

Regular Village Board Meeting
January 6th, 2025

The regular semi-monthly meeting of the Board of Trustees of the Village of Menands was held on Tuesday, January 6th, 2025, and was called to order by Mayor Brian Marsh at 6:00 P.M.

PRESENT:

Brian Marsh, Mayor
Molly Harbour, Trustee
Seth H. Harris, Trustee
Nicholas Kalogridis, Trustee
Timothy Lane, Trustee
Donald Handerhan, Village Clerk
Stephen Reh fuss, Village Attorney - Virtual
Chief Ryan St. Gelais, Police Dept - Absent
Lt Kevin Schwebke, Police Dept
Chief David Ognan, Fire Dept - Absent

Also attending: Bill Garvey, Mike and Susan MacKay, Jason Carnegie, Mark Carnegie, Lisa Neuman, Dave Watson, John Burkett, and Mary Brown.

Virtual attendance: Peg Holland, Beth Harbour, and Thamas Paresi.

The Mayor led the Pledge of Allegiance and advised this meeting is being recorded.

Resolution Number: 250113

Trustee Harris made a motion to accept the minutes of the December 16th, 2024, Board Meeting, seconded by Trustee Kalogridis.

ADOPTED:

Trustee Harbour	voting	Abstain
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

Resolution Number: 250114

Trustee Harris made a motion to approve payment for the following, seconded by Trustee Lane.

WARRANT # 15:

GENERAL	totaling	\$149,722.26
WATER	totaling	\$3,679.21
SEWER	totaling	\$0.00
	TOTALS	\$153,401.47
<u>PAYROLL #15:</u> (12/13/24-12/26/24)	totaling	\$118,915.28

ADOPTED:

Trustee Harbour	voting	Aye
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

Mayor Marsh continued a discussion regarding purchasing the Waterworth Counseling software to assist with financial forecasting of Water, Sewer, and General Ledger accounts that was tabled at the December 2, 2024, Board Meeting. Discussion followed.

Item	Description	Unit Price	Cumulative Price
1 st Service Area	Software Access for General Fund Unlimited support and Advising for General Fund	\$6,000	\$6,000
2 nd Service Area	Software Access for Water Unlimited support and Advising for Water	\$4,000	\$4,000
3 rd Service Area	Software Access for Wastewater Unlimited support and Advising for Wastewater	\$2,000	\$2,000

Resolution Number: 250115

After a discussion Trustee Lane made a motion to approve the contract with Waterworth Consulting at a cost of \$12,000.00 annually, second by Trustee Harris.

ADOPTED:

Trustee Harbour	voting	Nay
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

Mayor Marsh led a discussion regarding the need to have Core Samples taken from Simmons Lane and Brookside Ave for the 2025 paving season. Discussion followed. The following quotes have been received:

- Atlantic Testing (ATL) \$ 8,892.50
- CME Associates (CME) \$11,340.00

Resolution Number: 250116

After a discussion Trustee Harris made motion to approve Atlantic Testing to complete the Core Samples for Simmons Lane and Brookside Ave at a cost of \$8,892.50, second by Trustee Lane

ADOPTED:

Trustee Harbour	voting	Aye
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

Mayor Marsh continued the discussion regarding the need for a Local Law regarding Buildings Unsafe and Vacant. The Clerk advised he has spoken to General Code regarding the Local Law and approved the Section Numbering and suggested the Name Change. The current Chapter 64 will need to be repealed and replaced with current version. Discussion followed.

Resolution Number: 250117

After a discussion Trustee Harris entered the following Local Law #1 of 2025, Buildings Unsafe and Vacant:

Chapter 64
Buildings, Unsafe and Vacant

§ 64-1 Purpose.

1. Whenever any building or part of a building in the Village of Menands, New York, shall become unsafe by reason of its use or mode of construction, the Board of Trustees shall have power to make such order, relative to the discontinuance or modification of such use and the demolition, repair or strengthening of such building, after giving the parties in interest a written or printed notice and a reasonable opportunity to be heard, as the nature of the occasion requires; and to prohibit the use of such building or part of a building until the order of said Board of Trustees is complied with. Such order shall prescribe the time within which such use shall be discontinued or modified or such demolition, repair or strengthening shall be made, and said Board of Trustees shall cause a certified copy of said order to be served upon the owner or occupants of any such building or part of a building or the agent of any such owner. If the building is vacant or the owner absent, the notice provided for herein shall be served by attaching a copy thereof to the building and delivering a copy thereof to any person having charge of the building and mailing a copy to the owner as shown by the assessment rolls of the Village. Proof of service of such notice by the Board of Trustees in this manner shall be deemed sufficient service. If after the service of such notice the owner or occupant of any such building shall neglect or refuse to comply with the order of said Board of Trustees or its agent or servant relative to the use of such building or shall neglect to comply with the order of said Board of Trustees or its servant relative to the demolition, repair or strengthening of such building, the Board of Trustees is hereby authorized and empowered to employ such labor and furnish such materials and take such steps as, in its judgment, may be necessary to make the building safe.
2. The purpose of this chapter is to promote and preserve the health, safety, and welfare of the public and residents and/or owners of property located within the Village of Menands by providing a method for the repair or removal of buildings, that from any cause, may now be or shall hereafter become dangerous or unsafe to the public and residents and/or owners of property within the Village of Menands.
3. Unsafe buildings serve as an attractive nuisance for young children who may be injured therein, may be a point of congregation by vagrants and transients, may attract rodents or insects and may also attract illegal drug activity.

