

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
February 21, 2017

ATTENDANCE:

Members: President G. Wayne McIlroy and Deputy President Michael Astafan and Trustees Rebecca Vary and Linda Smith-Spencer. Trustee Marco Franchini was excused.

Others: Edgar Countryman, DPW Superintendent; Reginald Huber, Police Chief; Mark Gebo, Village Attorney; Elaine Avallone, Johnson Newspapers; Kathy Amyot, Tug Hill Commissions; Richard Moses, Jr. and Courtney Simmons.

CALL TO ORDER:

President McIlroy called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

Motion by Deputy President Astafan and seconded by Trustee Vary to approve the minutes of the January 17, 2017 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Ms. Amyot stated several communities have amended their zoning laws to integrate the new MS4 requirements. President McIlroy stated there are two public hearings beginning at 6:10 p.m. regarding the new MS4 requirements. Ms. Amyot stated the Town of Champion is progressing with updating their comprehensive plan and she is meeting with the Town of Wilna to begin updating their plan. Ms. Amyot expressed the Tug Hill Commissions is looking for feedback from the communities regarding moving the date of the Local Government Conference from March to June.

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Vary to approve the request of Ed Murphy from Grace Episcopal Church in Carthage to use Turning Point Park for their annual Easter Sunrise Service on April 16, 2017 to commence at 6:00 a.m. providing it doesn't conflict with any previously scheduled events. Motion carried unanimously.

Mr. Moses explained the correspondence he submitted regarding using the ball fields for church softball. Mr. Moses stated he will forward a current copy of their certificate of liability insurance when it becomes available.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to permit Mr. Moses and his church to use one of the fields at the Carthage Park from May to August on Saturdays from 9:00 a.m. until 12:00 p.m. providing their games do not conflict with kids baseball games and further, a certificate of insurance is submitted. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to permit the St. James Church to host their 43rd annual fair on June 22, 23, and 24, 2017 to include closing off through traffic on West Street from the corner of South Mechanic to the corner of South School Street and posting banners on Village property on State Street at both ends of the Village. Motion carried unanimously.

PUBLIC HEARINGS:

President McIlroy called the first public hearing to order to consider the adoption of a local law to amend Chapter 59 as it relates to campers, travel trailers, motor homes or recreational vehicles and using the same as long term residences to order at 6:10 p.m. President McIlroy asked two times if there

was anyone to speak either for or against the local law. With no one speaking, there was a motion by Trustee Vary and seconded by Trustee Smith-Spencer to close the hearing at 6:11 p.m. Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Local Law #3 of 2017 as follows:

A local law to amend a Chapter 59 to the Village Code of the Village of Carthage.

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it under Article 4 of the Village Law in Sections 10 and 20 of the Municipal Home Rule Law hereby enact as follows:

Article 2. - Statement of Purpose and Findings. The Board of Trustees of the Village of Carthage hereby finds that the current restrictions on campers, travel trailers, motor homes or recreational vehicles in the Village is too broad and that further restrictions are necessary in order to accomplish the purposes of the Village that such campers, travel trailers, motor homes or recreational vehicles may not be used as long term residences. It is the purpose of this local law to accomplish the same and to impose appropriate penalties for violations.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Section 59-3 of the Village of Carthage Code and as amended restates as follows:

A. Section 59-3 Term of Permit

No permit shall be issued pursuant to this Chapter for a period of longer than fourteen (14) days. Such permits may be issued for any single parcel in a given year provided that there shall be no more than one active permit per parcel at any time. There shall be no more than three (3) permits per property per year

B. Section 59-5 Penalties for Offenses is hereby amended and as amended restated as follows:

Penalties for Offenses

Any person in violation of this Chapter shall be guilty of a violation. Upon a finding that a violation has occurred, the Court may impose a fine not to exceed \$250.00 for each and every violation. Each day a violation continues shall be considered a separate violation. The Village may also consider whether to seek injunctive relief in a Court of competent jurisdiction. Such relief shall not be precluded by the fact that fines have also been sought in local Court.

Article 4. Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. Effective Date. This local law shall take effect upon filing with the New York State Department of State.

Motion carried unanimously.

