

The regular meeting of the Town Board of the Town of Stamford was held on Aug. 6, 2014 at 7:00 P.M. at the Town of Stamford Municipal Building with the following present:

Supervisor-Michael Triolo
Councilperson-Rudy Stripp
Councilperson-Roderick Hillis

Absent was: Councilperson Daniel Deysenroth, Councilperson David Post and Hwy. Supt. John A. Rice, Jr.

Also present was: Velga Kundzins, Jonathan Mogelever, Nate Hendricks, Chris Yacobucci, Atty. Kevin Young and Undersheriff Craig Dumond.

A MOTION was made by Rudy Stripp and seconded by Roderick Hillis to approve the minutes of the previous meeting. ALL AYE votes cast, MOTION carried.

Delaware Co. Undersheriff Craig Dumond was present to discuss the board's possible implementation of a town police officer due to the heroin epidemic. He did not suggest the town consider a police officer due to liability issues and many mandates including training. He stated due to the significant drug problem and crime increase, a Delaware Co. Task Force has been created with a Drug Tip Line. Community involvement, education in schools, aggressive enforcement and School Resource Officers are being implemented.

RESOLUTION NO. 32-2014 was introduced by Roderick Hillis and seconded by Rudy Stripp:

BE IT HEREBY RESOLVED that we adopt the following:

Resolution Adopting a Fair Housing Plan and Fair Housing Law

WHEREAS Federal and New York State Laws prohibit discrimination in the sale, rental and financing of housing on the basis of race, creed, gender, national origin, familial status, marital status or handicap and,

WHEREAS the Town of Stamford participates in the HUD Community Development Block Grant Program and,

WHEREAS, the Community Development Block Grant Program requires that each participating community take affirmative action to further fair housing,

NOW THEREFORE, BE IT RESOLVED that the Town of Stamford hereby adopts a Fair Housing Law, which is attached to this Resolution and

BE IT FURTHER RESOLVED that the Town of Stamford adopts a Fair Housing Plan, which is also attached to the Resolution.

LOCAL LAW NO. 1-2014

**TOWN OF STAMFORD
FAIR HOUSING LAW**

Preamble

A law prohibiting discrimination of the basis of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate related transactions.

Article I: Purposes and

Enactment Section 100 Purposes and Enactment

For the purpose of providing and ensuring fair housing opportunities for all within the Town of Stamford, the Town Board of the Town of Stamford, in the County of Delaware, State of New York, under the authority of the General Municipal and Town Laws, hereby obtains, enacts, and publishes this Law.

Article II:

Definitions Section 200 Definitions

210 General - For the purpose of this Law, certain words or phrases herein shall be interpreted as follows, except where the context clearly indicates the contrary: words used in the singular include the plural, words used in the present tense include the future tense, the word "person" includes a corporation as well as an individual, and the word "shall" is always mandatory.

202 Specific Words or Phrases - For the purposes of this Law, certain terms or words herein shall be interpreted as follows:

"Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

"Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representative, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

"Family" includes a single individual.

"To Rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

"Discriminatory housing practices" means an act that is unlawful under Articles III, IV, and V.

Article III: Discrimination in the Sale or Rental of Housing

Section 300 Discrimination in the Sale or Rental of Housing

Except as exempted by Article VI, it shall be unlawful within the Town of Stamford:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status, or national origin.

(c) To make, print, or publish, or cause to be made, printed or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or and intention to make any such preference, limitation or discrimination.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

Article IV: Discrimination in the Financing of Housing

Section 400 Discrimination in the Financing of Housing

It shall be unlawful within the Town of Stamford for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling; or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, handicap, familial status, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance, or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; Provided, That nothing contained in this section shall impair the scope or effectiveness of the exception contained in Article VI.

Article V: Discrimination in the Provision of Brokerage Services

Section 500 Discrimination in the Provision of Brokerage Services

It shall be unlawful within the Town of Stamford to deny any person access to or membership or participation in any multiple listing service, real estate broker's organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, religion, sex, handicap, familial status, or national origin.

