

Regular Board Meeting  
Village of Montour Falls

November 4, 2021

7:00 p.m.

Present: Mayor James Ryan, Trustees Vincent Chicone, James Nolan, and Jeffrey Confer

Also Present: Dean Hillyard, DPW Superintendent; Emily Byers, Deputy Clerk/Treasurer; and Michael Lynd.

Mayor Ryan called the meeting to order at 7:00 p.m. and asked for the Pledge of Allegiance.

Trustee Chicone offered a resolution, seconded by Trustee Nolan authorizing the payment of bills, on Abstract no. 07 - General Fund, for the amount of \$238,278.81. AYES: Trustees Chicone, Nolan, and Confer. NOES: None. Resolution carried.

Trustee Nolan offered a resolution, seconded by Trustee Chicone authorizing the payment of bills, on Abstract no. 07 – Water Fund, for the amount of \$382.99. AYES: Trustees Chicone, Confer and Nolan. NOES: None. Resolution carried.

Trustee Confer offered a resolution, seconded by Trustee Nolan authorizing the payment of bills, on Abstract no. 07 - Sewer Fund, for the amount of \$31.25. AYES: Trustees Chicone, Nolan and Confer. NOES: None. Resolution carried.

Trustee Confer offered a resolution, seconded by Trustee Smith authorizing the payment of bills, on Abstract no. 06 – Trust and Agency Fund, for the amount of \$675.69. AYES: Trustees Chicone, Smith, Confer and Nolan. NOES: None. Resolution carried.

Mayor Ryan asks the board to review the Montour Market Equipment Lease. After discussion, Mayor Ryan will review a few small details more thoroughly with the Village Attorney, Robert Halpin. Matter is tabled until next meeting.

Mayor Ryan recommends the board again discuss Cannabis Opt-In/Opt-Out and asks each provide their opinions. He reminds the trustees that the Village Board should first consider the topic from a fiduciary stand point. After discussion, matter is tabled until the next meeting.

Public Hearing 7:30 p.m. Local Law #1-2021 NYStretch Amendment

Trustee Chicone offered a resolution, seconded by Trustee Smith to open the public hearing at 7:30 p.m. for the purpose of hearing comments on amending Local Law #1-2021 NYStretch Energy Code of the Village of Montour Falls. AYES: Trustees Chicone, Confer, and Nolan. NOES: none. Resolution carried.

Mayor Ryan described the amendments necessary for the Department of the State to acknowledge the NYStretch Energy code first: NYStretch shall be adopted as an overlay to the 2018 International Energy Conservation Code and ASHRAE Standard 90.1-2016, and second: to sever the mechanical ventilation requirements in Section R403.6.2 of NYStretch as advised.

Trustee Smith offered a resolution, seconded by Trustee Chicone to close the public hearing at 7:34 p.m. AYES: Trustees Confer, Nolan, and Chicone. NOES: None. Resolution carried.

Trustee Chicone offered the following resolution, seconded by Trustee Confer:

#### Section 1. Recitals and Legislative Intent

The New York State Energy Conservation Construction Code (hereinafter referred to as the “State Energy Code”) is adopted by the State Fire Prevention and Building Code Council (hereinafter referred to as the “Code Council”) pursuant to Article 11 of the Energy Law.

The State Energy Code includes the provisions contained in Part 1240 of Title 19 of the New York Codes, Rules and Regulations (hereinafter referred to as “Part 1240”) and the publications incorporated by reference in Part 1240.

The publications currently incorporated by reference in Part 1240 include, but are not limited to, the 2020 edition of the Energy Conservation Construction Code of New York State (hereinafter referred to as the “2020 ECCCNY”) and the 2016 edition of ASHRAE 90.1 (hereinafter referred to as “ASHRAE 90.1-2016”).

The 2020 ECCCNY is based on the 2018 edition of a publication entitled International Energy Conservation Code (hereinafter referred to as the “2018 IECC”).

The New York State Energy Research and Development Authority (hereinafter referred to as “NYSERDA”) has issued a publication entitled NYStretch Energy Code 2020, Version 1.0, dated July 2019 (hereinafter referred to as “NYStretch”). NYStretch modifies (i.e., amends, replaces, replaces and renames, or adds to) certain sections, certain tables, and a certain appendix in the 2018 IECC; adds certain sections, certain tables, and certain appendices to the 2018 IECC; modifies (i.e., adds to, amends, or replaces) certain sections and certain tables in ASHRAE 90.1-2016; and adds certain new sections to ASHRAE 90.1-2016.

Studies commissioned by NYSERDA indicate that modifying the State Energy Code in the manner contemplated by NYStretch can result in significant savings in energy usage and energy costs.

Article 11 of the Energy Law authorizes municipalities to adopt local energy conservation construction codes that are more stringent than the State Energy Code.

The Village of Montour Falls desires to adopt as its local energy conservation construction code the State Energy Code as modified in the manner contemplated by NYStretch.

## Section 2. Adoption of Local Energy Conservation Construction Code

The Village of Montour Falls hereby adopts, as its local energy conservation construction code, the State Energy Code as modified in the manner contemplated by NYStretch. Such local energy conservation construction code shall consist of the provisions currently set forth in Part 1240 and in the publications currently incorporated by reference in Part 1240; provided, however, that the 2020 ECCCNY and ASHRAE 90.1-2016 shall be deemed to be modified as follows:

- (a) in each case where a section, table, or appendix in the 2018 IECC is modified by NYStretch, the corresponding section, table, or appendix in the 2020 ECCCNY shall be deemed to be modified in the same manner;
- (b) in each case where a section, table, or appendix is added to the 2018 IECC by NYStretch, such section, table, or appendix shall be deemed to be added to the 2020 ECCCNY, subject to the following exception: Section R403.6.2, which is added to the 2018 IECC by section 3.11 of NYStretch, shall not be deemed to be added to the 2020 ECCCNY;
- (c) each section or table in ASHRAE 90.1-2016 that is modified by NYStretch shall be deemed to be so modified; and
- (d) each section added to ASHRAE 90.1-2016 by NYStretch shall be deemed to be added to ASHRAE 90.1-2016.

A copy of NYStretch is annexed hereto and made part hereof.

## Section 3. Applicability

The local energy conservation construction code, as hereby adopted, shall be applicable to all buildings constructed, substantially renovated, or altered in the Village of Montour Falls on or after the effective date of this local law and to all additions to buildings in the Village of Montour Falls made on or after the effective date of this local law. However, pursuant to Energy Law § 11-109(2):

- (a) if a copy of this local law is filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this local law, and if the Code Council shall subsequently determine that the local energy conservation construction code as hereby adopted is not more restrictive than the State Energy Code, then on and after the date of such determination the local energy conservation construction code as hereby adopted shall no longer be enforced and the State Energy Code shall be applicable and shall be enforced in the Village of Montour Falls; and
- (b) if a copy of this local law is not filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this local law, then the local energy conservation construction code as hereby adopted shall not be enforceable until and unless the Code Council shall determine that such local energy conservation construction code is more restrictive than the State Energy Code, and until and unless the Code Council shall make such determination the State Energy Code shall be applicable and shall be enforced in the Village of Montour Falls.

## Section 4. Severability

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the

remaining sections or portions of this local law, or any part thereof. The Village Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

#### Section 5. Authority

This local law is adopted pursuant to Energy Law § 11-109(1) and Municipal Home Rule Law § 10.

#### Section 6. Effective Date

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The aforementioned resolution was put to vote and resulted in the following: AYES: Trustees Chicone, Confer, and Nolan. NOES: None. Resolution carried.

#### Mayor Ryan reports:

-Community Solar Campaign – requirement (10 participants) met thanks to our Energy Intern, Eva Milstein-Touesnard. Village will receive grant of \$5,000 and 200 CEC points toward our goal of being a Silver Certified Clean Energy Community.

#### Superintendent Hillyard reports:

-NYS DOT – Clinton Street drainage issues discussed

-Streets – preparing trucks for winter season

-Leaves – will start vacuuming soon, machine is being repaired

-Brush Truck – repairs done

-New Hire began October 28<sup>th</sup>

-Marina – closed, logs and debris removal necessary after rain accumulation

-Water/Sewer Dept. – Joint plant performed well, has been working extra hard to process all the extra water.

Trustee Confer displays the final design by Vickio Signs for the new Village of Montour Falls signs to the board.

Trustee Confer offered a resolution, seconded by Trustee Chicone to adjourn the meeting at 8:43 p.m. AYES: Trustee Chicone, Nolan, and Chicone. NOES: None. Resolution carried.

Respectfully submitted,  
Emily Byers, Deputy Clerk