

State of New York  
County of Fulton  
Town of Caroga

Minutes of the Caroga Town Board regular monthly meeting held on May 13, 2026, at 6:30 pm at Town hall with the following board members in attendance by roll call. The salute to the flag followed.

Supervisor John Glenn - Here  
Council Member Richard Sturgess - Here  
Council Member Matthew Cooper - Here  
Council Member Kimberly Walker – Dailey – Here (known as Council Member Walker)  
Council Member Greta Frasier – Here

Also in attendance were BTI Director -Mike Kunath, Steve Stedman - Greens Keeper, Roy Stock – Highway Superintendent, John Livingston – Board of Assessment Review Member, Anita Long – Secretary to the Comprehensive Planning Committee, Patricia Cooper – Zoning Board of Appeals member and 12 members of the public. The meeting was video and audio recorded by Dave Peavey.

Supervisor Glenn asked for a motion to read or waive the minutes of the April meeting. Council Member Cooper made a correction/addition to the previous month’s meeting noting that he contacted the Department of Health and they received a phone call/complaint regarding the chili cookoff at the Winter Carnival in Caroga. Council Member Sturgess made a motion to waive the reading of the minutes. The motion was seconded by Council Member Frasier. All board members were in favor of the motion. Glenn, Sturgess, Cooper,

**Reports:**

***Wheelerville Bike Trail*** – Mr. Manning submitted a written report read by Supervisor Glenn

1. We have received the final approval from the New York State Attorney General’s Office for the construction of the Wheelerville- Caroga Connector Trail. This approval means the grant is now active and work can begin. The trail is currently flagged and the area on State Land adjacent the golf course will be reviewed by APA this summer.
2. Trails are fully leaf blown, cleared of downed trees and ready for opening once things dry out. If they drain quickly we may be able to open Sunday 5/17. This year we cleared over 50 fallen trees from the trails, which is a new record. If we do not open this weekend, we will open sometime next week. Trail opening will be announced on the official Wheelerville Trails Facebook page, Instagram page and at [www.wheelervilletrails.com](http://www.wheelervilletrails.com)
3. A volunteer day is scheduled for Saturday, May 16. I’d like to formally thank Kelly Ann Nugent for organizing and running this volunteer day. Volunteers will focus on resurfacing two

popular downhill trails (Forever Wild and Eagle Eye) and removing loose rocks on the Wheelerville Traverse.

4. I made my first merchandise order of the year. We will be selling trail merchandise at the trails over Memorial Day weekend, and throughout the summer. Merchandise is always available at [www.pureadk.com](http://www.pureadk.com) and we thank them for their continued partnership.

**BTI** -Mr. Kunath all of the applicators are treating. There are lots of small larvae. It is a dry season. One applicator has yet to pick up the placard issued by the state. There was one problem with a property owner, and the technician was stopped from treating part of a stream because it flowed into a pond on private property. Mr. Kunath stopped and talked them and all is well.

**Sole Assessor** – Leigh Anne Loucks submitted a written report read by Supervisor Glenn. The Assessor has requested approval from the board to pay for a continuing education course and for NYSAA dues. (a voucher was submitted)

Relevant to the upcoming Board of Assessment Review (BAR) proceedings the assessor noted there is a term ending on 9/30/26 and in her opinion the board should put it out to all residents to see if there is anyone else interested instead of rolling over an appointment.

The assessor stated that the BAR secretary does not require a separate paid position. She noted the members are paid and stated that the chairman normally completes the paperwork and minutes. The assessor thought it seems like an unnecessary expenditure.

**Town Clerk/Tax Collector/Registrar/RMO** – The monthly Town Clerk’s report was submitted. The 2026 Tax Collection books were presented for Audit.

At the recent New York State Town Clerk’s Association (NYSTCA) conference there was an update to Section 109 of Ag. & Markets law. The town will now collect voluntary contributions to support the shelter the town contracts with. The funds collected will be turned over to the organization annually. The clerk noted the line item A2705.3 will need to be created. The clerk reviewed various legislation voted on at the conference to support or oppose.

The clerk noted a resident came to see the Assessor but there was miss-information on another website listing the days the assessor was available.

**Code Enforcement & Sanitation** – Supervisor Glenn read the report submitted by Mr. Fancher. The code officer requested that the town board pass the local law to update administration of uniform code and energy code as per Department of State Article 18 of Executive law Section103.

