

A regular meeting of the Malone Town Board was held Wednesday, May 23rd 2012, at the Malone Town Offices, 27 Airport Rd., Malone, NY, commencing at 6:00pm, preceded by a Public Hearing at 5:45pm, amending the Town of Malone Sewer Use Law (#5-2011).

5:45 PM – Public Hearing

Amending the Town of Malone Sewer Use Law ((#5-2011).

PRESENT: Supervisor Howard Maneely
Deputy Supervisor Paul Walbridge
Councilor Louise Taylor
Councilor John Sullivan
Councilor Mary Scharf

ALSO PRESENT: Sherri Smith, Deputy Town Clerk
Andrea Stewart, Budget Officer
Lillian-Anderson Duffy, Town Attorney
Amy Hewitt, Assessment Assistant

Arianna MacNeill, <u>Malone Telegram</u>	Chris Forrester, Burke
Carey Baker, Owls Head	Seth Byas, Malone
Steph Foster, North Bangor	Chelsey Marshall, Malone
Carrie Metcalf, Constable	Courtney Chapman, Constable
Taylor Hilyard, North Bangor	Katie LaVoie, Malone
Cody Kayden, North Bangor	Korey Prue, Malone
Toni Begay, Malone	Megan Tavernia, Malone
Tim Payne, Malone	Dorothy Howe, Burke
Allison Howe, Burke	Heather McGivney, Bangor
Scott Wemette, Malone	Corey Duquette, Malone
Brandon Bombard, North Bangor	Charles Jarvis, Brushton
Jenna Recore, Malone	Ian Deragon, Westville
Lena Marshall, Malone	Jen Kemp, Malone
Josie Faubert, Malone	Jason Twiss, Malone

CALL TO ORDER: Supervisor Maneely called the meeting to order at 6:00pm, with a pledge to the flag. The Supervisor also welcomed the students in attendance.

MINUTES & REPORTS:

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (# 104 - 2012): to accept the minutes of the regular meeting of 05/09/12 as presented and place on file.

**CARRIED (5 - 0) – Supervisor Maneely - Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

Motion – Councilor Taylor

Second – Councilor Sullivan

Resolved (# 105 -2012): to accept the following reports as presented and place on file: Justice Court – April, 2012

Discussion: Councilor Scharf asked what covered means on the Justice Court report? Budget Officer, Andrea Stewart said if there are multiple charges they'll cover it by subsequent items.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

OLD BUSINESS:

Town Board to consider adoption of Local Law #1 for 2012 -

Motion – Councilor Scharf

Second – Councilor Sullivan

Resolved (# 106 -2012): that the Town Board of the Town of Malone will Adopt Local Law #1 for 2012 - amending Town of Malone Sewer Use Law (#5-2011).

SEWER USE LAW
Local Law No. 1 of the year 2012.
(Amending Local #5-2011, Sewer Use)

Be it enacted by the Malone Town Board as follows:

ARTICLE I
HISTORY AND PURPOSE

SECTION 1: HISTORY.

(A). The Village of Malone owns and operates certain sanitary sewer facilities consisting of collection and transmission facilities and a Waste Water Treatment Plant, all of which are hereinafter referred to as the "Village Sewer System".

(B). The Town of Malone, on March 14, 2007, established the Route 11 West Sewer District # 1 by the duly adopted Resolution #8 2007.

(C). At the request of the New York State Department of Environmental Conservation, ("DEC") the Town of Malone on January 7, 2010 established by Order, the Route 11 West Sewer District # 2 pursuant to Resolution 335-2009.

SECTION 2. PURPOSE:

(A). The purpose of this law is to provide for the maximum possible beneficial public use of the Town's Sewer Districts' wastewater facilities which discharge into the Village wastewater facilities and prevent public health problems through regulation of the sewer construction, sewer use and wastewater discharges. This Law shall also provide for the procedures for complying with the requirements contained herein and penalties for violation thereof. The provisions of this Law shall apply to the discharge of all wastewater to facilities of the Town's Sewer Districts. This Law provides for use of the Town's Sewer Districts wastewater facilities, regulation of sewer construction, control and the quantity and quality of wastewater discharge, wastewater pre-treatment, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, separate contracts for significant industrial users, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this Law.

(B). In order to establish and operate the Town's Sewer Districts wastewater facilities as a separate utility and to insure its proper operation, repair and maintenance, it shall be the policy of the Town to establish and impose a scale of annual charges for the use of the sewer system or any part or parts thereof. Additionally, the Town shall assess a separate fee for the payment of all debt incurred by the sewer districts, as well as capital improvements and the Town's administration expenses. This fee shall be assessed to all users whose property lines are adjacent to the Town's Sewer District wastewater facilities, whether the users connect to the Town's Sewer District's facilities or not.

(C). The definitions of terms used in this Law are found in Article II.