Article VI: Exceptions

Section 600 Exemptions

601 Sales/Rentals by Owners - Nothing in Article III (other than Subsection c) shall apply to:

(1) any single family house sold or rented by an owner: Provided That such private individual owner does not own more than three such single family houses at an time: Provided further, That in the case of the sale of any such single family house by a private individual owner not residing in such house at the time of sale, or who was not the recent

resident of such house prior to such sale, the exception granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf under any express or voluntary agreement, title to any right to all or a portion of the proceeds from the sale or rental of more than three such single family houses at one time; Provided further, That the sale or rental of any such single family shall be excepted from the application of this Law only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and (B) without the publication, posting, mailing, after notice, of any advertisement or written notice in violation of Article III of this Law; but nothing in this provision shall prohibit the use of attorney, escrow agents, abstractors, title companies and other such professional assistance as may be necessary to perfect or transfer title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

For the purpose of this exemption, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

602 Sales/Rentals by Religious Organizations - Nothing in this Law shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, handicap, familial status, or national origin,

Nor shall anything in this Law prohibit a private club, not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental of occupancy or such lodgings to its members or from giving preference to its members.

Article VII:

Administration Section 700 Administration

701 Authority and Responsibility - The authority and responsibility for publicizing, administering and enforcing this Law shall be in the Town's Fair Housing Officer, to be designated by the Town Supervisor of the Town of Stamford.

702 Violations - Violations of this law shall be reported in person or in writing to the Town's Fair Housing Officer within a year of the alleged discriminatory housing practice.

703 Enforcement - Where sufficient cause exists to believe that the terms of this Law have been violated, the Fair Housing Officer shall institute a suit in Court against the alleged violator within 120 days following the issuance of the charge.

704 Penalties - Where a person or organization has been found, after a trial on the merits, in violation of this Law, a fine shall be imposed on such person or organization not to exceed \$1,000 for a first offense, and \$2,000 for a second offense and \$5,000 for a third offense, The minimum fine for violations of this Law shall be \$500 for a first offense, and \$500 for each additional offense. Each and every separate violation to this Law shall be deemed an offense for the purposes of imposing the appropriate fine.

Article VIII: Miscellaneous Provisions

Section 800 Miscellaneous Provisions

801 Amendment - The Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provision of this Law in conformity with applicable law after public notice and hearing.

802 Interpretation - In their interpretation and application, the provisions of this Law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

803 Validity - The validity of any section or provisions of this Law shall not invalidate

any other section or provision thereof.

804 Short Title - This Law shall be known and may be cited as "The Town of Stamford Fair Housing Law."

805 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.

**TOWN OF STAMFORD
FAIR HOUSING PLAN
Provisions of the Plan**

1. The Town Supervisor shall designate a fair housing officer to be responsible for the implementing of this Fair Housing Plan.
2. The Fair Housing Officer is charged with the following responsibilities:
 - Become knowledgeable in the fair housing provisions of Federal, State, and local laws
 - Conduct an analysis of barriers to equal housing opportunity (per 24CFR par 570.904(c))
 - Develop a strategy to overcome barriers
 - Review local policy for impact on housing choice
 - Compile fair housing information and make it available to interested persons
 - Disseminate information and answer questions relating to fair housing laws
 - Assist aggrieved persons
 - Refer discrimination complaints to appropriate Federal or State Agencies
 - Maintain a record of actions taken pursuant to this Plan
3. This Plan and related documents shall be posted in Town Hall.
4. The Town shall advertise this Plan. The Town will issue a notice to all the media serving the housing market area.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows:

AYES: Michael Triolo-Rudy Stripp- Roderick Hillis

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

Nate Hendricks, Kevin Young and Chris Yacobucci gave the town board an update on the South Kortright Community Wastewater Program. Lamont Engineers will advertise for bids for the project on Aug. 15, 2014. There will be three bid contracts: Collection system contract, Plumbing contract and an Electric contract. A pre-bid conference will be held on Aug. 26, 2014 at 10 A.M. at the town office. On Sept. 4, 2014 at 2 P.M. the bids will be opened by Lamont Engineers and at the next town board meeting held on Sept. 10, 2014 the bids will be awarded. An approximate date of Oct. 2015 the project will be completed.

RESOLUTION NO. 33-2014 was introduced by Roderick Hillis and seconded by Rudy Stripp:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF STAMFORD
AUTHORIZING THE SOUTH KORTRIGHT SEWER DISTRICT TO SOLICIT
BIDS FOR THE CONSTRUCTION OF THE WASTEWATER MANAGEMENT
PROJECT**

WHEREAS, the Town Board of the Town of Stamford previously entered into an agreement (the "Agreement") with the Catskill Watershed Corporation ("CWC") to participate in the Community Wastewater Management Program, which program will provide for the design and construction of a wastewater management project in the Hamlet of South Kortright; and

WHEREAS, the CWC through the Program, will provide full funding for the wastewater management project through a block grant; and

WHEREAS, the Town Board of the Town of Stamford, by resolution passed August 8, 2012 established the South Kortright Sewer District; and

WHEREAS, the South Kortright Sewer District wishes to construct the Community Sewage system designed by CWC's consultant under the CWMP; and

WHEREAS, the Town Board wishes to solicit bids to retain the services of contractors for the construction of the Community Sewage System in the South Kortright Sewer District including the sewer collection system, improvements to an existing pump station and the Village of Hobart's Wastewater Treatment Plant.

THEREFORE, NOW BE IT RESOLVED THAT:

The Town Board of the Town of Stamford authorizing the Town Supervisor to solicit bids from and review qualifications of contracts able and willing to perform the task of constructing the sewer collection system, improvements to an existing pump station and the Village of Hobart's Wastewater Treatment Plant for the South Kortright Sewer District.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows:

AYES: Michael Triolo-Rudy Stripp- Roderick Hillis

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

RESOLUTION NO. 34-2014 was introduced by Roderick Hillis and seconded by Rudy Stripp:

BE IT HEREBY RESOLVED that we give Supv. Triolo the authorization to sign the **“CAPACITY PURCHASE AND SEWER CONTRACT BETWEEN THE VILLAGE OF HOBART, NY WITH THE TOWN OF STAMFORD”** contract.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows:

AYES: Michael Triolo-Rudy Stripp- Roderick Hillis

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

RESOLUTION NO. 35-2014 was introduced by Rudy Stripp and seconded by Roderick Hillis:

BE IT HEREBY RESOLVED that we give Supv. Triolo the authority to sign the **“AGREEMENT BETWEEN THE CITY OF NEW YORK AND THE TOWN OF STAMFORD FOR PAYMENT OF CERTAIN OPERATION AND MAINTENANCE COSTS OF COLLECTING, TREATING AND DISPOSING OF WASTEWATER”**.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows:

AYES: Michael Triolo-Rudy Stripp- Roderick Hillis

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

A MOTION was made by Rudy Stripp and seconded by Roderick Hillis to approve the Supervisor's monthly report. ALL AYE votes cast, MOTION carried.

A MOTION was made by Rudy Stripp and seconded by Roderick Hillis to approve Highway bills abstract no. 8, dated Aug. 6, 2014, claim nos. 112 – 120 in the amount of \$109,670.15. ALL AYE votes cast, MOTION carried.

A MOTION was made by Rudy Stripp and seconded by Roderick Hillis to approve General bills abstract no. 8, dated Aug. 6, 2014, claim nos. 113 – 123 in the amount of \$3,186.05. ALL AYE votes cast, MOTION carried.

Supv. Triolo informed the board there are no prevailing wage requirements for repair work to be done in the Burns Cemetery.

RESOLUTION NO. 36-2014 was introduced by Rudy Stripp and seconded by Roderick Hillis:

BE IT HEREBY RESOLVED that we approve the expenditure of \$1,400. for repair in the Burns Cemetery by Quarino Stonescaping.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows:

AYES: Michael Triolo-Rudy Stripp- Roderick Hillis

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

A Dust Control estimate price of \$5,643.67 per mile from Central Asphalt was obtained by Hwy. Supt. John A. Rice, Jr.

Hwy. Supt John Rice, Jr. left the following report due to vacation:

- Paved 8/10 mile on Turkey Hollow Rd. and 3/10 mile on Tower Mountain Rd.
- Trimmed roadsides with the tractor mower.
- Replaced a culvert on Davis Rd. and Pickens Rd.
- Hauled in shoulder material for use after more paving is done.
- Shim patched edges/some centers on Murphy Rd. & Whiskey Hollow Rd. and plan on doing the same on Clove Rd. and Madison Hill Rd.
- Started hauling in winter sand.

RESOLUTION NO. 37-2014 was introduced by Rudy Stripp and seconded by Roderick Hillis:

BE IT HEREBY RESOLVED that we give Supv. Triolo the authority to sign the following Memorandum of Understanding in reference to the town dog control officer checking the status of dogs in ten day quarantine as part of the rabies prevention program:

Memorandum of Understanding

This Memorandum of Understanding is made on this Aug. 6, 2014, by and between Delaware County Public Health Services, 99 Main Street, Delhi, NY, hereinafter referred to as Public Health and the Town of Stamford for the purpose of achieving various aims and objectives relating to checking the status of dogs in 10 day confinement or quarantine as part of the rabies prevention program.