§ 64-2 Title.

This chapter shall hereinafter be known and cited as "Unsafe Buildings."

§ 64-3 Applicability; severability.

- A. If a provision of this chapter is found to be inconsistent with any provision of other chapters of the Village Code or Charter, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail. A greater penalty shall not be considered as more restrictive or a higher standard.
- B. If any part, provision, section, subdivision, paragraph, or term of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining chapter, parts, provisions, sections, subdivisions, paragraphs or terms.

§ 64-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING

Any house, basement, cellar, wall, cottage, lot, shed, garage, well, fence, storage tank, underground container, pole, smokestack, excavation, building, structure, or portion thereof used for residential, business, industrial, recreational, or other purpose.

BUILDING INSPECTOR

The Building Inspector of the Village of Menands.

OWNER

Any person, agent, operator, firm, association, organization, partnership, company, corporation, beneficiary, trust, trustee, and all other persons having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

UNSAFE BUILDING OR STRUCTURE

A building or structure that is structurally unsound, unsanitary, or not provided with adequate ingress or egress or which constitutes a fire hazard or which has become unsafe by reason of damage by fire, the elements, age, or general deterioration or which, in relation to an existing use, constitutes a hazard to public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment or which is otherwise dangerous to human life, or which has become a blighting influence on nearby properties and thereby depreciating the enjoyment and use of property in the immediate vicinity to such an extent that it is harmful to the community in which such structure is situated.

§ 64-5 Unsafe buildings prohibited.

It shall be unlawful for any owner, as defined in § 64-4 of this chapter, tenant or occupant of any building or structure or portion of any building or structure in the Village of Menands to maintain such building or structure or portion of any building or structure in any condition or manner which shall be unsafe as defined in § 64-4 of this chapter.

§ 64-6 Enforcement officer.

The Building Inspector of the Village of Menands is hereby authorized to be and shall be the enforcement officer of this chapter.

§ 64-7 Inspection and report.

The Building Inspector shall make inspections of all unsafe buildings or structures within the Village of Menands. Whenever the Building Inspector suspects the existence of a dangerous or unsafe building, he shall inspect the premises on which the suspected unsafe structure exists, securing a search warrant if necessary. A written report of the inspection and the findings with respect to the existence of an unsafe building shall be prepared by the Building Inspector or an engineer hired by the Village of Menands and filed with the Building Department, Fire Department, Village Clerk, and Corporation Counsel.

§ 64-8 Determination of unsafe buildings; service of notice.

- A. If the written report finds that the building or structure is unsafe as defined in this chapter, the Building Inspector shall cause service of notice upon the owner and all other persons having any interest in such property upon which the unsafe building is located, either personally or by certified mail, addressed to his/her last known address as shown by the records of the Assessor's office of the Village of Menands or the applicable County Clerk or County Register, containing a description of the premises, a statement of particulars in which the building or structure is unsafe or dangerous, and an order of the Building Inspector requiring the same to be repaired or demolished; and if such service is made by certified mail, the Building Inspector shall cause the posting of a copy of such notice on the premises
- B. The notice shall contain the time within which the owner so served shall commence the repair or demolition of such unsafe building.
- C. A copy of such notice must also be filed in the office of the County Clerk, which notice shall be filed by the Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this subsection. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon consent of the Village Board of Trustees of the Village of Menands. The County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.
- D. The notice shall further contain a statement that a hearing will be provided to the owner and such persons having an interest in the property or structure and such notice shall fix a time and place for a hearing before the Building Inspector, which shall not be less than five days following the date of personal service and not less than 10 days following the date of mailing and posting.

§ 64-9 Order issued after hearing.

- A. The Building Inspector shall have the power to make an order for the repair, demolition, discontinuance, or modification of the use of said building and to prohibit the use of such building or part thereof until such order is complied with. Such order shall prescribe the time within which the use shall be discontinued or such demolition, repair, or strengthening modification shall be made and shall make a finding of fact, including a statement of particulars in which the building or structure is unsafe or dangerous. Said order shall be served on the same parties and in the manner of notice in § 64-8 of this chapter.
- B. If such owner shall fail to appear at said hearing and, after being served with the order from the Building Inspector, further neglects, fails, or refuses to comply with the order from the Building

Inspector within the prescribed time, the Building Inspector shall take all steps necessary to contract with a private company(s) for the removal of such building or structure. Any contracts entered into with such company(s) and the appropriation of monies to such company(s) must be approved by the Village Board of Trustees of the Village of Menands.

- C. If such owner, after appearing at said hearing, neglects, fails, or refuses to comply with the order from the Building Inspector, the Building Inspector shall take all steps necessary to contract with a private company(s) for the removal of such building or structure. Any contracts entered into with such company(s) and the appropriation of monies to such company(s) must be approved by the Village Board of Trustees of the Village of Menands.

§ 64-10 Application for a building permit or demolition permit.