ARTICLE II

DEFINITION OF TERMS

a. "Act" shall mean the Federal Water Pollution Control Act as amended in the Clean Water Act of 1977 (32USC 1150 et. seq.).

b. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

c. "Building Drain" shall mean that part of the lowest horizontal piping of a sanitary drainage system which receives the discharge from soil, waste, and other sanitary drainage pipes, inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

d. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

e. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

f. "Contamination" shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

g. "EDU" shall mean a dwelling unit classification, which the Town Assessor shall determine on an annual basis, for

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each property located in a Town Sewer District, in accordance with the Real Property Tax Law calendar, in order to determine the fee assessed by the Town for recovery of all debt incurred by the Town Sewer District, capital improvement and the Town's administration expense, against each property located in a Town Sewer District, whether the property owner or occupant is connected to the Town's sewer system or not.

h. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

i. "Industrial Wastes" shall mean the liquid and liquid-borne wastes from any industrial process or from an industrial plant or factory as distinct from sanitary sewage.

j. "Infiltration" shall mean water, other than wastewater, that enters a sewer system (excluding sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is not purposely, designed or built into the sewer or drain.

k. "Inflow" shall mean water, other than wastewater, that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

l. "Interference" shall mean a discharge which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use of disposal and which is a cause of violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude of duration of violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act

(RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA), the Clean Air Act, the Toxic Substance Control Act and the Marine Protection Research and Sanctuaries Act.

m. "Lateral" shall mean sanitary sewer line from the building to the sewer main.

n. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, lake or other body of surface or groundwater.

o. "NYSDEC" shall mean the NYS Department of Environmental Conservation or other duly authorized official of said Department

p. "NYSDOH" shall mean the New York State Department of Health or other duly authorized official of said department.

q. "Operation and Maintenance Administrative Debt Capital Expense" shall mean the additional fee imposed on users of the sewer district and all properties benefitted by the availability of the Town Sewer system for the Town Sewer Districts Operation and Maintenance administrative debt and capital improvements expense.

r. "Person" shall mean any individual, firm, company, association, society, corporation or group.

s. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in gram per liter of solution.

t. "Pollution" shall mean the man-made-induced alteration of the chemical, physical, biological and radiological integrity of water.

u. "Pretreatment" shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CRF 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.

v. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

w. "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the ACT (33 USC 1292). Includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

x. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

y. "Rates" shall mean the sewer rental charge and the district's O+M Administrative Capital Expense.

z. "Receiving Water" shall mean a natural water course or body of water (usually waters of the State) into which treated or untreated sewage is discharged.

aa. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted

bb. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

cc. "Sewer main" shall mean the Town's sanitary sewer lines, which receive and collect sewage from the building owner's laterals and carries said sewage through the Town to the point at which the Village of Malone's Wastewater facilities accepts said sewage.

dd. "Sewer Rents" shall mean the sewer rental charge and the O+M Administrative Capital expense

ee. "Sewer System" shall mean all of the Town of Malone's wastewater facilities of the Town of Malone's Sewer District.

ff. "Sewer Rental Charge" shall mean the charge that is the base sewer rate for all properties located in the Town of Malone Sewer Districts and connected to the Town's sewer system.

gg. "sewer rent" shall mean the rent, rate or charge imposed or levied by the Village for the use of the sewer system or any part or parts thereof. It shall be comprised of two portions; capital debt redemption and operation and maintenance.

hh. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

ii. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

jj. "Shall" is mandatory; "May" is permissive.

kk. "Significant Industrial User" shall mean any user who (1) has a discharge flow of 25,000 gallons or more per average work day, or (2) has a flow greater than 5% of the flow in the municipality's wastewater system or (3) has in his waste toxic pollutants as defined pursuant to Section 307 of the ACT, or (5) is found by the Village to have a significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

ll. "Sludge" shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

mm. "State" shall mean the State of New York.

nn. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface water and

drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

oo. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

pp. "Town" shall mean the Town of Malone.

qq. "Town Code Officer" shall mean the Town Code Officer of the Sewage Works and/or Water works or his authorized deputy, agent, representative or appointee of the Village Board.

rr. "Toxic Substances" shall mean any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to sewer maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, of the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

ss. "United States Environmental Protection Agency or USEPA" shall mean the U.S. Environmental Protection Agency or where appropriate, a designation for the administrator or other duly authorized official of said agency.

tt. "Village" shall mean the Village of Malone.

uu. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

vv. "Wastewater Facilities" shall mean all sanitary sewer lines, pipes, drains, pumps, and all appurtenances thereto, involved in the collection or transmission of sewage.

ARTICLE III

WASTE DISPOSAL

SECTION 1: It shall be unlawful for any persons to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Malone, or on any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.

SECTION 2: It shall be unlawful to discharge to any natural outlet within the Town of Malone, or any area under the jurisdiction of said Town, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

SECTION 3: Septic tanks shall be built in compliance with New York State Department of Health and Department of Environmental Conservation regulations and shall be inspected and approved, prior to initial operation, by the Town of Malone Code Officer.

SECTION 4: Chapter 45 of the Village Code, entitled " Sewer Use", is incorporated herein and made a part hereof and is all of the Town's wastewater facilities shall comply with said Village Code.

SECTION 5: No person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

SECTION 6: No person shall connect a private sewage system so that sewage flows into a storm sewer or into a drain intended exclusively for storm water.

SECTION 7: No person shall discharge sewage into a well.

SECTION 8: It shall be unlawful to discharge to any natural outlet, within the Town of Malone, or in any area under the jurisdiction of the said municipality, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Law.

