

May 9, 2023

**RESOLUTION
#2023-159
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: ADOPTION OF LOCAL LAW 2 of 2023

WHEREAS, the Town Board of the Town of Moreau (“Board”) is considering the adoption of Local Law No. 2 of 2023. Local Law No. 2 of 2023, as proposed, adds Article IX: Restrictions, Ground Water Use, Area 1 and 2 to Chapter 145 of the Code of the Town of Moreau, and

WHEREAS, the Board finds that the adoption of Local Law No. 2 of 2023 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

WHEREAS, the Board finds that the adoption of Local Law No. 2 of 2023 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 2 of 2023 was properly noticed in the newspaper and posted, and was duly conducted on May 9, 2023, at the Town Municipal Complex; and

WHEREAS, the Board considered the public comments made at the public hearing; and

WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 2 of 2023; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 2 of 2023, which amends the law as stated above; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

MOTION: Councilmember Noonan
SECOND: Councilmember Stewart

<u>Roll Call</u>	<u>AYE</u>
Councilman Van Tassel:	X
Councilman Stewart:	X
Councilman Donohue:	X
Councilman Noonan:	X
Supervisor Kusnierz:	X

I hereby certify that this Resolution was duly adopted by the Town Board of the Town of Moreau at a regular meeting of the Board conducted on May 9, 2023.

By:

Brenda Hutter
Town Clerk

ARTICLE IX
Restrictions, Ground Water Use, Area 1 and 2

§50. Restrictions, Ground Water Use, Area 1 and Area 2.

A. Use of ground water for any purpose in Area 1 as designated on the attached map which was incorporated within a Stipulation and Order of Settlement bearing Civil Action No. 88-CV-934 and filed in the United States District Court on October 4, 1999 is prohibited:

1. The boundary of Area 1 within the Consolidated Water District is depicted on the map attached and incorporated herein.
2. It shall be unlawful for any person to use a well, well water or ground water in Area 1 for any purpose whatsoever.
3. A double check valve assembly (DVCA), or other device approved by the Superintendent, must be properly installed on the owner's side of the meter prior to any connection to the system. This configuration is necessary to prevent any possible transfer of contamination from the owner's plumbing to the system.

Note: All new service connections to the system within Area 1 must have a cross-connection control device installed. All preexisting connections to public water systems within Area 1 must install a cross-connection control device as soon as practicable but not later than 24 months after the effective date of this local law.
4. Any person who violates the water prohibition in Area 1, shall upon conviction thereof, be subject to a fine of up to \$500.00 per violation. Each day for which a violation continues shall be considered a separate violation.

B. Prohibitions on certain uses of ground water in Area 2 as designated on the attached map which was incorporated within a Stipulation and Order of Settlement bearing Civil Action No. 88-CV-934 and filed in the United States District Court on October 4, 1999 are as follows:

1. The boundary of Area 2 within Consolidated Water District is depicted on the map attached and incorporated herein.
2. It shall be unlawful for any person to use a well, well water or ground water in or from Area 2 for drinking, bathing or cooking or for ingestion or human consumption.
3. A double check valve assembly (DVCA), or other device approved by the Superintendent, must be properly installed on the owner's side of the meter prior to any connection to the system. This configuration is necessary to prevent any possible transfer of contamination from the owner's plumbing to the system.
4. Any person who violates the water prohibition in Area 2, shall, upon conviction thereof, be subject to a fine of up to \$500.00 per violation. Each day for which a violation continues shall be considered a separate violation.

FIGURE 1



SCALE: 1"=2000'
2000' 1000' 0 2000'

POTENTIAL
WATER SERVICE AREAS

Original drawing created by:



BLASLAND & BOCKHEIM ENGINEERS, P.C.
ENGINEERS & ARCHITECTS

As modified by:



Streamis & Wheeler, LLC
ENVIRONMENTAL ENGINEERS & SCIENTISTS

