

Minutes

To: Code Review Committee Members
Village Clerk
Date: 5 December, 2012
Re: meeting of 11/26/12

Village hall, 6 pm

Members present: Appleby, Fox, Kristansen, CEO Zarnstorff, Trustee Hannan

Decided to hold the minutes of 10/22/12 because Attorney Leni has not yet reviewed them.

Agenda: Chapter 36 attorney comments

Discussion re: ch.36 section 6

- CEO Zarnstorff elaborated on the reason for wanting to create the Certificate of Compliance for use with rental property inspections instead of the standard Certificate of Occupancy. The reason is that, while a CofO is issued for new properties, or for properties recently converted to rental use, or for significant reconstruction requiring a building permit, it does not seem to fit with the compliance issues typically encountered during a rental inspection. As it is, a new CofO must be issued after each inspection. A Certificate of Compliance, on the other hand, would not carry the significance of a CofO because it would only refer to items discovered during an inspection, not the whole building.
- Trustee Hannan asked whether a CofC is done elsewhere. CEO Zarnstorff did not know, but said he would find out. He stated that he is sure that Brockport's rental inspection system is more advanced than any he has seen in NYS.
- Member Appleby suggested a separate definition of the CofC. CEO Zarnstorff agreed to create a definition.

- In the interest of cutting down on redundant words, the committee recommended replacing the phrase “Code Enforcement Officer (or his/her authorized inspector)” with the phrase “Code Enforcement Officer(s).”
- Review of 36-6-A lead to discussion about how to get land lords to act on a punch list of non-compliance repairs. If the village is going to ask them to pay for additional inspections, then the amount of the charge has to be based on the inspector’s actual time spent. The committee will seek Attorney Leni’s advise on this.
- Section 36-6-B refers to “substantial compliance” issues as grounds for revoking a CofO, which may be one way to force compliance with a repair list generated by an inspection. We would need to have a definition of “substantial compliance” in order to do this. CEO Zarnstorff will look for a definition.
- CEO Zarnstorff is leaning toward making incomplete compliance with an inspection report a violation of itself. Collecting the fees becomes an issue, then, and whether we ask a collections agency to gather the fees, or tack them onto the next year’s fee, which must be paid before inspection. We also discussed rewording the last sentence of 36-6-G so that additional fees need to be paid before a certificate of compliance is issued. The sentence that begins “In the event payment is not rendered...” would be replaced with the sentence “Any additional fees incurred will have to be paid prior to the issuance of a CofO/CofC.”

Section 36-4-G discussion:

- What grounds a property owner has to go to the ZBA needs clarification from Attorney Leni.

Section 36-21 needs work in light of the now independent fire department. We will wait for discussions with Attorney Leni.

The committee decided to meet next on 17 December at village hall conference room at 6 pm.

Meeting adjourned at 7:15 pm

Art Appleby