SECTION 9: No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure, located within a Town Sewer District, requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this Law, is available.

SECTION 10: The use of the Town's Sewer District's public sewers shall be strictly limited and restricted, to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the service area of the Town's Sewer Districts.

ARTICLE IV

CONDITIONS OF SERVICE

(A). Connection. When any person who owns or uses property situated in a Town Sewer District desires to connect with the Town's sewer system, such user shall, prior to any such connection thereto or use thereof, first prepare and file a written application with the Town Clerk on a form furnished by the Town. Such other plans and specifications and other information as deemed necessary by the Code Officer shall accompany said application. The Town Board shall review the application to be determined if it is to be approved. Upon receiving the Town Board's approval, the Town Clerk shall forward the application to the Village for approval by the Village Board. The Village requires an application fee and the applicant is responsible to pay said fee directly to the Village. Upon the Village Board's approval, the connection to the Town's sewer system may be made.

(B). There shall be not be a Town application fee.

(C). The applicant shall pay to the Village a tap-on fee in accordance with the Village of Malone Code.

(D). Non-connection fee. All of the people who own property in the Sewer District who elect not to connect to the Sewer, shall pay an annual fee to the Town, equal to ½ of the EDU for their property classification.

(E). Prior to any excavation, the applicant shall call **DIG SAFELY NEW YORK** at 811 or 1-800-962-7962, for a location request at least two working days but not more than 10 working days before any excavation starts (Excluding holidays and weekends)

1. The applicant must call, regardless of where the excavation is located, whether it is on public or private property; regardless of whether the applicant plans to excavate a few inches or just surface grading. If the applicant moves material, even if the property owner or former property owner claims that the site has no buried facilities, or they know the location of the buried facilities, the applicant must call.

2. The applicant must make sure to have a proper location request, and not to rely on old marks, or another excavator's marks or stake out requests. The applicant shall mark out the area that they plan to excavate with white paint, flags, or stakes. In addition, the applicant shall mark out on his property at their location all underground utilities, including but not limited to water, electric, telephone, gas and sewer.

3. The Town or its representative, upon receiving notice from DIG SAFELY NEW YORK of the applicant's excavation request shall mark forthwith at the proposed excavation site the location of all underground public utilities.

4. Emergencies digs. Emergency digs shall mean any abnormal condition which presents immediate

danger to life or property including discontinuance of a vital utility service necessary for the maintenance of public health and safety. For emergency excavations the applicant shall immediately notify the Town and 811.

ARTICLE V

CONNECTION TO SEWER SYSTEM

SECTION 1. The applicant's connection to the Town's sewer system shall not become effective until the installation is completed to the satisfaction of the Town Code Officer (hereinafter referred to as "Code Officer") and Village Department of Public Works (hereinafter referred to as "DPW"). The Code Officer and DPW shall be allowed to inspect the work at any stage of construction and, in any event, the applicant shall notify the Code Officer and DPW when the work is ready for final inspection and before any underground portions are covered.

SECTION 2. The type, capacities, locations and layout of the private sewage disposal systems shall comply with all recommendations and requirements of the Department of Public Health of the State of New York and the New York State Fire Prevention and Building Construction Code.

ARTICLE VI

PERMITS

SECTION 1. No unauthorized person shall uncover, make any connection with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Code Officer.

SECTION 2. There shall be two (2) classes of building sewer permits:

- (a) for residential and commercial service and
- (b) for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Town Code Officer. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Town at the time the application fee is filed, and shall be charged at the then current fee, as established by the Town Board. No industrial user may be connected to the Town's sewer system until such time as the industrial user enters into an industrial sewer use agreement with the Town and Village of Malone

SECTION 3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The Town shall have the ability to recover costs from any user, if they cause harm to the sewer system.

SECTION 4: A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

ARTICLE VII

MATERIALS AND LATERAL INSTALLATION

SECTION 1:

(A). The following piping materials shall be used for building sewers:

1. SDR Pipe, Class 35 green or equal; or
2. PVC Schedule 40 or sewer pipe standard dimension ratio 21. Stab type fittings and joints with locked in rubber sealing rings meeting ASTM D-1869 or solvent welded joints. Acceptable manufacturers, Johns-Manville, Certainteed, or equal; or
3. Cast Iron Pipe ASA Specification 21 with minimum working pressure of 150 psi, exterior to be coated with coal tar pitch, interior varnished. Fittings and joints to be push on type with rubber seal rings. Acceptable manufacturers U.S. Pipe, Pioneer, or equal.
4. Adapters from one size pipe to another or from one type of material to another shall be designed for the particular union for which it will be used and shall be manufactured by Fernco or by the manufacturer of the pipe being used.
5. All connections shall be made gastight and watertight. Any deviation from the procedures and materials as set forth in this section must be approved by the Town Code Officer before installation.