Whereas Public Health and the Town of Stamford desire to enter into an agreement in which Public Health and the Town will work together to assure the safety of the community as related to rabies prevention;

And whereas Public Health and the Town are desirous to enter into a memorandum of understanding between them, setting out the working arrangements that each of the partners agree are necessary to assure the safety of the community;

Purpose

The purpose of the memorandum of agreement is to provide the framework for checking on dogs as needed during a 10 day confinement or a quarantine period and sharing and documenting results.

Obligations of the Partners

The partners agree to work together in the true spirit of partnership to ensure united and visible leadership and commitment to the project by means of the following individual services:

Cooperation

The activities and services of the project shall include but not be limited to:

a. Services to be rendered by Public Health include

Public Health will determine when a dog will need to be kept in 10 day confinement and at what location. Public Health will determine when an unvaccinated dog is required to be quarantined. Public Health will notify the DCO when a dog is in confinement and when the 10 day observation is due. If the dog needs to be observed prior to the 10th day, Public Health will let the DCO know when the observation is required. Public Health will provide the name, address, location and contact information of the dog owner. If any forms are required to be completed, they will be sent to the DCO with a self-addressed stamped envelope. The Public Health office is open 8am-4pm. After 4 pm, on weekends and on holidays, the on call Public Health nurse is available by calling the Sheriff's Department and asking for a call back from the on call nurse.

b. Services to be rendered by the Town include

The town or village will provide a dog control officer (DCO) to assist in the rabies prevention program. If the DCO is on vacation or unavailable the town or village will have another DCO available to provide coverage if needed. The DCO will visit the dog owner on the 10th day and observe the dog to be sure it is alive and well. If the dog is not eating, drinking or otherwise appears to be sick, the DCO will ensure that the dog is examined by a veterinarian. If there is concern that the family may be unwilling or unable to implement or complete the 10 day confinement, the dog will be confined at a shelter or kennel at the owner's expense. If the owner is unable to transport the dog, the DCO may be asked to transport the dog to the shelter. The DCO will report to Public Health on the status of the dog on the 10th day of confinement or periodically if the dog is quarantined. If Public Health determines that the dog needs to be seen prior to the 10th

day of confinement, the DCO will visit the dog owner to observe the dog on the date requested and report status to Public Health. The DCO will return any forms required by Public Health in the self-addressed stamped envelope provided. The DCO will contact Public Health after hours, on weekends and on holidays by calling the Sheriff's Department and asking for a call back from the on call nurse.

Financial Resources

There will be no monetary exchange between the parties for services provided. The relationship between the Town and the COUNTY shall be that of independent contractor. The Town covenants and agrees that it will neither hold itself out as nor claim to be an officer or employee of the COUNTY by reason thereof and that it will not be reason thereof make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the State of New York or Delaware County including, but not limited to, worker's compensation coverage or retirement membership or credit. Any and all responsibility for U.S. Social Security taxes for the Dog Control Officer and Federal, State and local income taxes are the responsibility of the Town.

Indemnification

The parties agree to hold harmless and indemnify the other party and its agents, officers, and employees from and against any liability, loss, cost or expense arising out of any act or failure to act upon the part of the indemnifying party or its agents, officers or employees provided such liability, loss, cost or expense from and against which indemnification is sought does not arise from the negligence or willful misconduct of the party seeking indemnification or of its agents, officers, or employees.

This Agreement shall be reviewed and renewed every three years. The agreement can be terminated upon thirty (30) days written notice of either party.

In witness whereof, the **County** and the Town executed this Agreement effective Aug 7, 2014. All written notices affecting agreement termination must be delivered by certified or registered mail. The date the mail is stamped as received by the United States Post Office, with all postage prepaid, shall be deemed the date of delivery thereof.

By _____
Bonnie Hamilton
Public Health Director
Date _____

By _____
Town Supervisor
Date _____

Approved By: _____
Delaware County Attorney
AS TO FORM ONLY

Date _____

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows:

AYES: Michael Triolo-Rudy Stripp-Roderick Hillis

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

A MOTION was made by Michael Triolo and seconded by Rudy Stripp to adjourn this meeting at 8:38 P.M. The next regular meeting will be held on Sept. 10, 2014 at 7:00 P.M. at the Town Municipal Building, 101 Maple Ave., Hobart, New York.

WE, the undersigned members of the Town Board of the Town of Stamford, Delaware County, New York, do hereby certify that we have examined the minutes of the previous meeting and found them to be correct and accurate as recorded.

Supervisor_____

Councilperson_____

Councilperson_____

Attest_____

Town Clerk