An owner receiving an order to repair or demolish shall apply for an applicable building permit or demolition permit pursuant to the Village Code before beginning work on the structure. Said application shall be accompanied by adequate plans and specifications as required by the Building Inspector. Any permit issued will have a time limit fixed for the modifications. Said time limit may be extended by the Building Inspector for good cause shown.

§ 64-11 Filing of order to repair or demolish.

An order to repair or demolish shall be filed in the office of the Albany County Clerk and shall be filed by the Clerk in the same manner and have the same effect as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules of the State of New York. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of the court of record or upon consent of the Village Board of Trustees of the Village of Menands.

§ 64-12 Emergency cases.

Where it reasonably appears that there is present a clear and immediate danger to the life, safety or health of any person or property unless an unsafe building is immediately repaired and secured or demolished and removed, the Village of Menands may take appropriate actions pursuant to its police power to cause the repair or demolition and removal of such unsafe building. In such an event, the notification procedures and limitations set forth in this chapter need not be complied with. In addition, the Building Inspector shall contract with a private company(s) for the removal of such a building or structure without the Village Board of Trustees' approval. The expenses of such repair or demolition and removal, including legal expenses, shall be a charge against the land on which it is located and shall be assessed, levied, and collected as provided by § 64-14; provided, however, that the owner and all other persons having an interest in the property are provided with notice, served as provided by § 64-8, and an opportunity to be heard before the assessment of any lien against the land.

§ 64-13 Application to Supreme Court for order.

In addition to the remedies provided by this chapter, the Code Enforcement Officer may request that the Village Board of Trustees make an application to the Supreme Court for an order determining the building to be an unsafe building and directing that it shall be repaired and secured or demolished.

§ 64-14 Noncompliance; demolition; costs to become lien.

In the event of neglect or refusal of the person so notified to comply with said order from the Building Inspector, the Building Inspector is hereby authorized to employ labor and furnish materials and equipment to demolish said building or to make such modifications as to make it safe. Except in public emergencies that require immediate action, any contract for repair or demolition in excess of \$35,000 shall be awarded by competitive bidding pursuant to General Municipal Law § 103. The value of said work and materials shall be paid by the Village of Menands, and the cost thereof shall be a lien against the property concerned and shall be collected by the Village like other taxes and assessments.

§ 64-15 Civil action to collect costs.

The Village of Menands is authorized, after due demand having been made therefor, to commence an action at law in any court of competent jurisdiction to collect the costs of the demolition and/or modification of such property from the owner of any demolished building pursuant to this chapter.

§ 64-16 Transfer of title.

The transfer of title by the owner of the premises upon which an unsafe building is located shall be no defense to any proceedings under this chapter.

§ 64-17 Penalties for offenses.

Any person, firm, association, organization, partnership, company, or corporation who shall violate any provision of this chapter shall be guilty of a violation and shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty. In case of a continued violation, each day's

continuance thereof shall be deemed to be a separate and distinct violation of this chapter.
Maintenance of Vacant Buildings

§ 64-18 Title.

This article shall be known as "Maintenance of Vacant Buildings" and is supplementary to applicable provisions of the New York State Fire Prevention and Building Code.

§ 64-19 Legislative intent.

This article provides standards governing the facilities and the condition and maintenance of vacant premises to safeguard the safety, health, and welfare of the community.

§ 64-20 Scope.

This article shall be applicable to the following:

- A. Lots, plots, or parcels of land on which buildings designed for or developed for residential use or occupancy, mixed-occupancy buildings, nonresidential occupancy, or accessory structures are located; and
- B. Buildings designed for or developed for residential use or occupancy, including one- and two-family dwellings and multiple dwellings, mixed occupancy buildings, nonresidential occupancy, and accessory structures.

§ 64-21 Entry.

Provision for safe and continuous entry shall be provided to the interior of a building or structure from the exterior at a street or to a yard, court, or passageway leading to a public open area at any time entry is necessary for purposes of required maintenance or inspection.

§ 64-22 Exterior protection.

- A. Exterior walls, including foundations, shall be maintained so that groundwater and surface water do not penetrate into basements, cellars, or other interior wall areas.
- B. Exterior doors, windows, skylights, and similar openings shall be maintained weathertight.
- C. Exterior stairs, porches, entrance platforms, fire escapes, and the railings thereon shall be maintained in a safe and sound condition.
- D. Roofs shall be maintained in a watertight condition.
- E. Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.
- F. The covering of doors and windows may not consist of any substance sprayed onto the windows. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general acceptance of the building or neighborhood and, when possible, shall be secured by normal means.
- G. The covering of doors and windows may consist of:
 - (1) Venetian or similar blind.
 - (2) Drapes, curtains, or shades.
 - (3) Decorative patterned paper, neatly installed with all seams straight and uniformly taped.
 - (4) Boards or similar materials finished and maintained in a manner recommended by the Building Department so as to blend in with the finish of the building.
 - (5) Coverings approved by the Building Inspector or Code Enforcement Officer.
- H. Cracked or broken glass windows shall be replaced with glass.
- I. In addition to the standards prescribed above, vacant commercial and retail buildings shall comply with the following standards:
 - (1) Any and all window display areas shall be kept clean, free of hazards, and free of debris.
 - (2) All exterior signs, awnings, and lighting systems, if not removed, shall be maintained in a completely operable, clean, sightly, non-deteriorated, and safe condition.