(B). The mandatory specifications for lateral installation are as follows:

1. Minimum size building sewer pipe shall be 4". All buildings constituting two through four sewer users shall install six inch "minimum" building sewers. All building sewers for more than four combined equivalent users shall be sized by a licensed engineer. All building sewers shall be brought to the building below ground level. When rock interfaces with these installation depths, the pipe may run above the rock whenever a minimum cover of 24" and the minimum slope is maintained.
2. Four inch building sewer pipe shall be installed at a minimum slope of 2% or 5/6" per foot.
3. Six inch building sewer pipe shall be installed at a minimum of 1.5% or 3/16" per foot.
4. All building sewer pipe shall be laid on a 4" bed of #1 crushed stone or gravel, free of stones larger than one inch. The pipe backfill material to a level 12 inches above the pipe shall be free of stones larger than 2". Sandfill is recommended to cover earthen sections that have been removed and gravel is recommended for curb, sidewalk or driveway replacement.
5. All connections shall be made gastight and watertight. Any deviation from the procedures and materials as set forth in this section must be approved by the Town Code Officer before installation.
6. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

7. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(C). The Owner's Responsibility, Initial Installation and Repairs of LATERALS are as follows:

1. The homeowner shall be legally and financially responsible for the installation, connection, repair and maintenance of the lateral from the building to the Town's main sewer line and thus if there are any problems in connection with the lateral, from the building to the main line, it is the owner's responsibility for the repair and maintenance of said lateral.
2. Notwithstanding Paragraph C (1), above, for installation purposes, the owner shall install the lateral from the building to a point determined by the Town, outside of the roadway. To avoid private owners working in the Town roadways, the Town shall make the tap-on connection between the lateral and the main in the roadway and shall install the lateral, in the roadway, from the main to a point, outside of the roadway, on or about the owner's property, at a point determined by the Town, where the owner shall make the connection. Prior to making this final connection, the owner shall notify the Town Code Officer giving one day's prior notice, so that the Code Officer or his representative is present at the final connection for observation and inspection. The homeowner shall be liable to the Town for the Town's labor and materials costs in connection with the lateral installation from the main to outside of the roadway, at or on the owner's property.
3. The applicant for the building sewer permit shall notify the Town Code Officer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by a Town of Malone employee or representative such as a Village of Malone employee.
4. All excavations for sewer lateral installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.
5. Notwithstanding Paragraph C (1) above, the Town shall make all repairs to the lateral which is located in the roadway and the owner shall be responsible for the Town's labor and materials costs. The homeowner shall make all repairs to the lateral from the building to the point at which the final connection was made on or about the owner's property.
6. The homeowner shall be responsible to the Town for all expenses incurred by the Town or its agent, to repair or address problems with the owner's lateral or problems with the Town's sewer mains, caused by the owner's actions or omissions.

ARTICLE VIII

PROPER DISCHARGE

SECTION 1: No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

SECTION 2: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Code Officer.

SECTION 3: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A). Any water or waste that will potentially create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; or any liquid, solids or gases which, by reason of their nature or quantity, are sufficient, either alone, or by interaction with other substances, to cause fire, explosion or be injurious in any other way to the Town's wastewater facility or the operation of Town's wastewater facility. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system, (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

SECTION 4: No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Town's sewer system. These general prohibitions apply to all such users of a the Town's sewer system whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State, or Local Pretreatment Standards or Requirements.

i. Without limiting the generality of the foregoing, a user may not contribute the following substances to the Town's sewer system:

Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with

the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.

ii. No person shall discharge or cause to be discharged, the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Town Code Officer that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Town Code Officer will give consideration to such factors as the quantities of materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(A). Any liquid or vapor having a temperature higher than one hundred fifty degrees F (150°F), (65°C), or in such

quantities that the temperature at the treatment works influent exceeds 90°F, (32°C).

- (B). Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F, (0 to 65° C).
- (C). Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one (1) horsepower or greater shall be subject to the review and approval of the Town Code Officer.
- (D). Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (E). Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

The maximum concentrations of toxic components of industrial or commercial or institutional wastes discharged by any person shall not exceed the following limits:

Parameter	Effluent Concentration Limits (mg/l)	
	30 Day Ave.	24 Day Ave.
Cadmium	0.4	0.8
Hex Chromium	0.2	0.4
Total Chromium	4.0	8.0
Copper	0.8	1.6
Lead	0.2	0.4
Mercury	0.2	0.4
Nickel	4.0	8.0
Zinc	1.2	2.4
Arsenic	0.2	0.4
Available Chlorine	50.0	50.0
Cyanide-free	0.4	0.8
Cyanide-complex	1.6	3.2
Selenium	0.2	0.4
Sulfide	6.0	12.0
Barium	4.0	8.0
Manganese	4.0	8.0
Gold	0.2	0.4
Silver	0.2	0.4
Fluorides		
To Fresh Water	6.0	12.0
To Saline Water	36.0	72.0
Phenol	4.0	8.0