The code officer reported that 20 permits were issued with \$2,475 in fees being collected and having a valuation of \$245,900.00. 18 inspections were conducted. He is working on how to best administer blight violations with the help of the county, working on expired permit letters and closing out old permits. The code officer will be sending out letters for annual fire safety inspections appointments request to all town businesses.

**Dog Control** – Mr. Dutcher reported to the clerk that he had 3 calls for the month and had one dog bite case he followed up on.

**Golf Course** – Mr. Stedman reported it has been a cold spring. He has not had to mow the fairways and roughs yet. Several projects are being worked on. Hole # 4 the brush was removed in the fall. A split rail fence was added and two white pines planted. On the 6<sup>th</sup> Tee debris was removed. Mr. Stedman has received complaints about hole #1 since the location change of the clubhouse. He will be moving the tee box back to its original location once the sign is made. 300 lbs. of seed were put down on the #14 fairway. Fertilizer will be put down in the upcoming weeks. The spike roller has been used twice this year. He has been working on the irrigation system and replacing older type heads. Mr. Stedman noted the disrepair of the stairs on hole #2. He stated they are 20 inches high and deteriorating. This was an emergency situation he stated. Council Member Sturgess got a quote from someone who has done work in the past for the town. The cost is \$2,590.00.

Merchandise has been purchased for the clubhouse. There are openings in the Vrooman's Open tournament. There are a couple of new tournaments. One is a group of men coming to play the course from Guilderland.

Council Member Sturgess – reported on the finances for the club house project. Currently he noted there is \$1,718,775.67 in the fund. The only money expended from this fund was for the golf course project. Council Member Sturgess is getting frustrated – he has three calls into CT Male and hasn't heard back from them yet. He noted there would be a work session soon on the options. Council Member Sturgess also reported on the Health Dept. recent visit. There were 0 critical violations, 0 other violations and 0 deficiencies. There are a couple of things that have to be changed.

At 6:50 pm the Public Hearing on “Establishing a Local Government Code Enforcement Program” was opened.

Doug Purcell reviewed the proposed Local Law and commented on discrepancies with our current zoning. The town ordinance gives a year for a project to be started with an extension of a year. The proposed local law gives six months to commence and then a year complete- with no reference to extend. Mr. Purcell asked for clarification on the requirements for operating permits as it pertains to the Craft Fair tents and for food trucks.

It was asked if it was the responsibility of the operator or the person running the event to obtain permits.

The clerk questioned Section 3 item #8 whereby the code issues the permit and also collects the fee. According to publications by the Comptroller's Office the two duties are incompatible and should not be handled by one person due to oversight issues. The clerk has in the past collected all of the fees from the code office with the program already set up in the clerk's office.

Cathy Manning had several questions about the local law as it pertains to food trucks. She asked how much the fees were and asked when does this go into effect.

The public hearing remained open.

**Highway** – Roy Stock – Highway Superintendent reported on the ditching work being done on S. Shore Road of East Caroga. His workers are getting truck #17 ready for the new box. The Highway Superintendent noted that in talking to the county the \$6,000.00 of funding that was going to be used on Newkirk Road will be switched to put in a new pipe on Morey Road.

**Lakes Management Program** – Supervisor Glenn reported on the recent interviews conducted for the lead diver position. A team of three people conducted the interviews, Marcus Harazin, Jim Hogan, and Supervisor Glenn. Luke Horst will be the lead diver. The Supervisor noted that the program will change whereby there used to be 8 divers in the water on two shifts. Now since the successful use of ProcellaCOR to reduce Eurasian milfoil in East and West Caroga lakes, the lead diver will be conducting surveys and initiating any necessary response. He will work five days a week for five hours scouting out any milfoil. If found a team of divers will be called in 3 – 4 for maybe two days. This should save the town money.

The Semi-Annual Lakes Management meeting will be held on Tuesday May 19 at 5:30 pm at town hall. All are welcome.

Mr. Loux of South Shore Road reported a beaver in the neighborhood. The highway superintendent will check into this with him.

At 7:00 pm the public hearing on “Establishing a Local Government Code Enforcement Program” was closed. The board discussed the proposed local law. Council Member Walker agreed with the food truck regulations, noting that the Department of Health will make it mandatory. Council Members Sturgess and Cooper note this is a state requirement. More time was suggested in order to review the concerns brought up by Mr. Purcell. Council Member Cooper noted that if the law is not adopted then the state will step in. It was noted that the code officer needs this law to do his job. There are two separate issues, the administration and enforcement of NYS Uniform Fire Prevention and Building Code and the operation of food trucks. Council Member Sturgess thought there should be a work session with the code officer and town attorney. There is confusion about the food trucks being under this umbrella. One Council Member suggested tabling this, another suggested meeting with the Department of State. Supervisor Glenn had some notes from another concerned citizen and recommended setting up a work session.

