Executive Officer\*) to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_, in accordance with the applicable provisions of law.

4. \_\_\_\_\_ (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 19\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19\_\_. Such local law was subject to \_\_\_\_\_ (Elective Chief Executive Officer\*)

permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 19\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.

\_\_\_\_\_  
Ruth VanBuskirk, Village Clerk

(Seal)

Date: \_\_\_\_\_, 2021

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK



COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature  
Courtney M. Hills

Attorney for the Village  
Title  
County  
Village of Tully

Date \_\_\_\_\_, 2021

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Leases for the Banner Farm for Tully Fire District and Potter Farms are ready. Tully Fire District lease is \$50.00 for a year and 1 month. Potter Farms lease is for a total of \$1,900.00 for a year and 1 month.

Upon motion by Trustee Oliver, 2<sup>nd</sup> by Trustee Poellot it was unanimous to approve the leases to Tully Fire District and Potter Farms, and to authorize Deputy Mayor Goodfellow to sign the leases. All Ayes carried.

### **CODES:**

### **Engineer:**

Banner farm demo was completed on the 18<sup>th</sup>, 19<sup>th</sup>, & 20<sup>th</sup> of October by Contento Auto Sales, Inc.. They supplied all the requested close out documents to the Engineer's satisfaction. Site was cleaned up.

Upon motion by Deputy Mayor Goodfellow, 2<sup>nd</sup> by Trustee Poellot it was unanimous to approve Pay App #1 for the agreed amount of \$51,900.00 to Contento Auto Sales, Inc. all ayes carried.

The engineer reported on new ruling regarding lead and copper inventory. The Village will await further information and direction from the government.

### **Unfinished Business:**

### **New Business:**

Trustee Poellot and Trustee Oliver will spearhead a committee to overhaul and update the employee handbook. Any others who are interested please contact either Trustee Poellot or Trustee Oliver.

Upon motion by Deputy Mayor Goodfellow, 2<sup>nd</sup> by Trustee Vernay it was unanimous to proceed to Executive Session which will include the Board, the Attorney, the Clerk, the Accountant and Laborer Richard Patterson. The Executive Session relative to “the medical, financial, credit, or employment history, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, at 8:10pm.

8:40pm Upon motion by Trustee Poellot, 2<sup>nd</sup> by Trustee Oliver it was unanimous to close out of executive session.

Upon motion by Trustee Oliver, 2<sup>nd</sup> by Trustee Vernay it was unanimous to pay DPW Supervisor Harold Kiehl and Laborer Richard Patterson for overtime and ½ during an absence of a laborer out due to a medical situation which lasted for an extended period of time. This would concern the time period between July 26<sup>th</sup>, 2021 and October 18<sup>th</sup>, 2021. Any comp time taking during this period would be subtracted from the overtime amount.

Richard Patterson’s hourly rate is     \$23.17                   time&1/2 = \$34.75/hr

Harold Kiehl’s hourly rate is             \$38.44                   time&1/2 = \$54.66/hr

All ayes carried.

Upon motion by Deputy Mayor Goodfellow, 2<sup>nd</sup> by Trustee Oliver it was unanimous to remove Melissa Flint-Morgan from the banking authorization form. All ayes carried.

## **Public Comment:**

### **Audit Bills**

Upon motion by Trustee Poellot, 2<sup>nd</sup> by Trustee Vernay, it was unanimous to review and authorize the accountant to pay the bills, subject to audit.

Upon motion of Trustee Oliver, 2<sup>nd</sup> by Trustee Vernay it was unanimous to adjourn at 9:04pm.

Respectfully Submitted

Ruth C. Van Buskirk  
Clerk/Treasurer