- (F). Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Town Code Officer as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters. A third positive test must be provided.
- (G). Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Code Officer in compliance with applicable State or Federal regulations.
- (H). Any waters or wastes having a pH in excess of 9.0 or less than 5.0.
- (I). Materials which exert or cause:
 1. Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 2. Any odor or color exceeding concentration limits which may be established by the Town for purposes of meeting requirements imposed by the Village.
- (J) Other substances which may be limited are:
 - alkanes, alkenes and alkynes

aliphatic and aromatic alcohols and acids
 aliphatic and aromatic aldehydes and ketones
 aliphatic and aromatic esters
 aliphatic and aromatic halogenated compounds
 aliphatic and aromatic nitro, cyano and amino compounds
 antibiotics
 benzene derivatives
 chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the Town's sewer system, produce toxic, flammable, or explosive compounds
 pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides
 phthalates
 polyaromatic and polynuclear hydrocarbons
 total toxic organics, TTO, as defined in 40 CFR 433.11
 toxic organic compounds regulated by Federal Pretreatment Standards
 unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional

group

viable pathogenic organisms from industrial processes or hospital procedures

SECTION 5: If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this article, and which in the judgment of the Town Code Officer, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town Code Officer may:

- (A). Reject the wastes;
- (B). Require pretreatment to an acceptable condition for discharge to the public sewers;
- (C). Require control over the quantities and rates;
- (D). Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges. If the Town Code Officer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town Code Officer and subject to the requirements of all applicable codes, ordinances and laws, and shall bear the signature of a Professional Engineer licensed to practice in the State of New York.

SECTION 6: Interceptors and Separators

- A). Interceptors and separators shall be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the Town Sewer System.
- B). The size, type and location of each interceptor and of each separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator.
- C). Grease interceptors shall comply with the requirements contained within Article VIII §6 (A) through (F).
- D). At repair garages, car-washing facilities or factories where oily and flammable liquid wastes are produced and in hydraulic elevator pits, separators shall be installed into which all oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying into the building drainage system or other point of disposal that connects to the Town Sewer System.
- E). Sand and similar interceptors for heavy solids shall be designed and located so as to be provided with ready access for cleaning, and shall have a water seal of not less than 6 inches (152mm).
- F). All grease, oil and sand interceptors shall be cleaned and maintained regularly and shall be subject to inspection by the Town Code Officer or his representative.

SECTION 7: Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

SECTION 8: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Law shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples).

SECTION 9: In the event any person accidentally discharges into the sewage works any sewage in violation of this Local Law, he shall immediately notify the Town Code Officer of such discharge. The user shall, within fifteen (15) days of notification, present to the Town Code Officer, a detailed written statement describing the cause of the accidental discharge and what measures the user has taken to prevent a future occurrence. The written notification to the Town Code Officer shall not relieve the person of liability for any expense, loss or damage to the sewage work or for any fines imposed on the Town under applicable State and Federal regulations or for any damages incurred by the Town or the Village.

SECTION 10: The Town Board may reject a user's wastewater, on recommendation of the Code Officer, when it has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the Town's Sewer System and its processes, or on the receiving water, or which constitute a public nuisance or hazard.

ARTICLE IX

MALICIOUS MISCONDUCT

SECTION 1: No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. A charge of disorderly conduct shall be in addition to any other charges which may be brought against the person under any other provision of law which may be applicable.

ARTICLE X

AUTHORITY OF INSPECTION

SECTION 1: The Town Code Officer, Village of Malone, NYSDOH and the NYSDEC, and other duly authorized employees thereof, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Law. If there is reason that the Town Code Officer cannot respond or attend to said issue, then (s)he may elect to contact a Village employee to enter said property for the above referenced purposes. The Town Code Officer, or his representatives, shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on

the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

SECTION 2: The Town shall have the right to set up on a user's property, such devices as are necessary to conduct sampling or metering operations. The Town may, at reasonable times, have access to and copy any records, inspect any monitoring equipment, or method required by Town or Village wastewater discharge laws and sample any effluents which the owner or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay.

SECTION 3: While performing the necessary work on private properties referred to in this local law, the Town Code Officer or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VIII.

SECTION 4: The Town Code Officer, NYSDOH and other duly authorized employees of the Town and Village and officials of the New York State Department of Environmental Conservation, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE XI

SEWER RATES

SECTION 1: The Town does hereby establish and impose a scale of sewer rates for the service rendered by the sewer system to the real property connected and served by the sewer system or benefit by the availability of the sewer system or any part thereof. The rates to be assessed to the customers of the Town Sewer Districts shall be Town charges and each property owner located in the District is ultimately responsible to the Town for the pertinent sewer fees. The rate is comprised of the sewer rental charge and the Operation and Maintenance Administrative Debt Capital Expense.

(B) The sewer rental charge shall be determined in accordance with the provisions of Chapter 46 of the Village of Malone Code, entitled *SEWER RENTS*, which is incorporated herein and made a part hereof. The sewer rental charge is based upon the type of premises being serviced by the sewer system on a unit rate basis. The rental rate is equal to the unit rate (currently \$40.90, and which may be changed from time to time by Village Resolution) multiplied by the Unit Multiplier for Outside the Village for the particular category of premises' usage, as set forth in Section 46-3 of the Village Code.

(C) Additionally, there will be a separate fee assessed by the town, on an annual basis, for the payment of all debt incurred by the sewer district, operation and maintenance, capital improvement and the town's administration expense, associated thereto, entitled Operation and Maintenance Administrative Debt Capital Expense. This fee shall be assessed to all users whose property has the availability of the Town's sewer system, whether the users connect to the water main or not.