**Town Hall Building** – Council Member Cooper reported on a water outage last week which was quickly repaired. He noted the changes put forward by the New York State Health Department as it pertains to water sampling of the town hall system. It is being monitored daily and stated that monthly water samplings need to be done. Council Member Cooper suggested having the health officer conduct the tests.

Last month the board approved hiring Red Dragon for heating and cooling issues at town hall. They have asked for a down payment to purchase the equipment. The approved cost was \$12,175.00 for 3 units. Council Member Cooper suggested paying them 50% of the estimate. The start date of the project is about two weeks.

**RESOLUTION#2026-043 to pay a down payment to Red Dragon Heating and Cooling in the amount of \$6,087.50** was offered by Council Member Cooper at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, the board approved resolution #2026-035 at the April town board meeting, and

**WHEREAS**, the company installing the mini splits in various offices at town hall has asked for a downpayment to purchase the units, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to authorize a downpayment of \$6,087.50 be made to Red Dragon Heating and Cooling 117 Van Road Gloversville NY.

Seconded by Council Member Frasier

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

At 7:14 pm the public hearing “Establishing a one-year moratorium on Battery Energy Storage Systems” (BESS) within the Town of Caroga was opened.

Mr. Potocar asked for an explanation on the proposed Local Law. Battery Energy Storage Systems are used to collect power off the grid at non-peak times and are then sold back to the grid during high demand. Supervisor Glenn explained that a few months ago, Town Supervisors from the Towns of Johnstown and Northampton came to Caroga to share their experiences on this subject.

Anita Long asked several questions about where this would be allowed by right and about commercial and residential usage.

Don Peavey was in favor of the town moving forward with the moratorium. He noted it is very difficult to understand the long-term effects. He noted the recreational and geographical properties of the park and what a national treasure it is. Mr. Peavey also spoke about AI data and its uses.

Patricia Cooper wondered if a year is long enough for the moratorium. She hadn't yet read the language of the proposed law.

***Tourism Committee*** – Council Member Frasier noted the 40 under 40 award that was given to Royal Mountain Ski Area. She asked about putting flags up on the utility poles as has been done in the past. The Clerk found 8 flag poles with flags in the gym. It was thought the town had more of them. The last two years Supervisor Palcovic put the flags up. It was discussed to put the flags on poles with lights as to be properly displayed. It was discussed to purchase more flags.

**RESOLUTION #2026-044 to purchase up to twenty new flags/poles/holders** was offered by Supervisor Glenn at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, the board discussed having flags on the utility poles in the Town of Caroga as has been done in the past, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to purchase up to twenty new flags/poles/holders to be placed on poles with streetlights.

Seconded by Council Member Cooper

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

Council Member Frasier spoke to the Summer Recreation Director Colleen Ricciardi recently. The need to find an employee to be a certified lifeguard was discussed. The director found a class and paid \$350.00 to enroll a particular individual with the funds coming out of her own pocket. Council Member Cooper stated she should have come to the town board. The director also asked about setting up accounts with BJ's and Amazon to make purchases.

Council Member Frasier noted the tourism staff at the county are working to create a website of historical places to stay in the county. Nick Stoner Inn will be included in the list.

At 7:40 pm the public hearing on the proposed local law "Establishing a one-year moratorium on Battery Energy Storage Systems" (BESS) within the Town of Caroga was closed. Mr. Peavey noted that Violet Martin is an expert on this and is working with many towns.

**RESOLUTION #2026-045 to accept the Adirondack Community Foundation Grant** was offered by Supervisor Glenn at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, Anita Long met with Colleen Ricciardi and Shar Wager about this grant opportunity, and

**WHEREAS**, the town board was asked if they had any input, concerns or questions, and

**WHEREAS**, Anita Long did apply for this grant, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to accept the \$5,000.00 grant and to create a separate line item to record expenditures.

Seconded by Council Member Sturgess

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

Anita Long encouraged the board to hold to the proposed budget and suggested using the grant money to pay for the tent used during summer recreation. It was noted that documentation on how the funds are used will need to be kept and a report filed. Supervisor Glenn noted the need to set up a separate line item.