- (3) Any window covering shall have a clear opening of two square feet to allow a view of the interior of the store for security purposes. Such opening shall be installed no lower than three feet above grade and no more than six feet above grade and may be in either the show window or the door.

- J. If the owner shall fail to comply with the provisions of this section regarding exterior protection, the Building Department may, after notice of noncompliance and intent to remedy is mailed to the owner, perform, or cause such work to be performed and may recover the expense either by action or by a local assessment on the premises, or both. This action shall be in addition to any other available remedy under this article.

§ 64-23 Railings and parapet walls.

Railings and parapet walls shall be maintained at open sides of balconies, mezzanines, porches, accessible roofs, exit passageways, areaways, motor vehicle parking decks, and ramps and around floor openings.

§ 64-24 Interior protection.

- A. Structural members shall be maintained to resist and prevent deterioration.
- B. Unheated attics, spaces below flat roofs, and crawl spaces shall be ventilated to minimize deterioration.
- C. Ceilings, walls, floors, and stairways shall be maintained in a safe and sound condition.

§ 64-25 Garbage and refuse; infestation; junk.

- A. The accumulation or storage of garbage or refuse in buildings or on lots is prohibited.
- B. Buildings and structures shall be maintained free of insects, vermin, and rodent harborage and infestation.
- C. Refrigerators and similar equipment with locking mechanisms shall not be discarded, abandoned, or stored without first removing the locking devices or the hinges of the doors.
- D. Junked or unregistered vehicles, equipment, and materials shall not be stored in open areas of premises.

§ 64-26 Chimneys.

Chimneys, smokestacks, flues, gas vents, smoke pipes, and connectors shall be maintained structurally safe and smoke tight.

§ 64-27 Fuel gas.

Fuel gas pipe systems shall be maintained gastight, safe, and operative under conditions of use or shall be disconnected at the main.

§ 64-28 Fuel oil.

Tanks shall be maintained so as not to be a hazard or shall be discontinued in a manner consistent with Chapter C of the State Uniform Fire Prevention and Building Code (9 NYCRR).

§ 64-29 Plumbing.

- A. The domestic water supply of the building shall be connected to an approved source, shall not be subject to contamination and shall not be connected to unsafe water supplies or shall be disconnected at the main and the system completely drained.
- B. Stormwater drainage systems shall be maintained so as to function properly and be kept free from obstructions, leaks, and defects. Sewage systems shall be similarly maintained or shall be sealed so as to prevent the accumulation of sewage gases in buildings.

§ 64-30 Electrical.

Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock, or service shall be disconnected at the supply.

§ 64-31 Elevators, dumbwaiters, and escalators.

Elevators, dumbwaiters, and escalators shall be maintained or taken out of service, in accordance with ANSI A17.1.

§ 64-32 Exterior property areas.

- A. Surface and subsurface water shall be appropriately drained to protect buildings and structures and

to prevent ponding.

- B. Fences, walls, other minor construction, and accessory structures shall be maintained in safe, good, and substantial condition.
- C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passage.
- D. Yards, courts, and vacant lots shall be kept clean and free of hazards and debris.
- E. Ground cover shall be properly established to prevent undue soil erosion due to the elements.
- F. Heavy undergrowth and accumulations of plant growth that are noxious or detrimental to health or safety shall be eliminated.

Vacant Building Registry

§ 64-33 Legislative findings and purpose.

It is the finding of the Village Board of Trustees that buildings that remain vacant, with access points boarded over, are unsightly, unsafe, and have a negative effect on their surroundings. This is particularly troublesome in residential neighborhoods and commercial neighborhoods. Unfortunately, many buildings, once boarded, remain that way for many years. The purpose of this article is to establish a program for identifying and registering vacant buildings, to determine the responsibilities of owners of vacant buildings and structures, and to speed up the rehabilitation of vacant properties.

§ 64-34 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ENFORCEMENT OFFICER

A duly authorized representative of the Building Department, specifically the Code Enforcement Officer.

OWNER

Those shown to be the owner or owners on the records of the Village of Menands Village Clerk Office's office, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent, other person, firm, organization, association, partnership, company or corporation in control of the premises. Any such person shall have joint and several obligations for compliance with the provisions of this article.

SECURED BY OTHER THAN NORMAL MEANS

A building secured by means other than those used in the design of the building.

UNOCCUPIED

A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by an Enforcement Officer. In determining whether a building is unoccupied, the Enforcement Officer may consider these factors, among others:

- A. Whether lawful residential or business activity has ceased.
- B. The percentage of the overall square footage of the occupied or unoccupied space or the overall number of occupied and unoccupied units.
- C. The building is substantially devoid of contents or the minimal value of fixtures or personal property in the building.
- D. The building lacks utility services.
- E. The building is subject to a foreclosure action.
- F. Duration of vacancy; and/or
- G. The presence or reoccurrence of code violations.

UNSECURED

A building or portion of a building that is open to entry by unauthorized persons without the use of tools or ladders.

VACANT BUILDING

A building or portion of a building which is:

- A. Unoccupied or unsecured.
- B. Unoccupied and secured by other than normal means.
- C. Unoccupied and an unsafe building as determined by an Enforcement Officer.
- D. Unoccupied and has multiple housing or building code violations.
- E. Illegally occupied.

§ 64-35 Vacant building registration.

- A. The owner shall register with the Building Department, not later than 30 days after any building located in an area zoned for, or abutting an area zoned for, residential or neighborhood commercial use in the Village becomes a vacant building, as defined in § **64-34**, or not later than 30 days after being notified by the Building Department of the requirement to register. The Building Department may identify vacant buildings through its routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry.
- B. The registration shall be submitted on forms provided by the Building Department and shall include the following information supplied by the owner:
 - (1) A description of the premises, including but not limited to square footage, number of stories, age of the building, and most recent use of the building.
 - (2) The names and addresses of the owner or owners. If the owner is a corporation, limited liability company, or partnership, the address for each director, manager, or partner. The address must include a street address; a post office box is not acceptable.
 - (3) If the owner does not reside in Albany County or any adjoining county, the name and address of any third party with whom the owner has entered into a contract or agreement for property management. The address must include a street address; a post office box is not acceptable.
 - (4) The names and addresses of all known lien holders and all other parties with an ownership interest in the building. Each address must include a street address; a post office box is not acceptable.
 - (5) A name, address, and telephone number where a responsible natural person (not a corporation, partnership, or limited liability company) can be reached at all times during business and nonbusiness hours. The address must include a street address; a post office box is not acceptable.
 - (6) A vacant building plan as described in Subsection C.
- C. The owner shall submit a vacant building plan which must meet the approval of the Enforcement Officer. The plan, at a minimum, must contain information from one of the following three choices for the property:
 - (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition.
 - (2) If the building is to remain vacant, a plan for the securing of the building in accordance with the standards provided in Article **IX**, § **64-22**, if applicable, along with the procedure that will be used to maintain the property in accordance with Article **IX**, and a statement of the reasons why the building will be left vacant.
 - (3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days unless the Building Department grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements, or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes and must be secured in accordance with Article **IX**, § **64-22**, if applicable, during rehabilitation.
- D. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Enforcement Officer of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Enforcement Officer.

- E. The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained as provided in Article **IX** of this chapter.
- F. Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the Village shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.
- G. The new owners shall register or reregister the vacant building with the Building Department within 30 days of any transfer of an ownership interest in a vacant building. The new owners shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Building Department.
- H. Vacant building fees.
 - (1) The owner of a vacant building shall pay an annual fee as set forth in Subsection **H (2)** for the period the building remains a vacant building. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the Village in monitoring the vacant building site. Vacant building registration fees will not be accepted until an application is complete.
 - (2) The annual fee shall be \$1,500 and shall be paid no later than 30 days after the building becomes vacant. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in § **64-38**. If a plan is extended beyond 365 days, each succeeding year that the building remains vacant, the fee shall be \$1,500. All unpaid vacant building fees imposed shall be assessed as a lien against the property concerned and shall be assessed, levied, and collected by the Villagelike other taxes and assessments. Before the assessment of any lien against the land, the owner, as indicated by the latest records of the Village Clerk's Office, shall be provided with notice and an opportunity to be heard. An administrative surcharge of \$25 shall be imposed on all unpaid vacant building fees and shall also be assessed as a lien against the property concerned and shall be assessed, levied, and collected by the Villagelike other taxes and assessments.
 - (3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit. The fee shall be returned to the owner if, within one year from the date that it was paid, the building is no longer vacant, the Building Department completes all required inspections, and the appropriate permit(s) or certificate(s) are issued by the Building Department.
 - (4) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid for any transfer, the new owner shall pay the annual fee no later than 30 days after the transfer of ownership, and subsequent annual fees shall be due on the new anniversary date.
- I. The Enforcement Officer shall include in the file any property-specific written statements from community organizations, other interested parties, or citizens regarding the history, problems, status, or blighting influence of a vacant building.

§ 64-36 Inspections.

The Building Department shall inspect any premises in the Village of Menands for the purpose of enforcing and assuring compliance with the provisions of this article. Upon the request of the Enforcement Officer, the owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Enforcement Officer or his or her designee in order to enable such inspection, and the Enforcement Officer shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry.

§ 64-37 Annual reports.

Once a year, the Building Department shall send to the Mayor and the Village Board of Trustees a list of all buildings in the Village declared vacant under the provisions of this article, as well as a list of all previously declared vacant buildings that are no longer subject to the provisions of this article. These properties will be tracked in the Village's online management program.

§ 64-38 Penalties for offenses.

- A. Any person violating any provision of the Vacant Building Registry, including but not limited to failure to register or providing false information to the Enforcement Officer, shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article **III**, General Penalty.

B. The term "person," as used in this section, will include the owner, mortgagee or mortgagor in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent or any other person, firm, organization, association, partnership, company, or corporation directly in control of the building or part thereof.

§ 64-39. Lien.

The value of the work done and the materials furnished in doing said work or any part thereof under and by direction of said Board of Trustees, as provided for in § 64-3, shall, when properly certified by said Board of Trustees, be audited and paid by the Village in the same manner as other claims against the Village are audited and paid, and the amount so paid shall be and remain a lien against the property upon which the work is done and shall be collected by the Village from the owner of said property in the same manner as taxes are collected.

Resolution Number: 250118

Trustee Harris made a motion to hold a Public Hearing on January 21, 2025, at 6 PM regarding Local Law #1 of 2025 Buildings Unsafe and Vacant, second by Trustee Harbour.

ADOPTED:

Trustee Harbour	voting	Aye
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

The Clerk advised the following Policies has been reviewed by the Board and need to be approved:

- Ethics Policy
- Emergency Response Policy
- Investment Policy

Resolution Number: 250119

Trustee Harris made a motion to approve the following policies Ethics Policy, Emergency Response Policy, and Investment Policy, second by Trustee Harbour.

ADOPTED:

Trustee Harbour	voting	Aye
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

The Clerk advised the board that the agreement for use of the Colonie Police and City of Troy's Range is up of renewal and the agreement needs to be signed. The asked that the Police Chief be given permission to sign the agreements. Discussion followed.



TOWN OF COLONIE CONTRACT
Police Department
VILLAGE OF MENANDS POLICE RANGE & TRAINING FACILITY USE
AGREEMENT 2024

THIS AGREEMENT made and entered into this ____ day of January, 2025, by and between the Town of Colonie, a municipal corporation of the State of New York, having its principal office located at Memorial Town Hall, 534 New Loudon Road, Latham, New York 12110 (hereinafter referred to as the "Town"), and the Village of Menands, a governmental entity having its principal offices located at 250 Broadway, Menands, NY 12204 (hereinafter referred to as "Invitee").

WHEREAS, the Town has authorized this agreement pursuant to **Town Board Resolution No. 537**

approved by the Town of Colonie Town Board on **December 14, 2024**.

WHEREAS, the Town is the owner of the Town of Colonie Police Range and Training Facility, Onderdonk Road in the Town of Colonie, County of Albany, New York; and

WHEREAS, Invitee desires to use all or a portion of such Range and Training Facility for personnel training, and Invitee has agreed to provide the necessary funds, expertise, manpower, equipment, and materials to operate, insure and protect such site, all at no cost, risk, or expense to the Town; and

WHEREAS, the Town of Colonie authorizes use of its Training Facilities as a benefit to selected law enforcement agencies in the furtherance of public safety.

NOW, THEREFORE, in consideration of the mutual promises made by each party herein, the Town and Invitee agree as follows:

I. The term of this Agreement shall commence on the day of its full execution and shall expire at 12:00 PM on December 31, 2025. Individual dates and locations of usage will be determined and scheduled through the Colonie Police Department Staff Services Division at (518) 782-2619.

2. The Town hereby grants Invitee permission to utilize the Town of Colonie Police Range and Training Facility ("Facility"). The Facility currently is comprised of a rifle and pistol range, obstacle course, classroom, pavilion, garage, and storage shed, but the Town Police Department, through its Staff Services Division, may restrict the portions of the Facility which may be utilized by Invitee.

3. Invitee agrees to indemnify, defend, and hold harmless the Town and its officers and employees from and against any and all claims, suits, actions, cost, and expense (including reasonable attorneys' fees), involving injury to person or property arising out of the use of the Facility.

4. Invitee shall provide proof of comprehensive general liability insurance coverage during the entire term of this Agreement, as follows: Bodily Injury & Property Damage; One Million Dollars (\$1,000,000) for each occurrence and Two Million Dollars (\$2,000,000) annual aggregate naming the "Town of Colonie, 534 Loudon Road, Latham, NY 12110" as an additional insured. Alternatively, if the Invitee is self-insured, Invitee may provide a letter on Invitee's letterhead addressed to the Town of Colonie stating that Invitee is currently self-insured for general liability and the letter is being submitted as evidence of invitee's intent to pay its legal obligations for meritorious general liability claims made against it. Additionally, Invitee shall provide Workers' Compensation and Employees Liability Insurance providing protection for employees of Invitee in the event of job-related injuries.

5. The Town of Colonie shall not be responsible for any amounts paid or due as benefits to any officer(s) and/or employee(s) of Invitee due to personal injury or death occurring during the use of the Facility. It is mutually understood that the Invitee and Town of Colonie shall be responsible for payment of benefits, including workers' compensation, General Municipal Law § 207(c) and comparable benefits, to only their own respective officers and employees.

6. Invitee agrees that it has inspected the Facility and finds it to be acceptable for the purposes and use intended.

7. As part of the rights and obligations of Invitee to indemnify, defend and hold harmless the Town, Invitee shall promptly notify the Town of any act or occurrence involving losses, damages, expenses or demands indemnified against in this Agreement. All such notices must be in writing and must be sent to the Town at the following address:

Town Attorney, Town of
Colonie Memorial Town
Hall

534 New
Loudon Road
Latham, New
York, 12110

Each notice is deemed to have been properly served if personally delivered or deposited into the United States Mail, with proper postage.

8. Invitee understands and agrees it must provide its own ammunition, target backers and targets when utilizing the range. Any such target backers will be left at the range and may be used by Town police personnel. Upon the completion of each usage, Invitee will ensure the facilities are in the same condition as when they began.