(D) The separate fee assessed by the Town, entitled Operation and Maintenance Administrative Debt Capital Expense, shall be established by attributing to each property an equivalent dwelling unit classification of EDU. The Town Assessor shall determine on an annual basis, the EDU for each property located in the sewer district, in accordance with the Real Property Tax Law calendar. If a property owner disagrees with the EDU designation for his (her) property, (s) he may appeal or grieve the designation in the same manner and procedure as (s) he would appeal or grieve his property assessment, as prescribed by the Real Property Law Grievance Procedure.

SECTION 2: The EDU designation for classifications of property located in the Town Sewer Districts are as follows:

TOWN OF MALONE SEWER DISTRICT EDU CHART

Classification or Use	# of Equivalent Dwelling Limits Per Classification
1 One Family Residence	1 Unit
2 Two Family Residence	2 Units
3 For each additional Family or Apartment over listing described	1 Unit
4 Business of Commercial Use without living quarters - (Store)	
(Per 8 employees/clients, Minimum 1 Unit Charge)	1 Unit
5 Commercial Use with living quarters for one family (Add 1 for each 8 employees/clients)	2 Units
6 Commercial Use with living quarters for two families (Add 1 for each 8 employees/clients)	3 Units
7 Churches	1 Unit
8 Restaurant without living quarters (Add 1 for each 8 employees)	1 Unit
9 Restaurant with living quarters for one family (Add 1 for each 8 employees)	2 Units
10 Bar with restaurant (full menu)	3 Units
11 Fast Food Franchise	4 Units
12 Beauty Shops or Barber Shops	1 Unit
13 Laundromat (per washer)	½ Unit
14 Post Office	1 Unit
15 Adult homes (per apartment)	1 Unit

16	Car Wash	3 Units
17	Hotel and Motel (add ½ per room)	1 Unit
18	Vacant lot with no taps	½ Unit
19	Vacant lots with 1 tap (add ½ per tap)	½ Unit

(A) The Town authorizes the Village to bill and collect from each Sewer District User directly, on a quarterly basis, for the sewer rental charge determined in accordance with Chapter 46 of the Village of Malone Code. The sewer rental charge shall be paid directly to the Village. If individual Sewer District users fail to pay their required sewer rental charges, the Village may submit to the Town, on an annual basis, a list of the delinquent customers and the amounts due. The Town shall submit said list of delinquent customers and amounts due to the Franklin County Legislature for re-levy, to be added on the following January's Town and County property tax bill.

i. A new user who comes on-line at any time during a particular quarter of the year shall be responsible for the full quarter's payment and shall not be afforded a pro rata quarterly billing.

(B) The Town shall bill on the Operation and Maintenance Administrative Debt Capital Expenses on the annual Town and County Real Property Tax bill and collect from each user and from each property owner, whose property is benefited by the availability of the Town's Sewer system. In the event that the customer fails to pay said expense, the Town of Malone shall submit the list of delinquent customers and amounts due to the Franklin County Legislature for re-levy to be added on the following January's Town and County property tax bill.

(C) Any user that discharges any toxic pollutants, within the definition of this law, which cause an increase in the cost of managing the effluent or the sludge from the treatment works shall pay for such increased cost, at a rate to be determined by the actual cost of said clean-up or management.

(D) Charges for sewer service will be from the time the tap is made to the sewer main until the location is destroyed or permanently ceases to take service.

i. Sewer rates constitute a lien upon the real property served by the Town's sewer system or benefited thereby its availability to said property, for which sewer rates have been established and imposed. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof.

SECTION 3: The Town Board shall, annually, make necessary revisions to the scale of sewer charges to insure:

- (A). the maintenance of proportional distribution of administrative debt capital operating and maintenance costs among users;
- (B). the generation of sufficient revenues to pay the total administrative debt capital operating and maintenance costs necessary for the proper administration, operation and maintenance of the system;
- (C). that excess revenues collected from users for the cost of administrative debt capital operating and maintenance costs of the system be attributed to the users and the future rate be adjusted accordingly.

ARTICLE XII

VIOLATIONS

SECTION 1: Any person found to be violating any provision of this Law shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2: Any person who shall continue any violation, beyond the time limit provided for in Article IX, shall be guilty of a misdemeanor and on conviction thereof, shall be fined in an amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 3: Any person violating any of the provisions of this Law shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

ARTICLE XIII

INDUSTRIAL USER AGREEMENT

SECTION 1: All significant industrial users shall be regulated by industrial sewer use agreement with the Town and Village of Malone. The industrial sewer use agreement shall be in full effect prior to any discharge by the User.

SECTION 2: The maximum time period for an industrial sewer use agreement to be in effect shall be five (5) years. At the end of such time, the agreement shall be reviewed and reissued with appropriate modifications as may be necessary.

SECTION 3: The industrial sewer use agreement terms and conditions may be subject to modification and change by the Town and Village should conditions warrant. Any change in conditions will allow reasonable time for the industrial user to come into compliance with the modification.

SECTION 4: The industrial sewer use agreement shall not be reassigned or transferred

or sold to a new owner, new user, different premises, or a new or changed operation without approval and review by the Town and Village.

SECTION 5: Should the industrial discharger modify its production and/or process in such a manner that the wastewater characteristics of flow is altered, the industrial discharger shall initiate action to revise or modify the industrial sewer use agreement.