President McIlroy called the second public hearing to order to consider the adoption of a local law to Prohibit Illicit Discharges, Activities and Connection to Separate Storm Sewer System to order at 6:12 p.m. President McIlroy asked two times if there was anyone to speak either for or against the local law.

With no one speaking, there was a motion by Deputy President Astafan and seconded by Trustee Vary to close the hearing at 6:13 p.m.

Motion by Trustee Vary and seconded by Deputy President Astafan to adopt Local Law #4 of 2017 as follows:

**Model Local Law to
Prohibit Illicit Discharges, Activities and
Connections to
Separate Storm Sewer System**

92-1. PURPOSE/INTENT.

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the **Village of Carthage** through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit Illicit Connections, Activities and Discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

92-2. DEFINITIONS.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

- A. **Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- B. **Clean Water Act.** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- C. **Construction Activity.** Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- D. **Department.** The New York State Department of Environmental Conservation.

- E. **Design professional.** New York State licensed professional engineer or licensed architect.
- F. **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- G. **Illicit Connections.** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:
 - 1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - 2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- H. **Illicit Discharge.** Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this law.
- I. **Industrial Activity.** Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.
- J. **MS4.** Municipal Separate Storm Sewer System.
- K. **Municipal Separate Storm Sewer System.** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - 1. Owned or operated by the **Village of Carthage**;
 - 2. Designed or used for collecting or conveying stormwater;
 - 3. Which is not a combined sewer; and
 - 4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2
- L. **Municipality. Village of Carthage.**
- M. **Non-Stormwater Discharge.** Any discharge to the MS4 that is not composed entirely of stormwater.
- N. **Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- O. **Pollutant.** Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.
- P. **Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- Q. **Special Conditions.**
 - 1. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation

of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

2. 303(d) Listed Waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
3. Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
4. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

R. **State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge**

Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

S. **Stormwater.** Rainwater, surface runoff, snowmelt and drainage.

T. **Stormwater Management Officer (SMO).** An employee, the municipal engineer or other public official(s) designated by the **Village of Carthage** to enforce this local law. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

U. **303(d) List.** A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

V. **TMDL.** Total Maximum Daily Load.

W. **Total Maximum Daily Load.** The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

X. **Wastewater.** Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

92-3. APPLICABILITY.

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

92-4. RESPONSIBILITY FOR ADMINISTRATION.

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

92-5. SEVERABILITY.

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

92-6. DISCHARGE PROHIBITIONS.

A. **Prohibition of Illegal Discharges.** No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Section 6.1.1. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
2. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.
3. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
4. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. **Prohibition of Illicit Connections.**

1. The construction, use, maintenance or continued existence of illicit connections to

the MS4 is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

92-7. PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

1. The backup of sewage into a structure.
2. Discharges of treated or untreated sewage onto the ground surface.
3. A connection or connections to a separate stormwater sewer system.
4. Liquid level in the septic tank above the outlet invert.
5. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
6. Contamination of off-site groundwater.

92-8. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER

- A. Activities that are subject to the requirements of this section are those types of activities that:
 1. Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 2. Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 92-2 (Definitions) of this local law.
- B. Such activities include failing individual sewage treatment systems as defined in Section 92-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

92-9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

A. Best Management Practices

Where the SMO has identified illicit discharges as defined in Section 92-2 or activities contaminating stormwater as defined in Section 92-8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

1. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.
2. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 92-2 or an activity contaminating stormwater as defined in Section 92-8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or

eliminate the source of pollutant(s) to the MS4.

3. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

92-10. SUSPENSION OF ACCESS TO MS4.

Illicit Discharges in Emergency Situations.

- A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

92-11. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.92-12. ACCESS AND MONITORING OF DISCHARGES.

- A. **Applicability.** This section applies to all facilities that the SMO must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.
- B. **Access to Facilities.**
 1. The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 2. Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.
 3. The municipality shall have the right to set up on any facility subject to this law such

devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

4. The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
6. If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

92-13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

92-14. ENFORCEMENT.

