

TOWN OF CONCORD PLANNING BOARD
Code Update Work Session
Town Hall

June 12, 2024
6:00 p.m.

The Code Update Work Session was opened by Planning Board Chairman Joseph Edbauer, at 6 p.m.

Roll Call

Present:
Joseph Edbauer, Chairman
Bruce Luno
Julie Zybert
Ray Hilliker
David Dains

Also Present:
Darlene Schweikert
Clyde M. Drake, Town Council Liaison
Thomas Roberts, CEO

Not Present:
James Jozwiak
Michael Cochran

The members met to continue review of the Town Code; Legal Analysis questions discussed:

Chapter 18: Code of Ethics. Question 18-001. Members had previously agreed to use the new model law customized for the Town. Secretary Schweikert prepared this new law. This should be all set. Town Council Liaison Drake noted that if this amendment does go into the updated Town Code, the Town Board will need to change the Employee Manual to include this language.

Chapter 59: Unsafe Buildings. Question 59-001. Await input from CEO Roberts and Town Atty Attea. Previous CEO discussion about penalties and enforcement. Discussion about how the matters are handled once at the Court by the Town Prosecutor and Justices. The other sections of this Chapter do not need revision. Secretary Schweikert will reach out to Town Atty Attea to see if a meeting can be scheduled with CEO Roberts, Town Council Liaison Drake, for his input.

Chapter 72: Fire Prevention and Building Construction. Question 72-002. General Code suggested using the new model law. Secretary Schweikert prepared this new law customized for the Town but there are several places that input from the members is required. Members agreed Secretary Schweikert will print out copies of the new law for the members to review at the July meeting.

Chapter 78: Furnaces, Outdoor. Question 78-001 and Question 78-002. Last month, the members agreed to follow NYS guidelines for this. Secretary Schweikert reached out to General Code for sample language which reads: "Installation of outdoor furnaces shall comply with the regulations established by the NYS Department of Environmental Conservation found at 6 NYCRR Part 247, and applicable provisions of the Uniform Fire Prevention and Building Code." The members agreed to replace this Chapter with the above language.

Chapter 93: Manufactured Homes and Chapter 94: Mobile Homes. Chairman Edbauer will review these two Chapters and bring back his proposed language; make it simple. Definitions will need to be reviewed prior to finishing the Code update.

Chapter 103: Peddling and Soliciting. M. Cochran was researching this Chapter and was not able to make tonight's meeting.

Chapter 106: Records. General Code provided the new model law. Secretary Schweikert prepared the new law customized for the Town. Members agreed to use new law.

Chapter 114: Sewers. Derek at MDA provided a revision of the Chapter. There are some sections that MDA wants Town input. (114-35, 114-37, 114-42, 114-43, 114-55, 114-57, 114-58, 114-64, 114-72, 114-73, and 114-74). These sections will need to be reviewed by the members. Note: Make sure that this is wording that says that downspouts cannot go into the sewer.

Chapter 129: Subdivisions. Members reviewed previous discussion. Section 129-12B(9)(b) should state: The applicant will be required to pay a fee in lieu of recreation area in an amount as set forth, from time to time, by the Town Board. The members would then recommend to the Town Board that the amount of \$1,000 per lot be added to the fee schedule. There was discussion about not allowing a buy out for green space; the members will have more discussion on this matter. The line in Chapter 68-4 which establishes a fee in lieu of recreation should be deleted from Chapter 68.

Chapter 134: Taxation. Town Council Liaison Drake reviewed this Chapter with the Assessor's Office and no revisions were necessary. The members discussed this at their June 4th meeting and agreed: Do Not Revise.

Chapter 142: Vehicles and Traffic. Secretary Schweikert advised that this is being reviewed by the Town Board; await their decision. If the Town Board does not change, then the Members agreed: Do Not Revise.

Chapter 144: Vehicles, Junked. Members reviewed. Penalties and offenses clause contains imprisonment/jail time which needs Town Atty Attea input, see Ch. 59. D. Dains questioned if the Town could have the vehicle towed and add that cost to the resident's tax bill. At this time, our Code does not allow the Town to attach any cost to the tax bill (grass cutting, demolition, etc.); it had been discussed in the past but it's not in our Code yet. Depending on penalty clause language, Members agreed: Do Not Revise.

Chapter 147: Water. Derek at MDA provided a revision of the Chapter. There are some sections that MDA wants Town input. (147-1, 147-2, 147-4, and 147-8).

Chapter 150: Zoning. Members discussed possible ways to address: Eliminate some of the Code sections/combine sections. Does Commercial need to have C-1, C-2, C-T, C-R? Town Council Liaison Drake questioned what the procedure would be if the zones were changed/modified? Would the Town have to notify the affected property owners of the change. R. Hilliker suggested that the Code could say that in these R districts (list) these things are allowed (list) and that way the zoning districts would not change the person's property's zoning; the same with C districts. Discussion about how this could be addressed in the update. C-T and M General Industrial Districts have one parcel in the Town. The members will review for next meeting and Secretary Schweikert will work with Town Council Liaison Drake to see if Town Atty Attea can provide guidance. Tabled for more review.

Chapter 157: Drug and Alcohol Testing Policy. Members previously questioned if our Code could just follow NYS and Town Employee Manual. Town Council Liaison Drake pointed out that this also refers to Federal Highway Transportation. Members agreed to have Hwy Supt Edwards and Town Atty Attea review this section. D. Dains questioned the Highway MEOs have interstate or intrastate licenses. If the employees have intrastate, then the federal guidelines would not be required. Chairman Edbauer questioned if this section could be repealed from the Code and just handled in our Town Employee Manual which is reviewed annually. Secretary Schweikert will check General Code to see if other towns have this in their Code Books. D. Dains thinks it should be in the Employee Manual. Change the wording to state: in the Town Employee Manual.

Chapter 163: Fire Personnel. Members agreed: Do Not Revise.

Chapter 166: Good Samaritan Acts. Members agreed: Do Not Revise.

Chapter 173: Investment Policy. Question 173-001, section 173-7 Designation of Depositories. At the Organizational Meeting, the Town Board reviews the Investment Policy and lists this information in the Minutes. Members agreed to delete the list of names and amounts and state. Revise to: The banks and trust companies authorized for the deposit of monies up to the maximum amounts will be approved at the Town's Organizational Meeting and by the Town Board from time as necessary.

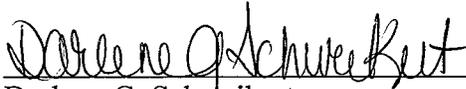
Chapter 184: Grandfathered Lots. Needs better clarification/definition. Refer to Town Attorney. Members discussed if a lot was subdivided and met the standards at that time and can now meet all the setbacks then it can still be built on; even if the parcel is sold to another owner.

Chapter 190: Personnel Policies. Members agreed that this Chapter could be repealed since the information is included in our Town Employee Manual. Check to see if Sections 190-18, 190-20 and 190-21 are in our Town Employee Manual and would need to be added to the manual.

Chapter 194: Planning Board Procedures: Members had agreed: Do Not Revise.

Chapter 199: Smoking. The Town Board earlier this year adopted a Local Law to expand the No Smoking on Town owned lands.

The work session ended at 8 p.m. The next regular meeting will be Tuesday, July 2, 2024. Town Council Liaison Drake and J. Zybert will not be able to attend.



Darlene G. Schweikert
Planning Board Secretary