9. The Town retains an unconditional right of entry and may cancel any scheduled dates of use of the Facility upon notice to Invitee or terminate this Agreement upon written notice to the Invitee at the address set forth above.

10. The Invitee agrees to pay the Town an annual maintenance fee of Five Hundred Dollars (\$500.00) on or before May 31st to assist with the costs of maintaining and repairing the Facility. If the maintenance fee is not paid, the Invitee shall not be permitted to use the Facility during the calendar year in which the fee remains unpaid.

11. This Agreement constitutes the entirety of the agreement between the parties. No modifications, oral or written, have been agreed to, or will be binding, after the date of signature. Any changes or amendments hereto shall be made in writing and subscribed to by the parties to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement the date and year above written.

TOWN OF COLONIE

VILLAGE OF MENANDS



Resolution Number: 250120

After a discussion Trustee _____ made a motion to approve the agreement with the Town of Colonie Police Range Use Agreement for 2025, and to approve Police Chief to sign the agreement, second by Trustee _____.

ADOPTED:

Trustee Harbour	voting
Trustee Harris	voting
Trustee Kalogridis	voting
Trustee Lane	voting
Mayor Marsh	voting

City of Troy Police Department Application for Use of Firearms Range

One completed application must be submitted in advance to the Department’s Range Officer.

The undersigned makes application for the use of the City of Troy Police Department’s Firearms Range located in Pittstown for the purpose of: **Firearms Training**

Day and Date: **January 1st – December 31st, 2025**
Hours (Start to Finish): **8:00 am – 21:30 pm**

Will an admission fee be charged? **No** If yes, the amount _____

The person in charge while in use is:
Estimated number of people: **1-15**

The undersigned further agrees to indemnify and save harmless the City of Troy and/or the City of Troy Police Department from any and all claims that may arise through negligence or otherwise, or that may be made from damage, loss, injury or death resulting to the property of the City of Troy Police Department, it’s employees or volunteers of their property, or to other persons or property, resulting from such use, directly or indirectly.

******The undersigned further acknowledges that the live fire training facility (aka live fire shoot house) is not included in this agreement and requires additional approvals by the Troy Police Department. ******

All organizations must attach a Certificate of Insurance naming the City of Troy Police Department the certificate holder and additional insured for at least \$1,000,000.00 when filing for use of this building/Property.

Name of Organization:
Name of person Responsible:
Title:
Date:
Mailing Address:
Phone #:
POC:

Applicants name

Department Head or designee signature

Approval Name/Signature (TPD Representative)

Date

Resolution Number: 250121

After a discussion Trustee Lane made a motion to approve the agreement with the City of Troy Police Range Use Agreement for 2025 and to approve Chief St Gelais to sign the agreement, second by Trustee Kalogridis.

ADOPTED:

Trustee Harbour	voting	Aye
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

Lieutenant Schwebke gave the following report regarding the use of Comp Time:

I have prepared a cost analysis of the Comp Time agreement that was implemented in 2024. As you know, it was agreed that Comp Time would be offered for one year, with the possibility of extending the agreement if mutually agreed upon by both the Village and the PBA.

Key Findings:

- **Comp Time Participation:** Over the past year, 11 out of 12 union members chose to earn comp time in lieu of paid overtime. Without this option, the Village would have incurred an additional \$30,279.63 in overtime costs.
- **Overtime Payout:** When the officers utilized their earned comp time, the department paid out \$12,094 in overtime. This resulted in a net savings of \$18,185.63 compared to the potential overtime expenses.
- **Shift Coverage:** Nearly 60% of the shifts either did not require additional staff or were covered by part-time officers, which significantly reduced the associated costs.

- **Potential Costs Without Comp Time:** If the Village decides not to continue the agreement and opts to pay out the officers for their earned comp time, the payout would amount to \$11,966.46. Even in this case, the Village would still save \$6,219.17 compared to the overtime costs that would have been incurred.
- **Remaining Comp Time:** Approximately 25% of the remaining comp time is held by the CRO or Detectives. This comp time results in zero cost when utilized since these officers do not require additional coverage.

Conclusion: Based on this analysis, I believe continuing to offer comp time to the members of the PBA would continue to provide significant cost savings for the Village. The savings realized through this program far outweigh the costs, and the flexibility it provides with shift coverage further reduces expenses.

Discussion followed.

Resolution Number: 250122

After a discussion Trustee Lane made a motion to extend the Comp Time MOU for one more year, second by Trustee Kalogridis.

ADOPTED:

Trustee Harbour	voting	Aye
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

The Clerk advised that the following items have been posted on Auction International Website and the following bids have been received:

- Trackless MT Series V Leaf Loader \$760.00
- 2010 Chevy Tahoe \$11,400.00

Resolution Number: 250123

After a discussion Trustee Lane made a motion to approve the bids for the Trackless MT Series V Leaf Loader at \$760.00, and 2010 Chevy Tahoe at \$11,400.00, second by Trustee Harris.

ADOPTED:

Trustee Harbour	voting	Aye
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

Mayors Report:

- 1) The eCODE updates continue. Several sections have been updated, and those changes have been posted to the eCODE system, which is available online and to the public. More changes are still being reviewed. Our goal is to have a completed project by June 2025.
- 2) N Grid account consolidation—I have worked with National Grid to combine several of our utility accounts that were (for some reason) billed oddly. Bills at 250 Broadway and 1 Oakland Ave (Gas and Electric) are now consolidated.
- 3) Work on remediating the Village yard waste dump is continuing. We received well over 100 truckloads of material for free from the NSH Group expansion work to assist with the effort.
- 4) Additional masonry maintenance at 250 Broadway continues. All are covered by the SAM grant.

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- 5) Street sign upgrades continue – Sage Hill is close to being complete, Roost Estates is next, then Park Dr, then we will start at the North end of Broadway and work South hitting each section.
- 6) We are waiting for National Grid to sign off on our plan to remediate the tire pond the Village is responsible for cleaning up. Hoping to get approval very soon.
- 7) Discussion of special pickup policy for 2025.
- 8) Reworking the Village Code section regarding sanitation, collection, dumpsters, etc.
- 9) Reworking Village Code section 160 regarding traffic laws
- 10) Work begins on the 2025 / 26 Village Budget. I'll be sending official letters to Department heads this week.
- 11) The survey of the Village owned properties on Glenwood Road are complete. They will be put on the agenda for the next meeting.
- 12) Congressman Tonko's monies for the South End Project have been put on hold.
- 13) There is now a list of Village owned Grinder Pumps. The Village will now only repair the pumps that are on the list.
- 14) The St Patrick's Club is asking the Board to take out an ad in their book.
- 15) DPW has setup the ice-skating rink on the pickleball court. We planning a community event within the next couple of weeks.
- 16) Mike Hagmann promoted to Superintendent of Public Works
- 17) The Garbage Truck needs \$23,366.58 of work done to it.

Resolution Number: 250124

Trustee Lane made a motion to promote Michael Hagmann to Superintendent of Public Works, second by Trustee Harris.

ADOPTED:

Trustee Harbour	voting	Aye
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

Resolution Number: 250125

Trustee Harris made a motion to approve the repairs to the Garbage Truck at a cost of \$23,366.58, second by Trustee Lane.

ADOPTED:

Trustee Harbour	voting	Aye
Trustee Harris	voting	Aye
Trustee Kalogridis	voting	Aye
Trustee Lane	voting	Aye
Mayor Marsh	voting	Aye

Trustees Report:

Trustee Lane: Gave update on Little River Grant

Trustee Kalogridis: Asked if Code Enforcement could talk to Family Dollar regarding garbage in the area.

Trustee Harris: Advised that the Menorah Lighting was successful.

Trustee Harbour:

- Asked Lt Schwebke about the status of the Centennial Book?
- School Board Meeting is January 13, 2025.

Regular Village Board Meeting
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- Menands School Concert will be January 16, 2025.

Clerk's Report:

1. As of January 1st, 2025, the minimum wage will be increased to \$15.50 per hour. This will affect Summer Help.
2. The IRS has increased the mileage rate to \$.70 per mile of January 1st, 2025.
3. Friday, February 28 from 11-7 Phil Steck's will hosting a Blood Drive in the hall.
4. The tree pruning will be January 14, 2025.

PUBLIC COMMENTS:

TO: All Menands Village Board Members
FROM: Bill Garvey Jr

Here is my own report dealing with some important Village items as follows:

- 1 He observed 2 dead animals he reported to Clerk Handerman and NYS DOT.
- 2 He swept broken glass on Upland Road.
- 3 Sometimes he swept leaves, acorns, and related stuff from the lobby of PD
- 4 He is glad the red left signal has been repaired
- 5 The sign & signpost on Tillinghast Avenue need to be replaced.
- 6 He observed a tree with dead branches located on Broadway which needed to be removed.
- 7 He thinks the building on 35 Broadway should be renamed veterans on housing project.
- 8 He would like to see the Village help the school district with the cost Library repairs.
- 9 In January 2024, he suggested replacing black old fashioned light streets with new lights made of aluminum.
- 10 He supports computer breach notification policy + Military time policy plus adequate health insurance for all Village employees.
- 11 Since reporting his concerns with tree next to Main Pump Station having dead branches, He wished to propose that DPW guys trim the dead branches with a new tree during 2025
- 12 He is proposing the DPW guys post a stop sign at S Lyons Ave and Upland Road Junction.
- 13 The Corbett Industrial Cleaning Services seems to remain in poor condition. He would like to see something done to correct the condition of this building.

Resident Mary Brown, asking if there will be public comment regarding the Glenwood Road Properties. The Mayor advised yes at the next Board Meeting.

Trustee Harris made a motion to adjourn, seconded by Trustee Kalogridis.

ADOPTED:

Trustee Harbour	voting
Trustee Harris	voting
Trustee Kalogridis	voting
Trustee Lane	voting
Mayor Marsh	voting

The meeting was duly adjourned at 6:37 P.M.

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I, Donald Handerhan, Village Clerk for the Village of Menands, Do Hereby Certify that the foregoing is a true and correct report of all motions and resolutions and or enacted, and all other procedures had and taken by the Village of Menands Board of Trustees at the regular meeting held on January 06th, 2025.

Donald Handerhan
Village Clerk