- A. **Violation.** It shall be unlawful for any person to violate any provision or fail to comply with any requirements of this law.
- B. **Notice of Violation.** When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
 1. The elimination of illicit connections or discharges;
 2. That violating discharges, practices, or operations shall cease and desist;
 3. The abatement or remediation of stormwater pollution or contamination hazards

- and the restoration of any affected property;
4. The performance of monitoring, analyses, and reporting;
 5. Payment of a fine; and
 6. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- C. **Appeal of Notice Violation.** Any person receiving a Notice of Violation may appeal the determination of the SMO to the **Village Engineer** within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.
- D. **Corrective Measures After Appeal.**
1. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
 2. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

100.15.PENALTIES/REMEDIES

- A. **Penalties** In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$920) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- B. **Alternative Remedies.** Where a person has violated a provision of this Law, he/she may

be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:

1.
 - (a) The violation was unintentional
 - (b) The violator has no history of pervious violations of this Law.
 - (c) Environmental damage was minimal.
 - (d) Violator acted quickly to remedy violation.
 - (e) Violator cooperated in investigation and resolution.
2. Alternative Remedies may consist of one or more of the following:
 - (a) Attendance at compliance workshops
 - (b) Storm drain stenciling or storm drain marking
 - (c) River, stream or creek cleanup activities

A. Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

B. Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Remedies Not Exclusive. The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

92-16. ADOPTION OF LAW.

This law shall be in full force and effect days after its final passage and adoption. All prior laws and parts of law in conflict with this law are hereby repealed.

Motion carried unanimously.

President McIlroy called the second public hearing to order to consider the adoption of a local law entitled Storm Water Management and Erosion and Sediment Control Law, to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public to order at 6:13 p.m. President McIlroy asked two times if there was anyone to speak either for or against the local law. With no one speaking, there was a motion by Deputy President Astafan and seconded by Trustee Vary to close the hearing at 6:13 p.m.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to adopt Local Law #5 of 2017 as follows:

Village of Carthage

Storm Water Management and Erosion and Sediment Control Law

Chapter 121

Article 1. General Provisions

Section 121-1. Findings of Fact

It is hereby determined that:

- 1.1 Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or

sediment transport and deposition;

- 1.2 This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- 1.3 Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 1.4 Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- 1.5 Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- 1.6 Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- 1.7 Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- 1.8 The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- 1.9 Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Section 121-2. Purpose

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- 2.1 Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- 2.2 Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- 2.3 Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- 2.4 Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- 2.5 Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- 2.6 Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Section 121-3. Statutory Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Village of Carthage has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Village of Carthage and for the protection and enhancement of its physical environment. The Village of Carthage may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 121-4. Applicability

- 4.1 This local law shall be applicable to all land development activities as defined in this local law, Article 2, Section 1.
- 4.2 The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Village, to engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.
- 4.3 All land development activities subject to review and approval by the Village of Carthage under the Village of

Carthage Zoning Law and the Village of Carthage Subdivision Law shall be reviewed subject to the standards contained in this local law

- 4.4** All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

Section 121-5. Exemptions

The following activities may be exempt from review under this law.

- 5.1** Agricultural activity as defined in this local law.
- 5.2** Silvicultural activity except that landing areas and log haul roads are subject to this law.
- 5.3** Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- 5.4** Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- 5.5** Any part of a subdivision if a plat for the subdivision has been approved by the Village of Carthage on or before the effective date of this law.
- 5.6** Land development activities for which a building permit has been approved on or before the effective date of this law.
- 5.7** Cemetery graves.
- 5.8** Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- 5.9** Emergency activity immediately necessary to protect life, property or natural resources.
- 5.10** Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- 5.11** Landscaping and horticultural activities in connection with an existing structure.

Article 2. Stormwater Control

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Section 121-6. Definitions

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Applicant - a property owner or agent of a property owner who has filed an application for a land development activity.

Building - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing - any activity that removes the vegetative surface cover.

Dedication - the deliberate appropriation of property by its owner for general public use.

Department - the New York State Department of Environmental Conservation

Design Manual - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

Developer - a person who undertakes land development activities.

Erosion Control Manual - the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

Grading - excavation or fill of material, including the resulting conditions thereof.

Impervious Cover - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Stormwater Permit - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration - the process of percolating stormwater into the subsoil.

Jurisdictional Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project - land development activity

Recharge - the replenishment of underground water reserves.

Sediment Control - measures that prevent eroded sediment from leaving the site.

Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES General Permit for Construction Activities GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Stormwater - rainwater, surface runoff, snowmelt and drainage

Stormwater Hotspot - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices

Stormwater Management Practices (SMPs) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York

and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

Section 121-7. Stormwater Pollution Prevention Plans

7.1 Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

7.2 Contents of Stormwater Pollution Prevention Plans

- 7.2.1 All SWPPPs shall provide the following background information and erosion and sediment controls:
1. Background information about the scope of the project, including location, type and size of project.
 2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
 3. Description of the soil(s) present at the site;
 4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
 5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill -prevention and response;
 7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 10. Temporary practices that will be converted to permanent control measures;
 11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 13. Name(s) of the receiving water(s);
 14. Delineation of SWPPP implementation responsibilities for each part of the site;
 15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree

attainable; and

16. Any existing data that describes the stormwater runoff at the site.

7.2.2 Land development activities as defined in Section 1 of this Article and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 2.2.3 below as applicable:

Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

7.2.3 SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law
2. Description of each post-construction stormwater management practice;
 3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms
 5. Comparison of post-development stormwater runoff conditions with pre-development conditions
 6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 7. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
 8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
 9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 2, Section 4 of this local law.
 10. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.

7.3 Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

7.4 Contractor Certification

7.4.1 Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

7.4.2 The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

7.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

7.5 A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

Section 121-8. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

8.1 Technical Standards

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

- 8.1.1 The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
- 8.1.2 New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

28.2 Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Article 2, Section 3.1 and the SWPPP shall be prepared by a licensed professional.

8.3 Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

Section 121-9. Maintenance, Inspection and Repair of Stormwater Facilities

9.1 Maintenance and Inspection during Construction

- 9.1.1 The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
- 9.1.2 For land development activities as defined in Section 1 of this Article and meeting Condition A, B or C in Section 2.2.2, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.

9.2 Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Carthage to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Carthage.

9.3 Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- 9.3.1 A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
- 9.3.2 Written procedures for operation and maintenance and training new maintenance personnel.
- 9.3.3 Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, section 3.3.

9.4 Maintenance Agreements

The Village of Carthage shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior

to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement. The Village of Carthage, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Article 3. Administration and Enforcement

Section 121-10. Construction Inspection

10.1 Erosion and Sediment Control Inspection

The Village of Carthage Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Carthage enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- 10.1.1 Start of construction
- 10.1.2 Installation of sediment and erosion control measures
- 10.1.3 Completion of site clearing
- 10.1.4 Completion of rough grading
- 10.1.5 Completion of final grading
- 10.1.6 Close of the construction season
- 10.1.7 Completion of final landscaping
- 10.1.8 Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

10.2 Stormwater Management Practice Inspections

The Village of Carthage Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

10.3 Inspection of Stormwater Facilities after Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

10.4 Submission of Reports

The Village of Carthage Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

10.5 Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Village of Carthage the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 1.3.

Section 121-11. Performance Guarantee

11.1 Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Carthage in its approval of the Stormwater Pollution Prevention Plan, the Village of Carthage may require the applicant or developer to provide, prior to construction, a performance bond, cash

escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Carthage as the beneficiary. The security shall be in an amount to be determined by the Village of Carthage based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Carthage, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Village of Carthage. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

11.2 Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Carthage with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Carthage may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

11.3 Recordkeeping

The Village of Carthage may require entities subject to this law to maintain records demonstrating compliance with this law.

Section 121-12. Enforcement and Penalties

12.1 Notice of Violation.

When the Village of Carthage determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- 12.1.1 the name and address of the landowner, developer or applicant;
- 12.1.2 the address when available or a description of the building, structure or land upon which the violation is occurring;
- 12.1.3 a statement specifying the nature of the violation;
- 12.1.4 a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;
- 12.1.5 a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- 12.1.6 a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

12.2 Stop Work Orders

The Village of Carthage may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Village of Carthage confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

12.3 Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

12.4 Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years,

punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation.

12.5 Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

12.6 Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Carthage may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 121-13. Fees for Services

The Village of Carthage may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Carthage or performed by a third party for the Village of Carthage.

Article 4. Amendment of Subdivision Law

1. Chapter 135 of the Village of Carthage Code is hereby amended to add the following Section 135-6 B. (1) (h):
(h) A draft stormwater pollution prevention plan (SWPPP) as defined by, and consistent with the standards of the Village of Carthage Stormwater Management and Erosion and Sediment Control Law, where required.
2. Chapter 135 of the Village of Carthage Code is hereby amended to add the following Section 135-7 B. (1) (p):
(p) A draft stormwater pollution prevention plan (SWPPP) as defined by, and consistent with the standards of the Village of Carthage Stormwater Management and Erosion and Sediment Control Law, where required.
3. Chapter 158 of the Village of Carthage Code is hereby amended to add the following language at the end of subdivision 158-66 B(1). A draft stormwater prevention plan (SWPPP) as defined by and consistent standards of the Village of Carthage Stormwater Management and Erosion and Sediment Control Law 9 (Chapter 121), shall be provided where required.
4. Chapter 158 of the Village of Carthage Code is hereby amended to add the following Subsection p to Section 158-142(1). P, is a draft stormwater prevention plan (SWPPP) as defined by and consistent with the standards of the Village of Carthage Stormwater Management and Erosion and Sediment Control Law (Chapter 121) where required.
5. Chapter 158 of the Village of Carthage Code is hereby amended to add the following language at the end of Section 158-150(a). Additionally, a draft stormwater prevention plan (SWPPP) as defined by, and consistent with the standards of the Village of Carthage Stormwater Management and Erosion and Sediment Control Law (Chapter 121) is provided where required.

Article 5. Severability and Effective Date

1. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

2. Effective Date

This local law shall be effective upon filing with the office of the Secretary of State.

Schedule A

Stormwater Management Practices Acceptable for Water Quality (From: New York State Stormwater Management Design Manual, Table 5.1)		
Group	Practice	Description
	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.

Pond	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Motion carried unanimously.

EXECUTIVE SESSION:

Motion by Trustee Vary and seconded by Deputy President Astafan to enter Executive Session at 6:13 p.m. to discuss Attorney/Client privilege items to include Attorney Gebo and Chief Huber. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to resume Regular Session at 6:32 p.m. Motion carried unanimously.

Mr. Countryman, Ms. Avallone, and Simmons re-entered the meeting.

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Vary to approve the request of the Carthage Area Chamber of Commerce to host their second annual block party on Thursday, June 1, 2017 between the hours of 4:00 p.m. and 8:00 p.m. in the parking lot of the Town of Wilna, the Carthage American Legion, and Fuller Insurance Agency to include blocking South School Street and further waiving the open contain ordinance within the area as long as a certificate of insurance is provided. Motion carried unanimously.

After considerable discussion, there was a motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to deny the request of Lori Nettles to reduce or forgive the CDBG loan received by her mother, Alice Burrell who recently passed away, as loans have not been reduced or forgiven in the past without documented hardship. Motion carried unanimously.

President McIlroy read the correspondence received from the Water Superintendent stating that Timothy Steiner received his Grade IIA Water License Certificate from the Department of Health effective February 3, 2017. President McIlroy instructed the Clerk/Treasurer to begin paying Mr. Steiner the water license stipend in the amount of \$40.00 per week per the DPW Union Contract effective February 5, 2017.

Motion by Deputy President Astafan and seconded by Trustee Vary to appoint Debbie Austin to the Joint Zoning Board of Appeals for a four year term effective January 1, 2017 - December 31, 2021. Motion carried unanimously.

President McIlroy read the correspondence from ISO regarding the building code effectiveness grading schedule results which resulted in a building code effectiveness grading classification of four for one and two family residential property and commercial and industrial property.

President McIlroy read the correspondence from Young Energy Services, LLC regarding FERC Project No. 10887 Carthage Paper Makers Mill Project Relicensing and stated it is for the boards information.

President McIlroy read the correspondence received from The Missing Link Snowmobile Club, Inc. regarding their landowner appreciation BBQ on February 24, 2017 which includes two free dinners. President McIlroy encouraged Trustees to contact The Missing Link Snowmobile Club, Inc. if they are interested in the dinners.

OLD BUSINESS:

At the July 18, 2016 meeting, President McIlroy read the correspondence received regarding a dangerous tree at 602 Alexandria Street and stated he would follow up with the CEO.

Update 08/15/16: Attorney Gebo stated a violation notice has been sent to the property owner and no response has been received therefore Deputy President Astafan requested the Clerk/Treasurer to hold this over until the September 19, 2016 meeting.

Update 09/19/16: The CEO submitted correspondence stating the property owner is looking into removing the tree and he should have an update at the October 3, 2016 meeting.

Update 10/03/16: President McIlroy stated the CEO informed him that National Grid and Eager Beaver plan to remove the tree on Friday.

Update 10/17/16: President McIlroy asked the Clerk/Treasurer if she spoke with the CEO. The Clerk/Treasurer stated she spoke with the CEO and a portion of the tree has been removed by National Grid and the CEO left a message for the property owner requesting the status of the remaining portion of the tree.

Update 11/07/16: President McIlroy requested the Clerk/Treasurer to hold this over until Attorney Gebo is present at the November 21, 2016 meeting.

Update 11/21/16: President McIlroy expressed that it has been over a month since the CEO has heard from the property owner regarding the removal of the tree. President McIlroy asked Attorney Gebo what the Board's options are and Attorney Gebo expressed they should have an Evidentiary Hearing to give the property owner a chance to voice his concerns. President McIlroy expressed he will get back to Attorney Gebo set a date and time for the hearing.

Update 12/05/16: President McIlroy stated Mr. Countryman contacted Glen Rogers who is an Arborist, to check the health of the tree and he will have a report by the end of the week.

Update 12/19/16: President McIlroy read the report received from Mr. Rogers regarding the health of the tree which he stated is in fair to poor condition. Mr. Ball stated he considers the tree to be dangerous and should be removed immediately. President McIlroy signed an emergency order to remove the dangerous tree.

Update 01/17/17: President McIlroy stated half of the tree has been removed and the contractor anticipates that it will take three more days to completely remove the tree.

Update 02/21/17: President McIlroy stated the tree has been taken down but the stump has not been removed. President McIlroy asked Mr. Countryman if a price quote has been obtained for the removal of the stump and Mr. Countryman stated he will get a price quote and forward it to him. The Clerk/Treasurer asked if the stump poses an emergency and Mr. Countryman stated it does not impose any threat on the surrounding properties.

Motion by Deputy President Astafan and seconded by Trustee Vary to forward the bill for the removal of the tree to the property owner in the amount of \$3,500.00. Motion carried unanimously.

At the December 19, 2016 meeting, the Board declared an emergency to remove the building at 302-306 North Mechanic Street as the structure is severely damaged and unsafe.

Update 01/17/17: President McIlroy stated the building has been knocked down and the debris is currently being removed.

Update 02/21/17: President McIlroy stated we are still waiting for the bill from GYMO for the removal of 302-306 North Mechanic Street. Deputy President Astafan stated the vacant property maybe marketable to the surrounding property owners. Attorney Gebo expressed if the costs to remove the building were re-levied on the Village taxes; the new owner would need to negotiate with the Village to remove the lien on the property.

At the January 17, 2017 meeting, President McIlroy requested the Clerk/Treasurer to forward Chief Huber's concerns regarding ATV use in the Village to Attorney Gebo for his recommendation.

Update 02/21/17: Attorney Gebo presented a draft of a local law to rescind the previous local law allowing ATV's on Village streets. President McIlroy expressed a letter was sent to the Village Board from Washington, DC addressed by various organizations, encouraging the Village to outlaw off-highway vehicles in the Village of Carthage. Deputy President Astafan stated he struggles with rescinding the local law as he and President McIlroy worked with local ATV groups to create the law. Chief Huber suggested holding a public hearing to receive comments regarding rescinding the law.

After considerable discussion, there was a motion by Trustee Vary and seconded by Deputy President Astafan to set a public hearing on March 20, 2017 immediately following the first public hearing at 6:10 p.m. to discuss a local law to rescind the local law which permits ATV use on Village streets. Motion carried unanimously.

Attorney Gebo was excused at 6:45 p.m.

NEW BUSINESS:

President McIlroy requested the Clerk/Treasurer to hold the Cash Management Services Master Agreement; Key Bank Positive Pay Service Schedule; and Key Bank File Translator over until March 20, 2016 based on the advice of Attorney Gebo.

Motion by Deputy President McIlroy and seconded by Trustee Vary authorizing President McIlroy to sign the Random Drug and Alcohol Program Renewal with Lewis County General Hospital Occupational Medicine in the amount of \$780.00. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to adopt Resolution #2 of 2017 as follows:

RESOLUTION WITH REFERENCE TO DESIGNATING BANK SIGNATORIES

WHEREAS, the Village of Carthage has designated Key Bank as the official depository of all moneys received by the Village Clerk/Treasurer and Receiver of Taxes on December 5, 2016; and

WHEREAS, the Village of Carthage Code Section A150-16 Signing of checks requires all checks against Village accounts must be signed by the Village President or, in his absence, the Deputy President of the Village as well as the Village Clerk/Treasurer or, in her absence, the Deputy Clerk; and

WHEREAS, the Village of Carthage desires to identify the current bank signatories;

BE IT RESOLVED as follows:

G. Wayne McIlroy, Village President

Michael F. Astafan, Deputy President

Kristy L. O'Shaughnessy, Village Clerk/Treasurer

Wendy C. Oliver, Deputy Clerk

The foregoing resolution was duly adopted unanimously.

Motion by Trustee Vary and seconded by Deputy President Astafan to adopt Resolution #3 of 2017 as follows:

RESOLUTION WITH REFERENCE TO ENDORSING THE APPLICATION OF JEFFERSON COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR A GRANT FOR JEFFERSON COUNTY STORMWATER COALITION TREE INVENTORY PROJECT

WHEREAS, the Jefferson County Soil and Water Conservation District is applying to the New York State Department of Environmental Conservation for a project grant under the Urban and Community Forestry Program to be located in the Village of Carthage, a site located within the territorial jurisdiction of the Village of Carthage Board; and

WHEREAS, as a requirement of these programs, said soil and water conservation district must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located",

NOW, THEREFORE BE IT RESOLVED that the Board of the Village of Carthage hereby does approve and endorse the application of Jefferson County Soil and Water Conservation District for a grant under the Urban and Community Forestry Program for a project known as Jefferson County Stormwater Coalition Tree Inventory and located within this community.

The foregoing resolution was duly adopted unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to adopt Resolution #4 of 2017 as follows:

AMENDED BOND RESOLUTION DATED FEBRUARY 21, 2017

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS NOT EXCEEDING \$3,540,000 FOR THE VILLAGE OF CARTHAGE SHARE OF MUNICIPAL WASTEWATER IMPROVEMENTS PROJECT FOR THE VILLAGE OF CARTHAGE/WEST CARTHAGE WASTEWATER POLLUTION CONTROL FACILITY WHICH PROJECT HAS A TOTAL COST OF \$11,800,000.

BE IT RESOLVED, by the Village Board of the Village of Carthage, Jefferson County, New York, as follows:

Section 1. The Municipal Wastewater Improvements Project for the Village of Carthage/West Carthage Wastewater Pollution Control Facility is in the best interest of the residents of the Village of Carthage. The maximum estimated cost of such specific objects or purposes determined by the engineers hired by the Village is \$11,800,000. The Village of Carthage share is 30% or \$3,540,000. This is an increase of \$2,400,000 for the entire project which the Village's 30% share is \$720,000. Such increase is to cover increased project costs

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid for such specific objects or purposes or purposes for the Municipal Wastewater Improvements project for the Village of Carthage/West Carthage Wastewater Pollution Control Facility is forty (40) years; pursuant to subdivision (a)(4) of Section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107(d)(3)(d) of the Local Finance Law.

Section 3. The plan for the financing the Village of Carthage share of such specific objects and purposes cost is by the issuance of serial bonds not exceeding \$3,540,000 of said Village, and the same is hereby authorized to be issued therefor pursuant to the Local Finance Law and shall be repayable over a term in excess of five years.

Section 4. The faith and credit of the Village of Carthage, Jefferson County, New York is hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. Annual sewer rents shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all sewer users of said Villages, sewer rents sufficient to pay the principal of and interest of such bonds as the same become due and payable.

Section 5. All other matters, except as provided herein relating to such obligations, including determining whether to issue such obligations having substantially level or declining annual debt service and all matters related thereto, prescribing whether to manual or facsimile signatures shall appear on said obligations, prescribing the method for the recording of ownership of said obligations, appointing the fiscal agent or agents for said obligations, providing for the printing and delivery of said obligations (and if said bond are to be executed in the name of the Village by the facsimile signature of its Village Treasurer), including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such obligations any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such obligations shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object of purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit of

- proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same be published in full in the Watertown Daily Times, the official newspaper of said Village, for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is subject to permissive referendum.

Section 9. This amended resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Michael F. Astafan</u>	Voting <u>Yes</u>
<u>Linda Smith-Spencer</u>	Voting <u>Yes</u>
<u>Rebecca Vary</u>	Voting <u>Yes</u>
<u>G. Wayne McIlroy</u>	Voting <u>Yes</u>

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan authorizing Edgar Countryman and Timothy Steiner to attend the Central New York Region Excavator Safety Seminar on Thursday, March 9, 2017 from 7:00 a.m. - 2:00 p.m. in Syracuse to include reimbursement for meals and mileage. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing Edgar Countryman to attend the 28th Annual Local Government Conference at Jefferson Community College on Thursday, March 30, 2017 from 8:30 a.m. - 4:00 p.m. at a cost of \$50.00 and further include mileage reimbursement. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan authorizing the Clerk/Treasurer to attend the quarterly Clerk/Treasurer meeting in Watertown on Thursday, March 9, 2017 from 11:00 a.m. - 4:00 p.m. to include reimbursement for meal and mileage. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to approve the request of the DPW Superintendent to transfer the 2009 F250 Ford Pickup from the Water Department to the DPW. Motion carried unanimously.

President McIlroy read the correspondence received from the CEO suggesting changes to the local law regarding abandoned/unregistered vehicles. After considerable discussion, President McIlroy requested the Clerk/Treasurer to hold this over until the March 20, 2017 meeting so he can discuss the Trustees concerns with Mr. Ball.

President McIlroy stated there are a total of 214 customers on the Water Shut Off List as of February 1, 2017.

Deputy President Astafan and Trustee Smith-Spencer reviewed the monthly bills and bank statements including reconciliations prior to the meeting. The documents were also available at the meeting.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to approve payment of payrolls and bills as follows: General Fund \$340,699.15; Special Grant Fund \$202.26; Water Fund \$73,258.94; and Sewer Fund \$87,162.27. Motion carried unanimously.

ATTORNEY GEBO:

None.

PRESIDENT MCILROY UPDATE:

President McIlroy thanked the Trustees and Clerk/Treasurer for the prayer service for granted for his late wife. President McIlroy stated there will be a Joint Utility meeting on March 15, 2017 at 4:15 p.m. at the Village of West Carthage Municipal Building.

LIAISON REPORTS AND COMMENTS:

Trustee Smith-Spencer asked if Mr. Prievo shared his new cell phone number and President McIlroy stated he obtained the number last week and will forward it to her.

President McIlroy scheduled budget workshop meetings for March 13 and 14 at 4:15 p.m. and March 17th at 1:00 p.m.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to hold a public hearing on March 20, 2017 immediately following the public hearing at 6:10 p.m. to discuss overriding the tax cap for the fiscal year June 1, 2016 - May 31, 2018. Motion carried unanimously.

Chief Huber stated he will be conducting interviews on Friday, February 27, 2016 and the Police Academy has been changed to begin on April 17, 2017 in Broome County.

MEDIA QUESTIONS:

None.

ADJOURNMENT:

Motion by Deputy President Astafan and seconded by Trustee Vary to adjourn at 7:16 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer