

Regular Meeting of the Putnam Town Board

PUTNAM TOWN BOARD
JUNE 11, 2019
7P.M. PUTNAM TOWN HALL

The meeting opened with the auditing of bills, the Supervisor's monthly report and the Town Clerk's monthly report.

7:00 Meeting called to order

Councilwoman Shirley Randall led the Pledge of Allegiance.

Roll Call

Members present:	Supervisor	John LaPointe
	Councilman	Darrell Wilson
	Councilman	Kevin Hart
	Councilwoman	Shirley Randall
	Councilman	Greg Harris

Others present: Mary Jane Dedrick (Deputy Clerk, P.O. Box 14) Gary Treadway (Highway Superintendent, Treadway Lane), Charlie Bain Sr. (Boat launch attendant, 17 Bain Lane), Cee McKenzie (BAR Chair, 526 Gull Bay Road), Bob Rudt (Planning Board, 526 Gull Bay Road), Galen Seerup (Planning Board Chair, 17360 State Route 22), May Drinkwine-Shiell (Resident, 439 County Route 3), Larry Shiell (Resident, 439 County Route 3), Christopher Mallon (Resident, 575 Liddle-Harris Road), Bert Windle (Lake Communities of Putnam Chair-LCP, Sagamore Road), Joe Hoel (Resident, 427 County Route 3), Bonnie Maiolo (Resident, 211 County Route 3), Sandy Coulter (Resident, 3512 Gull Bay Ridge Way), Bob Coulter (Resident, 3512 Gull Bay Ridge Way), Nancy Wolf-Fisher (Resident, 5183 Sagamore Road), Joe Fisher (Resident, 5183 Sagamore Road).

Resolution # 42

Accept the minutes of the May, 2019 meeting

On motion of Councilman Darrell Wilson, seconded by Councilman Greg Harris; all in favor, Resolution unanimously adopted.

Resolution #43

Accept the Supervisor's report for the month of May 2019

On motion of Councilman Kevin Hart, seconded by Councilwoman Shirley Randall; all in favor, Resolution unanimously adopted.

Resolution # 44

Accept the Town Clerk's report for the month of May 2019

On motion of Councilman Greg Harris, seconded by Councilwoman Shirley Randall; all in favor, Resolution unanimously adopted.

Resolution # 45

Pay bill as audited

On motion of Councilman Darrell Wilson, seconded by Councilman Kevin Hart; all in favor, Resolution unanimously adopted.

Resolved, the bills on the following are paid as audited.

General Fund	# 155-183	\$8,884.02
Highway Fund	# 69-78	\$4,133.07

Correspondence (7:04)

NONE

Courtesy of the floor (7:04)

Cee McKenzie- Board of Assessment Review Chair reported the BAR met on Tuesday May 28th. The BAR heard 13 grievances, and 1 Assessor correction. The requested reductions totaled \$2.1 million, the BAR granted \$265 thousand which represents .09% of the total tax roll.

Bert Windle- LCP (Lake Communities of Putnam) addressed the Board about a lot that was cleared and a pile of brush about ten feet high, along with equipment was left at the site. Both the brush and equipment have remained at the site for over two years at the side of the road. Mr. Windle expressed the dismay of the Sagamore Road residents, as the site has remained unkempt for so long. Supervisor LaPointe asked for the property owner's name, Mr. Windle said he did not have it, but would provide it to the Town Clerk in an email. Mr. Windle brought second and third topics to the discussion, the proposed septic law that will be discussed in the coming months, and the Site Plan Review update. Mr. Windle had attended the monthly Planning Board meeting the prior evening; he stated he watched the Planning Board struggle at the public hearing at the meeting. He described the activities of the attorneys and engineers in their presentations to the public. Mr. Windle asserted that although done with good intentions, the application process has become burdensome and very expensive to applicants. He continued asking the Town Board to please put on the applicant's hat during the Site Plan Review revision and consider what the applicants will be subjected to during their application process.

Bonnie Maiolo addressed the Board next saying now that spring has arrived the dog problem in Putnam has re-emerged. She stated she would be contacting the Dog Control Officer about dogs running at large while she's out walking. Supervisor LaPointe asked if she had contacted the Town Justice about the dogs, she replied she had not. She asked who the new Town Justice was, and asked the Town Clerk to provide contact information via email. The Town Clerk acknowledged the request.

May Drinkwine-Shiell spoke next asking for a current update on dog licensing in Putnam. Supervisor LaPointe replied that people who are still uncompliant in licensing their dogs will be issued a formal letter in the form of appearance tickets; he stated he believed there are still 4 people who haven't complied. Supervisor LaPointe asked the Town Clerk how many licenses have been issued in the past vs. how many the town has now. The Town Clerk replied that when she took office 30 dogs were licensed; when the most recent report was run at the end of last month, 163 dogs are now licensed in Putnam.

Highway report (7:15)

Highway Superintendent (HS) Gary Treadway reported the equipment is working well. In the past month the crew has shouldered Cummings Road which was paved in the fall. They have also been repairing the dirt roads, and the park access road. The crew also put in the check dams on Gull Bay Road, at the storm water areas. HS Treadway reported that Randy Rath the Project Manager/GIS specialist from the Lake George Association looked the work over and was happy with the results. HS Treadway continued that the grills at Cummings Park would be completed soon, the cement has been poured and when it is set the remainder of the grill assembly can be finished. Councilman Harris asked about culverts being replaced on Liddle-Harris Road. HS Treadway replied that the culverts are a priority as they've become a hazard.

Councilman Harris also asked what if any information had been gathered about a new truck. HS Treadway replied that he is still investigating communicating with other towns to see what they've found useful. One option that's come to his attention is more towns are going to trucks with Allison automatic transmissions, the only fully automatic transmission on the market. Larry Shiell joined the conversation saying he has two trucks with automatic transmissions and they are "the best thing going", he continued saying that they work well.

Bob Coulter asked HS Treadway if the catch basins installed would do anything to alleviate the sand from washing into Gull Bay. HS Treadway replied he believed that they would help the situation. Councilman Hart addressed the question saying that the areas Mr. Coulter is concerned about used to have culverts and that over the years people have filled in their lawns in turn the culverts have been blocked up allowing the water to wash over the road and into the lake. Mr. Coulter stated he believes the beach sand is what's washing into the bay. Supervisor LaPointe stated the work done to the beach last year was to mitigate the beach erosion. Mr. Coulter acknowledged that the work completed has appeared to help. Supervisor LaPointe also stated that the new technique of using brine on the roads should eventually reduce the amount of sand needed on the roads in the winter, reducing the amount of sand washed into the bay. HS Treadway explained that the brine program begun by the Lake George Park Commission received a grant, with that money they supplied the town with equipment and storage for the brine solution that is sprayed on the roads. The intent of the program is to reduce the amount of salt and sand used on the roads around Lake George. The program is in the infancy stages but seems to be working well. Bonnie Maiolo asked how the reduction in salt and sand is gauged. Councilman Wilson replied by explaining that the brine has only been used one winter thus far, application technique and what works best for particular areas and conditions was the main focus. Eventually there will be enough information to calculate the results of the brine usage vs. the reduction of salt and sand usage. Galen Seerup stated that the Fund for Lake George website has more information on the brine program. (<https://fundforlakegeorge.org/threats/salt>).

Planning Board report (7:35)

Planning Board Chair (PBC) Galen Seerup reported that a public hearing was held for the Teresa and Don Devlin project. Neighbors on either side of the project property expressed that they were against the proposed building/blasting at the project site. The Devlin's have been working to obtain a Site Plan since 2018. The project was approved.

Bonnie Barnhart presented a picture to the board of a sign she would like to erect in front of her business on State Route 22. The sign will stand 77' from the center line of Route 22. The sign and location was approved.

Margaret and Eric Webb of 61 Mott Lane, represented by Kevin Wood an engineer, presented a storm water plan for the project proposed on Mott Lane. The project will need APA (Adirondack Park Agency) approval.

William and Angela Brown presented a plan to construct a sunroom; the size of the planned home improvement didn't meet the threshold for a site plan.

PBC Seerup also reported a small project proposed by Christopher Mallon was approved before the meeting.

PBC Seerup also stated he felt the joint meeting with the Planning Board and the Town Council was useful, and productive. He reported the Planning Board reviewed the draft and sent suggestions to the town attorney John Breitenbach.

A second joint meeting is scheduled for June 26th, at 6:30. Supervisor LaPointe stated the meeting is open to the public, and specifically invited the candidates for town council to attend the meeting. Although the public is invited to observe, no comments will be accepted at the meeting from the floor until the public hearing that will take place at a later date. PBC Seerup received accolades from Councilman Darrell Wilson for maintaining civil discourse at the public hearing. Many of the participant's emotions ran high and Councilman Wilson felt Mr. Seerup handled the situation well.

Old business (7:50)

Headstone repair- Councilman Kevin Hart raised the issue of headstones in disrepair at the Presbyterian Church Cemetery. He suggested the town find someone to repair the stones. Supervisor LaPointe replied he would look for someone to do the work.

Beach opening will be July 1st and closing August 31st.

Septic inspection law discussion- Supervisor LaPointe re-visited a proposed septic inspection law that was tabled until the seasonal residents returned. Walt Lender of the Lake George Association (LGA) will attend July's meeting to explain, discuss, and take questions about the proposed law. (See attached)

New business (7:55)

Town Board/Planning Board joint meeting to discuss and review the Site plan review updates is scheduled for June 26th, at 6:30 at the Town Hall. The meeting is open to the public; however the public is not invited to participate. A public hearing will be held at a later date for public comments.

White good pick-up- will be July 10th and 11th. Acceptable items are stoves, refrigerators, microwaves, freezers, dishwashers, washers, and dryers.

Larry Kissko's re-appointment to the BAR-Mr. Kissko's term will expire September 30, 2019; he has expressed a desire to continue on the Board of Assessment Review.

Resolution # 46

Re-appoint Larry Kissko to the Board of Assessment review for a 5 year term

On motion of Councilwoman Shirley Randall, seconded by Councilman Kevin Hart; all in favor
Resolution unanimously adopted.

2019 mowing contract with Washington County – The town crew will complete roadside mowing of County roads located in Putnam for the sum of \$2867.48.

Resolution #47

Enter mowing contract with Washington County

On motion of Councilman Kevin Hart, seconded by Councilman Greg Harris; all in favor
Resolution unanimously adopted.

Boat Launch – The towns located on Lake George that have boat launches lock the launches at night since the tag program to fight invasive species began. Boats are washed and inspected for invasive species then tagged as clean. When the boats launch in Lake George the tags are removed and replaced when the boat returns and take out of Lake George. This is in effort to limit the lake's exposure to invasive species from contaminated boats. The State does not lock its launches leaving them open on an honors system. Several towns are petitioning the State to lock their launches. A resolution is needed to support the towns in their petition.

Resolution #48

Support petitioning the State to lock their boat launches at night

On motion of Darrell Wilson, seconded by Greg Harris.

Roll Call:

Greg Harris – Aye

Shirley Randall – Aye

Kevin Hart- Nay

Darrell Wilson – Aye

John LaPointe – Aye

4 Ayes – 1 Nay

(See attached)

Resolution #49

Adjourn the regular meeting of the Putnam Town Board

On motion of Councilman Darrell Wilson, seconded by Councilman Kevin Hart; all in favor
Resolution unanimously adopted.

Regular meeting of the Putnam Town Board adjourned at 8:18 P.M.

Next regular meeting is July 11th, 2019 at 7 P.M.

Respectfully submitted,

Darlene Kerr
Putnam Town Clerk

**MEMORANDUM OF UNDERSTANDING OF
MUNICIPAL GOVERNMENTS BORDERING LAKE GEORGE
REGARDING AQUATIC INVASIVE SPECIES PREVENTION**

The purpose of this Memorandum of Understanding (MOU) is to describe an understanding among the municipal governments bordering Lake George regarding the program to prevent the introduction of aquatic invasive species in Lake George. This MOU is not a binding commitment, but is a statement of the intent of the municipalities signing this document to work in good faith to create an effective program to prevent the introduction of aquatic invasive species in Lake George in recognition of the following:

- Lake George currently is experiencing infestations of five aquatic invasive species, and aquatic invasive species infestations pose a serious and urgent threat to the ecological health of Lake George and the economic future of the Lake George region; and,
- Nearly \$9 million dollars has been spent to remove and control the five aquatic invasive species established in Lake George, and the efficacy and cost effectiveness of aquatic invasive species spread prevention have been found to far exceed eradication and containment efforts of introduced species.
- The undersigned municipalities each passed resolutions in 2013 supporting the creation of a new mandatory boat inspection and decontamination program for Lake George in order to protect the water quality and the public enjoyment of Lake George to the maximum extent practicable by proactively preventing the introduction of new aquatic invasive species.
- In 2013, the Lake George Park Commission, with unanimous support from the nine municipalities around Lake George, voted to put a new regulatory program forward to require the inspection of all trailered boats prior to launch into Lake George.
- Since 2014, the Towns of Queensbury, Lake George and Bolton and the Village of Lake George have contributed \$150,000 each, for a total of \$600,000, to the staffing and program costs as administered by the Lake George Park Commission.
- Since 2014, Warren County has contributed a total of \$600,000 for the staffing and program costs administered by the Lake George Park Commission.

- Since 2014, two lake protection not-for profit organizations have contributed towards the staffing and program costs administered by the Lake George Park Commission - The FUND for Lake George (\$150,000) and the Lake George Association (\$142,000).
- Since 2014, the Towns of Putnam and Hague have invested funds in furtherance of the effective administration of the Lake George Park Commission mandatory boat inspection program by staffing the town-owned launches. The Town of Putnam has invested a total of \$102,320 and the Town of Hague has invested a total of \$41,390. It should be noted that the Lake George Association has administered funds totaling \$58,000 from their New York Aquatic Invasive Species Spread Prevention Program Grant in addition to the Town's expenditures to aid the Towns of Putnam and Hague in their efforts.
- Since 2014, the Towns of Putnam and Hague have maintained a public launch in a manner authorized by the Commission as to prevent trailered vessels not equipped with an intact VICS (Vessel Inspection Control Seal) from launching into the waters of the Lake George Park. This has included securing the public launch sites by locking the launch site during hours without launch operator in attendance or referred to as "after hours operation".
- Since the adoption of E.C.L. 646-9 Prohibition of Aquatic Invasive Species Introduction Regulation and the implementation of the Boat Inspection Program by the Lake George Park Commission, there have been no new aquatic invasive species known to have entered the waters of the Lake George Park. In fact, through the inspection program, a total of 647 visible aquatic invasive species have been removed from trailered vessels entering Lake George including species not yet introduced or established.
- New York State currently owns and operates two public launches in the Lake George basin, Northwest Bay and Million Dollar Beach, where trailered vessels are not permitted to be launched after hours and the launch is locked and secured. It should be noted that Northwest Bay is permanently locked to prevent the ability of trailered vessels from being launched.

NOW, THEREFORE, IT IS HEREBY

AGREED that the said Towns, Village and Counties intend to continue their financial commitment to implement the boat inspection program administered through the Lake George Park Commission; and it is further

AGREED that the said Towns, Village and Counties intend to continue to secure public launch sites pursuant to the requirements of E.C.L. 646-9, the regulations adopted and administered by the Lake George Park Commission to restrict the launching of trailered vessels to only times when a launch operator is present at the public launch; and it is further

AGREED that the said Towns, Village and Counties recognize the importance of the State of New York properties and launches for providing public access, but that they also provide major points of entry for aquatic invasive species introduction; and it is further

AGREED that the said Towns, Village and Counties call upon the State of New York to partner with the said parties and adopt the same prevention policy for its public launch sites including securing said public launch sites during hours without launch operators present, i.e. lock the public launch sites during after hours, which can continue to provide access for complying users while preventing the introduction and spread of aquatic invasive species; and it is further

AGREED that this Memorandum of Understanding may be signed in counterparts.

VILLAGE OF LAKE GEORGE

By: _____
Mayor Date

TOWN OF LAKE GEORGE

By: _____
Town Supervisor Date

TOWN OF BOLTON

By: _____
Town Supervisor Date

TOWN OF QUEENSBURY

By: _____
Town Supervisor Date

TOWN OF HAGUE

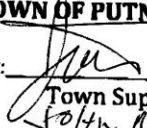
By: Edna A. Trasie
Town Supervisor Date 6/11/19

TOWN OF TICONDEROGA

By: _____
Town Supervisor

Date

TOWN OF PUTNAM

By:  _____
Town Supervisor
John R. L. Smith

 _____
Date
6/13/19

TOWN OF DRESDEN

By: _____
Town Supervisor

Date

TOWN OF FORT ANN

By: _____
Town Supervisor

Date



LAKE GEORGE ASSOCIATION

Protecting Our Water. Educating for the Future.

October 31, 2018

BOARD OF DIRECTORS

President
Carla Burhoe
Executive Vice President
Peter Menzies
Vice Presidents
Daniel Davies
William Dutcher
Treasurer
Robert de Buys
Secretary
Daniel Behan, Jr.
Directors
Bruce Ashby
Mary Caravella
Bob Case
Charlie Crew
Michael Della Bella, Sr.
Victor Hershaft
Past President

STAFF

Executive Director
C. Walter Lender
Office Manager
Dannica Campbell
Director of Development
Nancy Cobb-Zoll
Director of Communications
Patrick Dowd
Environmental Educator
Lindsey Kenna
**Project Manager/
GIS Specialist**
Randy G. Rath
Director of Education
Kristen Wilde
Counsel
Matthew F. Fuller, Esq.

Supervisor John LaPointe
Town of Putnam
P.O. Box 85
Putnam Station, NY 12861

Dear Supervisor LaPointe,

The Lake George Association would like to congratulate our friends in the Town of Queensbury for passing the "Septic Inspection Upon Property Transfer" law at its most recent meeting on October 15, 2018.

We are writing today because **the LGA encourages you to consider passing one in Putnam as well – the LGA would be glad to help make the case to your citizens, if needed.** I am including a copy of the law's language as adopted in Queensbury for you to review and potentially use as a model.

This law is important for all towns in the watershed to consider because a majority of homes use the Lake or wells on their property as a source of drinking water.

And while untreated stormwater is by far the greatest human contributor to water quality decline in Lake George, nonfunctional septic systems can present health and water quality problems. With this law on the books throughout the watershed, those health and water quality problems would diminish – and the potential for Harmful Algal Blooms would be lessened, as well.

The Lake George Association urges our members to inspect their septic systems every two to three years and pump them as necessary. Inspections are the primary way, and really the only way, to safeguard water quality throughout the town and on Lake George, where eight towns, three counties and a village share the water.

The LGA understands the potential for financial concerns with an enacted "Septic Inspection Upon Property Transfer" law, and that repairing septic systems can be very expensive if they are not working properly. **But septic systems need to be working properly in order to protect the drinking water that is Lake George.**

The Lake George Association supports this law and we urge you to consider one like it and pass it. That move will be protective of the Lake's water quality. Thank you for your consideration.

Sincerely,

C. Walter Lender, Executive Director

LAKE GEORGE ASSOCIATION • PO BOX 408 • LAKE GEORGE, NY 12845
(518) 668-3558 • FAX (518) 668-4702 • WWW.LAKEGEORGEASSOCIATION.ORG

Sample law provided by the LGA for Septic Inspection Upon Property Transfer law

LOCAL LAWS & ORDINANCESMChapter 137 - NEW CHAPTER - Septic Inspection Upon Property Transfer - October 15 2018

LOCAL LAW NO.: _ OF 2018

A LOCAL LAW ENACTING CHAPTER 137 ENTITLED SEPTIC INSPECTION UPON PROPERTY TRANSFER" TO THE QUEENSBURY TOWN CODE

***BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF QUEENSBURY AS
FOLLOWS:***

SECTION 1. Queensbury Town Code Chapter 137, 'Septic Inspection Upon Property Transfer' is hereby enacted as follows:

§ 137-1 Title. This Chapter shall be known as "Septic Inspection Upon Property Transfer."

§ 137-2 Statutory Authority. Enactment of Chapter 137 of the Queensbury Town Code is pursuant to Article 16 of the Town Law and Article 3 of the Public Health Law.

§ 137-3 Findings and Intent The intent of this Chapter is to better protect waterbodies from exposure to excess nutrients and pollutants. The Town of Queensbury finds that the occurrence of such nutrients and pollutants is increased by the presence of inadequately Functioning septic systems proximate to waterbodies. In addition, such septic systems are more likely to be a threat to public health with particularly acute impacts upon the general public through impairing and contaminating precious ecological resources of the Town of Queensbury and rendering drinking water unsafe. In determining the geographic scope of this Chapter, the Town further finds that it is desirable and efficient to rely upon the zoning district boundaries of the Town of Queensbury Waterfront Residential (WR) zone as properties within this zoning district are proximate to waterbodies within the Town. As to waterbodies not surrounded or adjacent to such zoning district, such properties are zoned in such a manner that has adequately
1

protected and will continue to protect such waterbodies and additional regulation is not currently needed in such areas at this time

§ 137-4 Compliance Required.

A. Applicability.

This Local Law shall apply to conveyances of real property located wholly or partially in the Waterfront Residential Zone, as defined in the Town Code, occurring on January 1, 2019 and thereafter.

B. Property Transfer Inspections.

1. Prior to any conveyance of real property in the Town of Queensbury Waterfront Residential (WR) Zone where the property utilizes an On-site Wastewater Treatment System (OWTS), the OWTS must be inspected by the Town of Queensbury Building and Codes Enforcement Office (herein referred to as the Building and Codes Enforcement Office). The inspection shall include a septic tank pump out by a NYSDEC registered septic hauler and all seepage pits and septic drainfield distribution boxes (D-box) accepting effluent from a septic tank must be uncovered and opened by the property owner or their agent prior to inspection. The property transfer inspection and pump out shall be arranged by the property owner as early in the conveyance of real property process as possible in order to obtain an accurate and timely assessment of the OWTS. The property owner must make arrangements with the Building and Codes Enforcement Office to schedule the inspection no less than forty eight (48) hours advance notice and shall coordinate with the septic hauler to be on-site simultaneously. The cost of the inspection, as set forth in the Town's Fee Schedule Ordinance, shall be paid to the Town of Queensbury prior the inspection.

2. No such conveyance shall take place subject to this Chapter until and unless 1) the owner/seller has obtained from the Building and Codes Enforcement Office a letter of acknowledgement demonstrating satisfactory compliance with this Section; 2) the owner/seller has obtained a variance/waiver from the Town Board in accordance with this Chapter; or 3) the conveyance is exempt from the property transfer inspection requirements and the owner/seller complies with all applicable provisions for exemption set forth in this Chapter.

3. As used herein, the term "conveyance of real property" shall mean the transfer of the title of real estate, in the form of a deed or other legal instrument, whether or not recorded in the Office of the Warren County Clerk. It shall be violation of this law not to have the property inspected prior to the conveyance of real property.

4. Upon satisfactory inspection in accordance with the protocol set forth in paragraph 5 below, the Building and Codes Enforcement Office will issue to the property owner a letter of acknowledgment confirming that the OWTS is functioning properly.

5. The OWTS inspection shall utilize the New York On-site Wastewater Treatment Training Network (OTN) materials, including the *OTN System Inspection Request Form*, *Findings Worksheet* and *Site Report (Inspection Findings)* all of which shall be available in the Building and Codes Enforcement Office. The following minimum standards shall apply to each inspection:

a. All septic tanks must be within two hundred fifty (250) gallons of the minimum volume requirement;

b. All holding tanks shall be equipped with a float switch and high level alarm located in a conspicuous place to indicate when pump out is necessary. A copy of pump out records shall be submitted during the inspection prior to conveyance of real property;

c. For an aerobic treatment system or enhanced treatment unit (ETU), the new owner must send a signed copy of an updated service contract to the Town within thirty (30) days after the conveyance of real property;

d. If the on-site wastewater treatment system is determined to be failing or inadequate, a written Notice of Violation will be issued. An approved compliance agreement to correct the violation must be obtained prior to conveyance of real property.

C. Exemption from Property Transfer Inspection. The following conveyances of real property shall be exempt from the provisions of this law in the following situations and pursuant to the terms identified below:

1. The property to be sold or transferred will not be inhabited, and the new owner plans to demolish the existing structure. In order to qualify for the exemption, a notarized affidavit must be submitted to the Building and Codes Enforcement Office stating that a) the dwelling will not be inhabited and that it will be demolished with no immediate plans to rebuild or b) the dwelling will not be inhabited, it will be demolished and rebuilt in which case the Affidavit shall be accompanied by a site plan including adequate detail to demonstrate a lawful OWTS together with a check payable to the Town of Queensbury in the amount of Two Thousand Dollars (\$2,000). Such funds will be held in a non-interest bearing escrow account and will be released in the former case, upon issuance of a Demolition permit and, in the latter case, upon issuance of a Certificate of Occupancy from the Building and Codes Enforcement Office.

2. An OWTS inspection was not able to be completed prior to the conveyance of real property due to inclement weather. In order to qualify for the exemption, a notarized affidavit from the new property owner to complete the requisite OWTS inspection within six (6) months of the date of the conveyance of real property, or June 1, whichever comes first, must be filed with the Building and Codes Enforcement Office. A check payable to the Town of Queensbury in the amount of Two Thousand Dollars (\$2,000) will be held in a non-interest bearing escrow account and shall be released upon the completion of a satisfactory OWTS inspection from the Building and Codes Enforcement Office.

3. During the OWTS inspection, a failure of the septic system was determined. Due to winter and frozen conditions, the repair to an existing OWTS could not occur or a new OWTS could not be installed before the conveyance of real property. In order to qualify for the exemption, a notarized affidavit from the new property owner to complete the installation or repair of the septic system within six (6) months from the date of the conveyance of real property, or June 1, whichever comes first, must be filed with the Building and Codes Enforcement Office. A check payable to the Town of Queensbury in the amount of Two Thousand Dollars (\$2,000) will be held in a non-interest bearing escrow account and shall be released upon the completion of the repair or installation of a new septic system and a satisfactory OWTS inspection from the Building and Codes Enforcement Office.

4. There is record of the property's OWTS having passed Town inspection within the last three (3) years.

5. Failure to complete the inspection, obtain the permit or complete all repairs/installations identified in the preceding paragraphs of this section within the time provided or any subsequent deadline established by the Building and Codes Enforcement Office will result in forfeiture of the moneys held in escrow and the Town may use such funds toward abating the conditions caused by each such violation of this Chapter.

D. Failure of OWTS. Failure of an existing OWTS occurs when the standards for lawful OWTS as set forth in Chapter 136 and this Chapter are not met. While not exhaustive, some examples of a failing system include the following:

1. Lack of a pre-treatment vessel (i.e. septic tank, aerobic treatment unit, ETU, etc.) prior to effluent discharge to any subsurface treatment (soil treatment area or absorption field);
2. There is a discharge of effluent directly or indirectly to the ground's surface, with surface breakouts, ponding or saturated soils over the soil treatment area;
3. Direct pipe surface discharge of grey water (into a dry well, over an embankment, into a roadside ditch or stream/tributary, etc.);
4. A dye test results in the presence of dye on the ground surface or adjacent / downstream waterbody;
5. There is a backup of sewage into the home, building, septic tank or facility as a result of a septic tank overload or malfunction, or a clogged soil treatment area;
6. The septic tank requires pumping more than four times per year and/or sewage is observed flowing back into the septic tank from the secondary treatment area during pump out;
7. Presence of a metal septic tank that is "undersized and/or corroded";
8. A cesspool, defined as a covered hole or pit used to receive untreated sewage from a house or building constructed as a primary source of wastewater disposal.
9. A holding tank that discharges effluent to surrounding sub-surface areas.
10. No septic tank, seepage pit, enhanced treatment unit or soil treatment area (STA) shall be permitted to discharge to any natural outlet or adjoining property.

E. Access to Parcel for Inspection. On properties for which an OWTS inspection has been requested by the owner or owner's agent pursuant to this Chapter, the Building and Codes Enforcement Office shall be permitted by the property owner to make a physical inspection of the lands and premises in order to determine compliance with this Chapter.

§ 137-5 Review.

Appeals from determinations of the Building and Codes Enforcement Office and/or requests for variance/waivers from the provisions of this Section must be sought from the Town of Queensbury Town Board as the Local Board of Health within 60 days.

A. Forms for such Appeals and/or requests for variance and waivers will be made available to the public in the Building and Codes Enforcement Office. Such forms must be properly filled out and must be submitted to the Building and Codes Enforcement Office with payment of the applicable fee as established by the Town Board.

B. In evaluating appeals from determinations of the Building and Codes

Enforcement Office, the Town Board may consider whatever information it deems relevant, including any evidence or information submitted by the Applicant and any information obtained from the Building and Codes Enforcement Office and/or Town Engineer. In the event additional information is needed, the Town Board may direct a subsequent inspection of the OWTS at issue, in which case the Applicant will not be required to make any additional inspection payments.

C. In regard to any request for variance or waivers, such Applications will be governed by the procedure set forth in Town Code Section 136-44.1(c)(1)-(3). The Town Board should take into consideration all matters it deems relevant, including the age of the OWTS,

6

whether it appears to be functioning, its proximity to any waterbody, its age, the circumstances concerning the request for variance or waiver and the hardship to the property owner in the event no variance or waiver is granted.

D. The above remedies shall be exhausted prior to any judicial review.

§ 137-6 Notice of Violation and Penalties

A. If a property owner fails to complete an inspection required by this local law, or to allow access to the property for the required inspection, or if the property owner fails to comply with any other provision of this law, a Notice of Violation may be issued by the Building and Codes Enforcement Office mandating the compliance with the inspection requirements.

B. In the event the property owner in its capacity as grantor was issued a Notice of Violation and such violation continues for a period of six (6) months, the current property owner (or grantee) too shall be deemed to be in violation of this local law and may be subject to enforcement proceedings.

C. An offense against any provision of this local law shall constitute a violation, punishable by a fine not exceeding Nine Hundred and Fifty Dollars (\$950), or imprisonment for a term not exceeding 15 days, or both. Each week such violation continues after notification to the person in violation shall constitute a separate violation.

SECTION 2. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

7

SECTIONS. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.