SECTION 6: All new significant industrial users shall submit to the Town and Village of Malone an application to enter into an industrial sewer use agreement on a form as supplied by the Town and Village. The application form will require information concerning volume, constituents and characteristics of wastewater, flow rates, each product produced by type, amount and rate of production, and description of activities, facilities and plant processes on the premises including all materials processed and types of materials which are or could be discharged. The Town shall implement measures to insure the confidentiality of information provided by an industrial discharger pursuant to this Law.

SECTION 7: Significant industrial users shall be furnished and shall permanently post on the industrial users bulletin board, a notice advising employees whom to call in case of an accidental discharge in violation of this Law. Copies of this Law shall be made available to the

user's employees.

SECTION 8: When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Town.

SECTION 9: Any person who knowingly makes any false statements, representation, record, report, plan or other documentation filed with the municipality or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law, shall be punished as a Class B misdemeanor.

SECTION 10: The Town shall be authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements or provisions of the Law or the wastewater discharge permit to:

- (A). Comply forthwith; or
- (B). Comply in accordance with a time schedule set forth by the Town; or
- (C). Take appropriate remedial or preventive action in the event of a threatened violation.

SECTION 11: The Town shall have the authority to revoke any wastewater discharge agreement or terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this Law is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination or pollution as defined in this Law.

ARTICLE XIV

SEVERABILITY

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE XV

ENACTMENT

This Local Law, after passage, approval, recording and publication, shall take effect upon filing with the Secretary of State pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

Discussion: Supervisor Maneely thanked Lillian Anderson-Duffy, Town Attorney for her effort in completing this matter. Attached is the Town of Malone Sewer Use Law.

NEPA forms for Micro Enterprise Grant 2011

Motion – Deputy Supervisor, Paul Walbridge

Second – Councilor Taylor

Resolved (# 107 -2012): Resolution to designate a certifying officer for the environmental review pursuant to the national environmental policy act of 1969 NEPA of the town of Malone's 2011 microenterprise program provided by a NYS community development block grant (NYSCDBG) project number 689ME6327-11 and to classify said project in accordance with NEPA ; and Categorically Excluded under 24 CFR 58.35(b); to submit forms to Jessica Henderson at the OCR office.

Resolution #107

RESOLUTION TO DESIGNATE A CERTIFYING OFFICER FOR THE ENVIRONMENTAL

REVIEW PURSUANT TO THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 NEPA OF THE TOWN OF MALONE'S 2011 MICROENTERPRISE PROGRAM PROVIDED BY A NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT (NYSCDBG) PROJECT NUMBER 689ME6327-11 AND TO CLASSIFY SAID PROJECT IN ACCORDANCE WITH NEPA

WHEREAS the Town of Malone has received a Community Development Block Grant for a Microenterprise Program, Project Number 689ME6327-11 and must comply with NEPA.

NOW THEREFORE BE IT RESOLVED that:

1. The Town Supervisor, Howard Maneely, shall be designated as the Certifying Officer to be responsible for all activities associated with the NEPA environmental process for the aforesaid project.
2. The said project shall be classified, for purposes of NEPA, as Categorically Excluded under 24 CFR 58.35(b) as the funded activities relate solely to economic development without any construction or changes in zoning aspects.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

SUPERVISOR REPORTS:

From Congressman Owens – a DEC response to his inquiry of Lower Park Street Flooding issue.

Reveived design for NYSDOT truck inspection station. Supervisor Maneely said the next step

is to check with FAA. There will be no cost to the Town. Councilor Sullivan suggested the Town to help in kind service with a few loads once in a while. Councilor Scharf stated to definitely check with the FAA.

Reminder Memorial Day Parade is Monday, May 28th – all board members invited to attend.

Hydrant complaint clean up work has been completed at Mr. Thomas Fralick's residence Rt. 11. Supervisor Maneely thanked Highway Superintendent, Tom Shanty for completing this task as the contractor is out of town. Supervisor Maneely stated it wasn't just the hydrant work; there had also been a wash out on Rt. 11. Supervisor Maneely apologized to the town for this issue not being taken care of before.

Committee for Code Officers: Mayor Lepine wants to set up committee for meetings with Code Officers to include the village and the town. This committee will include Deputy Supervisor Walbridge, Councilor Scharf, Councilor Riccio and Councilor Marlowe.

SUPERINTENDENT OF HIGHWAYS REPORT:

Superintendent of Highways, Tom Shanty reported it has been busy, shoulders all cut and ditches dug on Shears Road and Lovers Lane Road, snow plows torn apart, started mowing, grading dirt roads, preparing for dust control next Tuesday. Clean up in river on Whitten Road. Three ton of garbage taken to the dump from illegal dumping. Seeking restitution. Supervisor Maneely and Deputy Supervisor Walbridge thanked the men for clean up. Not a pleasant job to have to complete.

BOARD MEMBER/COMMITTEE REPORTS:

Councilor Scharf reported she received a call from Phil Smith from Avalon Associates in regard to being qualified to apply for town wide housing grant for home owners and/or landlords. We have been turned down for others in the past. This will be just our application. Village will be considered part of the town so we will get a better score. Everyone is in favor of clean up. Applications are much more complicated now. You have to have a project to apply with. Deadline to apply is July 1st. After discussion all were in favor of supporting Phil Smith from Avalon Associates to begin preparing to apply.