**RESOLUTION #2026-046 to Establish (by Local Law) a one-year moratorium on Battery Energy Storage Systems" (BESS) within the Town of Caroga** was offered by Supervisor Glenn and seconded by Council Member Frasier at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, the Town Board set a public hearing at the April town board monthly meeting with the necessary publications being made on the town website, bulletin board, and newspaper, and

**WHEREAS**, public comments were heard this evening with all in favor of the moratorium, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to Establish (by Local Law) a one-year moratorium on Battery Energy Storage Systems” (BESS) within the Town of Caroga.

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

**A LOCAL LAW # 2 of 2026 ESTABLISHING A ONE-YEAR MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF CAROGA**

Section 1. Title

This Local Law shall be known as the “2026 Town of Caroga Battery Energy Storage System Moratorium Law.”

Section 2. Authority

This Local Law and moratorium are enacted by the Town Board of the Town of Caroga pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 3. Purpose and Intent

The Town Code of the Town of Caroga (“Town”) does not adequately address matters specifically pertaining to the installation and/or use of Battery Energy Storage Systems on real property located within the Town, including but not limited to with respect to permitting, design, site plan review, safety, decommissioning and other requirements.

The Town Board hereby finds that, in the interest of protecting and promoting the health, safety and welfare of the community, it is necessary and appropriate for the Town Board to carefully examine and evaluate potential impacts and effects associated with Battery Energy Storage Systems and to consider the adoption of possible amendments to the Town Code to regulate such uses, as may be deemed appropriate. It is therefore the purpose and intent of this Local Law to temporarily suspend, for a period of one (1) year, the consideration, review, or approval of any Battery Energy Storage Systems within the Town while the Town Board undertakes a thorough review of the pertinent issues and adopts, as may be deemed appropriate, amendments to the Town Code to address and regulate such use.

Section 4. Definitions

For the purpose of this Local Law, “Battery Energy Storage System” shall mean one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Section 5. Moratorium

For a period of one (1) year following the effective date of this Local Law, after which date this Local Law shall lapse and be without further force and effect unless duly extended, and subject to any other Local Law adopted by the Town Board during such one (1) year period, no application shall be accepted and no application shall be approved or permit issued by the Town, its Boards, Departments, and/or officials related to the siting, establishment, placement, installation, construction, erection, modification and/or enlargement of any Battery Energy Storage System within the Town of Caroga.

#### Section 6. Variances

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the granting of a variance would not adversely affect the health, safety, or welfare of the citizens of the Town or significantly conflict with the purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250) for the processing of such application. All such applications shall be promptly referred to the Town Board, which shall conduct a public hearing on the application on not less than five (5) days public notice and shall make its decision within forty-five (45) days after the close of the public hearing.

#### Section 7. Severability

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

#### Section 8. Superseding Effect

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of the New York State Town Law for the duration of this moratorium. The New York State Town Law provisions intended to be superseded include all of Article 16 of the Town Law, Sections 261-285 inclusive, and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York.

#### Section 9. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State as provided by law.

During the meeting the Supervisor stated that residential would be excluded and something about a variance but didn't indicate what section of the local law was to be changed. The local law will be sent to the Planning & Zoning Boards.

**Comprehensive Plan Committee** – the town received correspondence from Chris Foss – Chairman of the committee. The committee made a recommendation to the board to add three new members to the Committee, Nicole Dettenrieder, Al Kozakiewicz and Chase Steenburgh.

**RESOLUTION #2026-047 to expand the Comprehensive Plan Committee** was offered by Supervisor Glenn at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, the Town of Caroga aims to redevelop the Town of Caroga Comprehensive Plan, and

**WHEREAS**, the Caroga Town Board passed a resolution on June 12, 2024, to appoint 7 local residents with varied backgrounds to establish the Comprehensive Plan Committee and added one member by resolution on February 11, 2026, and

**WHEREAS**, on April 8, 2026, the Caroga Town Board approved notice to invite letters of interest from additional people to bring in additional voices with knowledge and expertise in key areas, and

**WHEREAS**, on April 30, 2026, the Comprehensive Plan Committee reviewed letters of interest and passed a resolution to recommend adding three specific additional members to the committee: Nicole Dettenrieder (Wheelerville School Superintendent), Al Kozakiewicz (Caroga Planning Board Chairman) and Chase Steenburgh (Steenburgh Consulting Engineering PLLC) now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to appoint recommended Comprehensive Plan Committee members Nicole Dettenrieder, Al Kozakiewicz and Chase Steenburgh.

Seconded by Council Member Sturgess

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

**RESOLUTION #2026-048 to approve the Smart Growth Comprehensive Planning Budget** was offered by Supervisor Glenn at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, the Town of Caroga aims to redevelop the Town of Caroga Comprehensive Plan, and

**WHEREAS**, the Comprehensive Plan Committee, County Planning Department, and Department of State have worked together to update the \$145,000.00 budget with a 10% local match, with the current draft being *caroga-C1003602\_2023sgcp-budget-draft-05-06-2026.pdf*., now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to approve the Smart Growth Comprehensive Plan Budget.

Seconded by Council Member Sturgess

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

The clerk received a total of six proposals from the request for proposals. It was noted that a (rubrics) rating form will be used to come up with a short list through the committee.

***Supervisor's Report:***

The Annual Financial Report for 2025 filed with the Clerk on April 23, 2026.

Supervisor Glenn attended the Adirondack Planning Forum in Saranac Lake May 6 – 7. He discussed a session which showed an overlay of the Adirondacks showing growth of the area. The session highlighted the turn around and rebirth of North Creek and the Keen areas.

***\*\*Public Comments and Questions***

Cathy Manning representing the Caroga Arts Collective asked permission to continue to close the road in front of Sherman's during large concerts. She provided a list of 15 events from May 23 to September 19<sup>th</sup>. Highway Superintendent Stock spoke to the County Emergency Management about detour signs. Notifying the Fulton County Sheriff's and Caroga Fire Department were also discussed however this is the responsibility of the highway department.

Council Member Sturgess noted that 50% of the events are on a Saturday night. He asked who would be putting up the barriers. He noted that to call in a highway worker to set up a minimum of four hours of time and a half would have to be paid even if it only took 15 minutes to set up and the town would have to pay another four hours of time and a half to remove the barriers.

Mrs. Manning noted that typically her team gets together from the parking committee to set them up. The town's responsibility and liability were noted.

Council Member Sturgess calculated the cost at over \$10,000.00 for the season for the town to close the road. Supervisor Glenn will be meeting with the Caroga Fire Company on Saturday and will discuss this issue with them. The highway Superintendent stated that he would do the first event on May 23, however this highway staff are under union contract, and work cannot be taken away from them. Council Member Cooper stated the town will get back to her.

The clerk noted that on the agenda is a request to approve one-day liquor licenses to Royal View Pub. Weekly the clerk is asked how is it that this business is in operation. The decision notice from the January 2025 states that the application was approved with the following conditions:

- 1) That all necessary permits are obtained from the New York State Department of Environmental Conservation.
- 2) That all necessary permits are obtained from New York State Department of Health including sanitary.
- 3) That all necessary permits are obtained from New York State Department of Transportation with the town receiving a response back.

- 4) That the applicant obtains a Use Variance from the Caroga Zoning Board of Appeals for the 'Pub' building.
- 5) And any other permits that are required in order to commence construction with all reports being filed in the office of the Town Clerk per Article 6 Section VIII paragraph D (1) of the Town of Caroga Zoning Ordinance.

Council Member Sturgess wanted to promote businesses in town and offered the following resolution.

**RESOLUTION #2026-049 to approve with no objection Greta Frasier additional one day special use permits** was offered by Council Member Sturgess at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, Greta Frasier requested additional one day special use permits from the New York State Liquor Authority per the Liquor Authority it allows more than 4, now therefore be it

**RESOLVED**, that the Caroga Town Board moved to approve the dates of July 3, July 12, July 26, August 9, August 23, August 8, August 16, September 26, and October 11, with no objections for the one-day special use permits.

Seconded by Supervisor Glenn

Adopted by a vote of four ayes: Glenn, Sturgess, Cooper, Walker  
One abstention: Frasier

**RESOLUTION #2026-050 to approve Royal View Pub & Campground patron dancing on the premises** was offered by Council Member Sturgess at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, Greta Frasier of 2533 State Highway 10 Johnstown NY 12095-4908 requested from the town board a resolution stating that patron dancing on the premises of Royal View Pub and Campground is allowed, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to approve patron dancing on the premises.

Seconded by Supervisor Glenn

Adopted by a vote of four ayes: Glenn, Sturgess, Cooper, Walker  
One abstention: Frasier

Mr. Peavey asked why the town attorney didn't come to meetings. He also noted that live streaming is a good way for folks to see the meeting. He noted there is 25% more participation

and drives an interest in the decision the board makes. Mr. Peavey urged the board to look into it.

**Old Business:**

Fee schedule as submitted by the Code Officer \$50 one-time fee \$100 for the season was irrelevant.

Marsha Johnson stated that she was hired by Clifton Park. The state came in and made them hire eight more employees and administrative staff. Council Member Sturgess agreed with Mr. Purcell and stated this was a working document and that the board had to find a way to move forward.

**RESOLUTION #2026-051 to accept proposed Local Law #2 uniform Code** was offered by Council Member Sturgess and seconded by Council Member Cooper at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, the Town Board set a public hearing at the April town board monthly meeting with the necessary publications being made on the town website, bulletin board, and newspaper, in regard to proposed Local Law # 2, and

**WHEREAS**, public comments were heard this evening with concerns being brought forth by the public, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to accept the Uniform Building code as is as follows, noting that the document will be reviewed and updated.

**LOCAL LAW #3 of 2026 a law ESTABLISHING A LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAM** Be it enacted by the Town Board of the Town of Caroga, in the County of Fulton, 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.

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other sections 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, the following terms shall have the meanings shown in this section:

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. 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 Compliance” shall mean a document issued by the Town of Caroga stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the Town of Caroga, certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town of Caroga, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“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.

“Codes” shall mean the Uniform Code and Energy Code.

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“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.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

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

“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.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

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

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

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

[“Town” shall mean the Town of Caroga]

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

### **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, Certificates of Compliance, Temporary Certificates of Occupancy, 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, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;
  - (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, 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 17 (Violations) of this local law;
  - (7) to maintain records;
  - (8) to collect fees as set by the Town Board of the Town of Caroga;
  - (9) to pursue administrative enforcement actions and proceedings;
  - (10) in consultation with the Town of Caroga'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.
- (b) The Code Enforcement Officer shall be appointed by Caroga Town Board. 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 Department of State 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, another 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 their 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 the Town of Caroga 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 Department of State 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 Caroga.

#### **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 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 Town of Caroga.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories: painting, maintenance, landscaping (not to include retaining walls);

(1) Building Permits Required. 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 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 Town of Caroga:

(a) This subdivision is intentionally omitted.

(b) This subdivision is intentionally omitted.

(c) 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 location, nature, extent, and scope of the proposed work;

(2) the tax map number and the street address of any affected building or structure;

(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) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design

professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(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, or in the case of electronic media, an electronic marking. 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 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 become invalid unless the authorized work commences within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months 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.

(i) 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.

(j) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (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 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 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) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;

(10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and

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

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) 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 the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. 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.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (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:

(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/return receipt. 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/return receipt; 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, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy is 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 17 (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 AND CERTIFICATES OF COMPLIANCE**

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance 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 subclassification 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 or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance 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 subclassification 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 or Certificate of Compliance. 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 or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance 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 (if any), address, and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;

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

(9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy 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 of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, 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, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect 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 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

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

The chief of any fire department providing firefighting services for a property within the Town of Caroga 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 BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER**

ALTERNATIVE 1: Unsafe buildings, structures, and equipment and conditions of imminent danger in the Town of Caroga shall be identified and addressed in accordance with the procedures established by Local Law Number [redacted of redacted ], as now in effect or as hereafter amended from time to time.

ALTERNATIVE 2: Unsafe buildings, structures, and equipment and conditions of imminent danger in the Town of Caroga shall be identified and addressed in accordance with the following procedures, as per Section 109 and Section 110 of 2025 PMCNYS.

## **SECTION 10. OPERATING PERMITS.**

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust;

(ii) Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(v) Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than five hundred square feet (including aisles) of high-piled storage;

- (vii) Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
  - (viii) Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
  - (ix) Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse;
  - (x) Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
  - (xi) Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces;
  - (xii) Section 308, “Open Flames.” Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
  - (xiii) Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Local Law Number [redacted] of [redacted], as now in effect or as hereafter amended from time to time.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
  - (4) buildings containing one or more assembly areas;
  - (5) outdoor events where the planned attendance exceeds 1,000 persons;
  - (6) facilities that store, handle or use hazardous production materials;
  - (7) parking garages as defined in subdivision (a) of section 13 of this local law;
  - (8) 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 Caroga; and
  - (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of the Town of Caroga.

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) Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision (a) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this local law, as applicable.)

(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. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town of Caroga sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(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 their discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) One hundred eighty (180) days for tents, special event structures, and other membrane structures;
- (2) Sixty (60) days for alternative activities at a sugarhouse;
- (3) Three (3) years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
- (4) One (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) 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.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of 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) at least once every twelve (12) months for buildings which contain an assembly area;
- (2) at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) at least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized

Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) 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 authorized to perform fire safety and property maintenance inspections at any time upon:

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

(d) 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 or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law

and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

(1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section

1203.2(e);

(2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;

(3) such inspections are performed no less frequently than once a year;

(4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and

(5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (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.

## **SECTION 12. COMPLAINTS**

The Code Enforcement Officer shall review and investigate 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 17 (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. CONDITION ASSESSMENTS OF PARKING GARAGES**

(a) Definitions. For the purposes of this section:

(1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(i) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town of Caroga, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the professional engineer responsible for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(ii) if originally constructed between January 1, 1984, and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003, and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to not more than six (6) months after the effective date of this local law.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed not to exceed three (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Town of Caroga becomes aware of any new or increased deterioration which, in the judgment of the Town of Caroga, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town of Caroga to be appropriate.

(f) Condition Assessment Reports. The professional engineer responsible shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town of Caroga within thirty (30) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
- (7) the responsible professional engineer's recommendation regarding preventative maintenance;
- (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
- (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

Review Condition Assessment Reports. The Town of Caroga shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town of Caroga shall, by Order to Remedy or such other means of enforcement as the Town of Caroga may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town of Caroga to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

- (g) The Town of Caroga shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town of Caroga with a written statement attesting to the fact that he or she has been so engaged, the Town of Caroga shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town of Caroga shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses

associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(h) This section shall not limit or impair the right or the obligation of the Town of Caroga:

(1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town of Caroga by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

#### **SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within the Town of Caroga, as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(i) the accompanying Flood Insurance Rate Map (FIRM);

(ii) Flood Boundary and Floodway Map (FBFM); and

(iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

#### **SECTION 15. 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, Certificates of Compliance, 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 condition assessment reports received;
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(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 16. PROGRAM REVIEW AND REPORTING**

The Code Enforcement Officer shall annually submit to Town of Caroga Town Board of the Town of Caroga, 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 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

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

(b) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials the Town of Caroga is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

### **SECTION 17: VIOLATIONS**

Orders to Remedy. 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. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall 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; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_\_ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, 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 personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(a) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(b) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, 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 punishable by a fine of not more than \$250.00 per day of violation, or imprisonment not exceeding one (1) year, or both; and

(2) 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, Certificate of Compliance, 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 pay a civil penalty of not more than \$250.00 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of the Town of Caroga.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the Town of Caroga, 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, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, 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, Order to Remedy 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 the, 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 Code Enforcement Officer of the Town of Caroga.

(e) 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 382 of the Executive Law, and 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 penalty specified in subdivision (2) of section 382 of the Executive Law.

### **SECTION 18: FEES**

A fee schedule shall be established by resolution of the Town Board of the Town of Caroga. 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, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

### **SECTION 19. INTERMUNICIPAL AGREEMENTS**

The Town Board of the Town of Caroga may, by resolution, authorize the Code Enforcement Officer of the Town of Caroga to enter into an agreement, in the name of this Town of Caroga, 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 20. 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 21. 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.

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

Employee Handbook – Council Member Frasier agreed to work with the assessor on the policies for the handbook.

### **New Business:**

The clerk reviewed with the board the Retirement Reporting resolution. The bookkeeper calculated that the clerk works 22.9 days per month based on the three-month calendar that was submitted. Also listed on the resolution were the Elected positions of Highway Superintendent-

Roy Stock, and Council Member Richard Sturgess. Appointed officials listed were Assessor - Leigh Anne Loucks, Bookkeeper Joanne Young, who also submitted a calendar four years ago indicating 7.20 days per month worked, Anthony Fancher- Code Officer and Greenskeeper Stephen Stedman. Those who have not submitted a calendar will need to do so. The Highway Superintendent asked why this is the first he's heard of it. The clerk stated that seasonal employees should submit a yearly calendar as the hours are not regular throughout the year.

**RESOLUTION #2026-052 to accept the Retirement Resolution as presented** was offered by Council Member Sturgess at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, the Town Clerk/Tax Collector Linda Gilbert and Bookkeeper Joanne Young submitted a three-month calendar to be recorded as time worked toward New York State Retirement, and

**WHEREAS**, the resolution will be posted on the town website and official bulletin board outside the clerk's office located at 1840 State Highway 10 for 30 days commencing May 15, 2026, and then sent to New York State Retirement, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to accept the Retirement Resolution as presented which states the clerk Linda Gilbert works 22.9 days per month and the bookkeeper Joanne Young works 7.20per month.

Seconded by Council Member Frasier

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

**Correspondence:** Supervisor Glenn reviewed the correspondence briefly.

Town hall closed Monday 5/25 Memorial Day. The Transfer Station is Closed but open on Tuesday from 8am - 4pm. The highway superintendent noted there would not be garbage pickup on Monday.

Town hall closed on Tuesday June 23, Primary Election Day.

Fulton County resolution 167 demands that costs of tier 6 or other tiers be borne entirely by the State of New York.

Letter of interest from Scott Horton to serve on Comprehensive Plan Committee 4/11/26.

Letter of interest from Mary Farber Peck to serve on Comprehensive Plan Committee 5/7/26.

**RESOLUTIONS:**

**RESOLUTION #2026-053 to Hire Luke Horst as Lead Diver was** offered by Supervisor Glenn at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, interviews were conducted for this new position in the Town of Caroga weed harvesting department, and

**WHEREAS**, the team of three members decided to hire Luke Horst who had worked for the town before, and

**WHEREAS**, the salary was reviewed per resolution # 2026-004 which states the salary at \$27.00 per hour, and

**WHEREAS**, the board discussed a salary of \$16,000.00 or \$10,000.00 but then stated that the lead diver would be working five days a week five hours per day, and now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to hire Luke Horst as Lead Diver.

Seconded by Council Member Sturgess

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

**RESOLUTION #2026-054 to accept the resignation of Leigh Anne Loucks as the Supervisor's Secretary** was offered by Supervisor Glenn at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, Supervisor Glenn was recently notified via email that Leigh Anne Loucks no longer wanted to continue as Secretary to the Town Supervisor, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to accept the resignation of the Supervisor's Secretary Leigh Anne Loucks with regrets.

Seconded by Council Member Frasier

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

Council Member Cooper noted the need to look for a new custodian.

**RESOLUTION #2026-055 to approve the repair work on the stairs on the Nick Stoner Municipal Golf Course on hole #2** was offered by Council Member Sturgess at the regular monthly meeting of the Caroga Town Board held on May 13, 2026.

**WHEREAS**, Greenskeeper Steve Stedman and liaison to the Golf course Council Member Sturgess noted the need to have the stairs on hole #2 repaired as an emergency situation and

**WHEREAS**, Council Member Sturgess spoke to a contractor who has recently done work for the town, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to hire James Hale AKA Adirondack Landscaping at a cost of \$2,590.00 to repair the stairs on hole #2 on the golf course.

Seconded by Council Member Cooper

Adopted by a vote of five ayes: Glenn, Sturgess, Cooper, Frasier, Walker

The Board decided to table setting a date for a work session.

At 8:46 pm Council Member Sturgess made a motion to enter into an Executive Session to discuss Pending Litigation & Contract Review. The motion was seconded by Council Member

Cooper. All board members were in favor of the motion Glenn, Sturgess, Cooper, Frasier, Walker (which included a 10-minute break) Mr. Peavey commented that not enough information was given to enter the executive session.

At 9:07 pm Council Member Sturgess made a motion to exit from the Executive Session (made without comment) The motion was seconded by Council Member Cooper. All board members were in favor of the motion Glenn, Sturgess, Cooper, Frasier, Walker.

Council Member Sturgess made a motion to approve the minutes of the April 8th Town Board meeting. The motion was seconded by Council Member Cooper. All board members were in favor of the motion Glenn, Sturgess, Cooper, Frasier, Walker.

Supervisor Glenn made a motion to approve the bills as presented for audit. The motion was seconded by Council Member Sturgess. All board members were in favor of the motion Glenn, Sturgess, Cooper, Frasier, Walker.

At 9:09 pm Supervisor Glenn made a motion to adjourn the meeting. The motion was seconded by Council Member Cooper. All board members were in favor of the motion: Glenn, Cooper, Walker-Dailey, Frasier.

It was stated that a work session will be set up after the holiday.

Submitted by Caroga Town Clerk

Linda Gilbert, RMC, CMC

General voucher #'s 110 thru 153	\$16,534.73	Highway voucher #'s 68 thru 95	\$31,752.58
Prepaid voucher #'s 100 thru 130	\$48,688.90	General Park voucher #'s 24 thru 42	\$15,695.14