

AGENDA – REGULAR MEETING  
VILLAGE OF POTSDAM BOARD OF TRUSTEES  
JULY 26, 2021 – 4:30 P.M.

POINT OUT THE LOCATION OF THE EXITS ON THE NORTH AND EAST WALLS OF THE BOARD ROOM. ADVISE THAT THE BOARD ROOM HAS A CAPACITY FOR 109 PEOPLE.

ROLL CALL:

1. ACCEPTANCE OF MINUTES:

|               |                   |           |
|---------------|-------------------|-----------|
| June 21, 2021 | Public Hearing    | 4:15 p.m. |
| June 21, 2021 | Public Hearing    | 4:25 p.m. |
| June 21, 2021 | Regular Meeting   | 4:30 p.m. |
| June 21, 2021 | Executive Session | 5:28 p.m. |
| July 12, 2021 | Special Meeting   | 2:30 p.m. |
| July 12, 2021 | Executive Session | 2:33 p.m. |

2. MAYOR'S COMMENTS:

3. TRUSTEE'S COMMENTS:

4. ADMINISTRATOR'S COMMENTS:

5. DPW SUPERINTENDENT'S REPORT:

6. PUBLIC COMMENTS:

7. NEW BUSINESS:

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution approving the partial expenditures for the month of July 2021 in the amount of \$208,712.89 chargeable to the following funds:

|                 |                      |
|-----------------|----------------------|
| General Fund    | \$ 106,785.29        |
| Water Fund      | 12,494.85            |
| Sewer Fund      | 70,230.15            |
| Hydro Fund      | 363.20               |
| Trash Fund      | 18,100.00            |
| Recreation Fund | <u>654.40</u>        |
| TOTAL           | <u>\$ 208,712.89</u> |

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution approving the additional expenditures for the month of June 2021 in the amount of \$428,295.26 chargeable to the following funds:

|                 |                      |
|-----------------|----------------------|
| General Fund    | \$ 186,008.78        |
| Water Fund      | 53,397.20            |
| Sewer Fund      | 23,997.46            |
| Hydro Fund      | 1,568.35             |
| Trash Fund      | 65.52                |
| Payroll Fund    | 144,509.95           |
| Recreation Fund | <u>12,170.10</u>     |
| TOTAL           | <u>\$ 428,295.26</u> |

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Environmental Design & Research in the amount of \$23,400.00 for professional services rendered through June 30, 2021 for the Repainting of Water Storage Tank project.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: The Law Firm of Frank W. Miller in the amount of \$239.05 for professional services rendered through June 2021.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Roemer Wallens Gold & Mineaux in the amount \$1,950 for labor relations services for June 2021.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Barton & Loguidice in the amount of \$4,749.53 for professional services rendered through June 2021 for the Potsdam Water Pollution Control Facility and Pump Station Construction Administration.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: AmStar of Western NY in the amount of \$382,337.00 for Payment Application #1 for the Repainting of the Clarkson Water Tower.

Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoices:

TO: Development Authority of the North Country in the amount of \$689.00 for professional services rendered through May 2021 for the Wastewater Treatment Plant Technical Services Agreement.

Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoices:

TO: Development Authority of the North Country in the amount of \$7,025.00 for professional services rendered through June 2021 for the Wastewater Treatment Plant Technical Services Agreement.

Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$1,190.00 for professional services rendered through May 2021 for the SCADA Wastewater Treatment Plant Capital Improvement Agreement.

Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$15,856.75 for professional services rendered through June 2021 for the SCADA Wastewater Treatment Plant Capital Improvement Agreement.

Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$1,500.50 for professional services rendered through June 2021 for the WWTP Technical Services Agreement.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Passero Associates in the amount of \$8,019.01 for professional services rendered through May 2021 for the Parallel Taxiway Reconstruction at the Potsdam Airport FAA #3-36-0099-037-20.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution to formally designate any buildings, structures or properties located within the Village of Potsdam that are listed on the NY State and/or National Register of Historic Places as official Historic Village Landmarks and directs the Curator of the Potsdam Public Museum and the Director of Planning and Development to develop a list of Historic Village Landmarks and maintain an updated list as buildings, structures or properties are added to the State or National Registers.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution as follows:

LOCAL LAW #3-2021

**Section 1. Purpose.**

The purpose of this Local Law is to Amend Chapter 134 Rental Housing Safety to amend Article I General Provisions, Article II Rental Permit Applications, Article II Inspection and Revocation and Article IV Rental Review Board of the Village of Potsdam Municipal Code.

**Section 2. Amendment.**

## **Article I. General Provisions**

### **§ 134-1. Purpose.**

The purpose of this chapter is to protect the health and safety of residents of the Village by providing for registration, permitting and inspection procedures for residential rental properties when applicable regulations have been met.

### **§ 134-2. Definitions.**

#### **CODE ENFORCEMENT OFFICER**

##### **ADD:**

B. The Code Enforcement Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this article, but shall not have the effect of waiving requirements specifically provided for in this article.

##### **REMOVE:**

#### **RENTAL REVIEW BOARD**

A Board duly authorized by the Potsdam Village Board to hear appeals submitted by rental owners cited for violations, and to determine if permit revocation is valid.

### **§ 134-3. Applicability.**

C. Rental Occupancy Registration Required.

It shall be unlawful and a violation of this article for any owner of any rental property or rental dwelling unit in the Village to establish, maintain, use, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy without first obtaining and thereafter maintaining in full force and effect a Rental Permit and registration from the Village, as herein provided.

D. Registration of dwellings.

After the effective date of this chapter, all dwellings, as defined in § 134-2, within the Village will be required to be registered or reregistered with the Code Enforcement Officer, using the following schedule: upon change of ownership; or expiration of a valid Village of Potsdam safety and maintenance certificate. If the dwelling is an owner-occupied single-family dwelling, the owner shall fill out Section II on the required form and be exempt from the requirements of this chapter. If the building at any address is not used for dwelling purposes, the owner shall so state in Section II on the required form and the structure shall be exempt from the requirements of this chapter. Owners of all other dwellings shall make application, on the required forms, for a rental permit to the Code Enforcement Officer and shall state:

E. Conditions to be met; acknowledgement.

- (1) Such application shall include an acknowledgement by the owner affirming that rental dwelling unit(s) meet the following conditions:
  - (a) Rental properties and all rental dwelling units thereon shall comply with all applicable federal, state or local statutes, laws, ordinances, codes, rules or regulations, including the applicable provisions of the New York State-adopted rules of the Building Codes, as the same may, from time to time, be amended.
  - (b) Operational smoke and carbon monoxide detectors as required by the NYS Fire Code.
  - (c) Exterior walls, including foundations, shall be maintained. All exterior walls and foundations must be free of holes and crevices.
  - (d) Exterior doors, windows, skylights and similar openings shall be maintained, secured and weathertight.
  - (e) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition.
  - (f) Roofs shall be maintained in a weathertight condition, secured by normal means.
  - (g) Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
  - (h) Exterior surfaces shall be maintained in good condition.
  - (i) Interior living spaces, including kitchen(s), bathroom(s), and bedroom(s), are in compliance with the NYS Building Codes.
  - (j) Operable heating system.

F. Review of application.

The Code Enforcement Official shall review each application for completeness and accuracy. The Code Enforcement Official shall also review all available information to confirm that the rental property and all rental dwelling units thereon are in compliance with the NYS Building Codes or provisions of the Local Laws of the Village of Potsdam at the time the application is made. The application shall be accepted if, based on all such available information, such application is found to be complete and accurate.

G. Record of registrations.

It shall be the duty of the Code Enforcement Official to maintain a record of registrations pursuant to this article. Such register shall be kept by owner name and by street address, showing the name and address of the owner, the number of rental dwelling units at such street address, and the date of expiration of registration for such property. Each application shall be maintained in accordance with all record retention requirements applicable to the Village and shall be subject to public disclosure, inspection and copying in accordance with the requirements of the applicable law of the State of New York.

H. Penalties for offenses.

Any rental dwelling unit not registered pursuant to the provisions of this article shall not, after the effective date of this law be offered for rental. Any owner whose failure to comply with the provisions of this article results in legal action by the Village.

## **Article II. Rental Permit Applications**

### **§ 134-4. Term of permits; renewal and posting.**

#### **AMEND:**

D. After the effective date of this chapter, no person shall be granted a rental permit if that specific property is in violation of any Uniform Building Code or Village of Potsdam Code, ordinance or local law or if that applicant owes property taxes, water or sewer fees, special assessments, fines for violations of Village laws or any other fees or past due monies for any name or nature owed to the Village of Potsdam for that specific property.

(a) The applicant shall have the burden of providing proof in a form acceptable to the department that there are no such violations or unpaid monies.

(b) In the event that the applicant has accrued violations or unpaid monies, such rental permit application shall be denied if such violations or unpaid monies relate to a parcel of real property for which the application is made.

A rental permit issued under this chapter shall only be issued to the owner(s) of the real property at issue.

#### **ADD:**



- H. All requirements set forth herein shall also apply to nonperson entities including but not limited to an LLC, Corporation or Trust. If an application for a rental permit is denied, then the owner shall have the right to appeal that decision to the Village of Potsdam Zoning Board of Appeals.

**§ 134-5. Application for rental permit.**

**AMEND:**

- B. The application shall contain the following:

- (12) The owner(s) of the property or the managing agent, if applicable, shall submit only an application that is signed and verified on a form provided by the Village.
- (13) Payment of the rental permit application fee as set annually by the Village Board of Trustees.

**134-6. Review of application; issuance of permit.**

The Code Enforcement Office shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed rental property.- The rental permit may not be issued unless the application includes all of the requisite information and documents enumerated in §134-5 B (1) through (13). If satisfied that the proposed rental property substantially complies with the New York State Uniform Fire Prevention and Building Code<sup>1</sup> and the Code of the Village of Potsdam, the Code Enforcement Office may issue the permit or permits. No rental permit shall be issued if there are any violations of the New York State Uniform Fire Prevention and Building Code or the Code of the Village of Potsdam. No rental permit shall be issued if any violations or there remains any outstanding money owed as outlined in §134-4 (D).

<sup>1</sup> Editor's Note: See Ch. 94, Fire Prevention and Building Code.

**ARTICLE III Inspection and Revocation**

**§ 134-8. Use and occupancy requirements.**

**AMEND:**

- A. No rental property shall be occupied by tenants unless such property has a current property registration and rental permit.

B. An inspection shall be made by the Code Enforcement Officer according to the schedule listed in §134-4 E. Either a rental permit, renewal rental permit or a notice of violation shall be issued within five days from the date of such inspection.

(1) Any non-emergency violations that cannot be completed because of weather constraints may be granted a time extension by the Code Enforcement Officer. If during a scheduled inspection of a rental property the Code Enforcement officer observes violations which create an imminent risk to health, safety or welfare of the occupants or to the community, the Code Enforcement Officer may pursue condemnation of the premises. At such time an Order to Remedy will be issued and violations stated within this Order shall be corrected immediately.

H. Retaliatory Actions.

(a) No Person shall institute or maintain an action for eviction because the occupant has reported a violation of this section or a related provision of the Village of Potsdam Local Law to the Code Enforcement Officer or other Village Employee.

(b) No person shall cause any service, facility, equipment or utility required under this section to be removed, shut off or disconnected in retaliation for a complaint.

#### **§ 134-11. Revocation of permit.**

##### **AMEND:**

B. The permit holder may appeal such revocation to the Village of Potsdam Zoning Board of Appeals by written request, within 30 days from the date of such revocation. The Zoning Board of Appeals shall hold a public hearing on such appeal within 20 days after the receipt of written notice of such appeal and, after such hearing, shall make written findings and a decision either sustaining such permit revocation or reinstating such permit within 15 days after the close of such public hearing.

##### **ADD:**

#### **§ 134-19. Severability.**

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **ARTICLE IV. Rental Review Board**

#### **REMOVE ENTIRELY**

**Section 3. Enactment.**

This Local Law shall become effective immediately upon the notification of the filing of same with the Secretary of State.

ROLL CALL VOTE:

Ayes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nays:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution classifying the proposed Sandstoner Park Arena Renovation Project as an Unlisted Action under SEQRA; further finding that the action will have no adverse impacts on the Village of Potsdam’s Sandstoner Park and Pine Street Arena.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution to submit an application for grant funding to the New York State Department of State’s EPF Local Waterfront Revitalization Program through the 2021 Consolidated Funding Application round. The Village seeks a grant in the amount of \$263,780.00 in state support for the preparation of architectural and engineering plans and specifications for the renovation of, and addition to , the Pine Street Arena at Sandstoner Park. Be it Further Resolved, that the Village of Potsdam understands and agrees that is must provide a cash match in the amount of \$46,550.00 or 15 percent of total project costs from the Village General Fund. Be it Further Resolved, that the mayor or in his absence the deputy mayor is authorized and directed to execute the application document, any required certifications and any grant agreement that result from said application.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution to submit an application to the New York State Office of Parks, Recreation and Historic Preservation’s Historic Preservation Program through the 2021 Consolidated Funding Application round. The Village seeks a grant in the amount of \$127,500 in state support for the repair of the existing windows in the Village of Potsdam Public Museum. The Museum is party of the Civic Center which is listed on the National Register of Historic Places. Be it Further Resolved, that the Village of Potsdam understands and agrees that is must provide a cash match in the amount of \$42,500 or 25 percent of total project costs from the Village General Fund. Be it Further Resolved, that the mayor or in his absence the deputy mayor is authorized and directed to execute the application document, any required certifications and any grant agreement that result from said application.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution to approve final change orders for the East Dam Hydro-Electric Generating Plant:

Change Order #5 - \$1,118.00 for an increase in Eaton Corp's payment and performance bond premium expense.

Change Order #6 - \$1,145.55 for workplace safety measures related to the COVID-19 pandemic (which allowed the contractor to stay on the project during the pandemic).

Funds to come from the New York Power Authority construction account. Total allocated contingency funds to date: \$62,659.55, contingency balance remaining: \$23,063.72.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution to adjourn the Regular Meeting of the Village of Potsdam Board of Trustees of July 26, 2021 at \_\_\_\_\_ p.m.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_