Motion – Deputy Supervisor Walbridge

Second – Councilor Taylor

Resolved (# 108 -2012): that the Town Board of the Town of Malone will support Phil Smith from Avalon Associates to begin to prepare to apply for the town wide housing grant.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

Councilor Scharf stated the time is advertised wrong for Town Board meetings in the calendar of the Telegram. Arianna MacNeill, Malone Telegram said she will look into this and have it corrected.

Councilor Sullivan reported an email from Jerry Abraham, Attorney and another gentleman wanting our support as he is teaming up to go to the Public Service Commission with reasonable site regulations regarding energy.

Motion – Councilor Sullivan

Second – Deputy Supervisor Walbridge

Resolved (# 109 -2012): that the Town Board of the Town of Malone will support reasonable site regulations regarding energy and Councilor Sullivan will represent the Town Board.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

Councilor Sullivan reported Rotary is seeking support from both Village and Town of Malone for a grant for the Rec Park to revamp playground equipment and add a small water park.

Motion – Councilor Sullivan

Second – Councilor Taylor

Resolved (# 110 -2012): the Malone Town Board will support Rotary seeking a grant for the Rec Park to revamp playground equipment and add a small water park.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

Deputy Supervisor Walbridge reported the second micro enterprise meeting was completed. Went through all applications. Boyce Sherwin, Consultant has kept very good records. Theme Mr. Sherwin pushes is “Believe in Business” in community. \$170,000 for local business such as: pet boutique, lawn care/snow removal, camp open and close business, recycling, etc. Great applications. Councilor Sullivan agreed, excellent committee with lots of input.

CORRESPONDENCE:

From NYSDOT – Safe Routes to School Program information.

Tim Burley correspondence stating we got turned down for hardship funding for sewer project. Supervisor Maneely stated there will be a low interest loan for project.

Councilor Scharf asked to switch court committee to Councilor Taylor. Councilor Scharf is too busy on other committees. Councilor Taylor accepted. Supervisor Maneely approved this change. The Court Committee is Councilor Sullivan and Councilor Taylor.

Franklin County Treasurer – Mortgage Tax received \$34,797.06. Councilor Scharf asked what this money is from. Andrea Stewart, Budget Officer explained it is received twice per year. It is from monies from housing and land sales in the town of Malone. \$80,000 was budgeted for this year. Equalization rate is 84.75 percent.

EXECUTIVE SESSION:

At 6:32pm * Motion – Supervisor Maneely

Second – Deputy Supervisor Walbridge

Resolved (# 111 - 2012) that the Town Board enters into Executive Session pertaining to current litigation and personnel matter, with Board Members, Highway Superintendent, Budget Officer Stewart and Attorney to be present.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye

At 6:45pm, Town Attorney, Highway Superintendent and Budget Officer were excused from executive session.

At 6:55pm, Deputy Supervisor Walbridge invited Amy Hewitt, Assessment Assistant into executive session. Executive session ended at 6:56 and regular session resumed.

Supervisor Maneely stated Wayne Cashman, Assessor will retire 6/25/12. His position will be advertised.

Motion – Deputy Supervisor, Paul Walbridge

Second – Councilor Taylor

Resolved (# 112 -2012): To advertise for Part-time Assessor position in the

Telegram and Press Republican. Deadline Friday, June 8th.

CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye
Councilor Scharf asked who will review the applicants. Supervisor Maneely stated the Assessment committee is Councilor Scharf and Deputy Supervisor Walbridge.

Pilots Association - Supervisor Maneely thanked the pilot association for their cooperation in resolving issues with airport construction. Meetings went very well. Chris Forrester, Pilot was in attendance and will pass it along to the pilots. Thank them for their cooperation and support.

BILLS FOR AUDIT & PAYMENT:

Motion – Councilor Taylor

Second – Councilor Scharf

Resolved (# 113 -2012): that the following bills, having been audited, vouchers #442 – 469, be paid:

General Fund- Abstract #10	\$ 2,979.57
Part Town General – Abstract #9	101.16
Trust & Agency - Abstract #18	29,447.82
CDBG – Abstract #3	500.00
Chips – Abstract #3	983.56
Airport Capital Project - Abstract #5	11,894.70
Highway DB – Abstract #9	<u>2,508.84</u>
Grand Total	\$ 48,415.65

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

ADJOURN:

At 7:04 pm Motion – Deputy Supervisor Walbridge

Second – Councilor Sullivan

Resolved (# 114 -2012): there being no further business to come before the Board that it adjourn, with the next regular meeting to be held June 13th 2012, at 6:00pm. IDA meeting to precede at 5:15 pm, June 13th.

**CARRIED (5 - 0) – Supervisor Maneely - Aye Deputy Supervisor Walbridge – Aye
Councilor Sullivan - Aye Councilor Taylor - Aye Councilor Scharf - Aye**

RESPECTFULLY SUBMITTED,

SHERRI L. SMITH, DEPUTY TOWN CLERK
May 30, 2012

: