

**2019 Budget Public Hearing**  
**&**  
**Regular Meeting**  
**of the**  
**Putnam Town Board**

PUTNAM TOWN BOARD  
NOVEMBER 8, 2018  
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 by Supervisor John R. LaPointe**

Supervisor John Lapointe led the Pledge of Allegiance.

**Roll Call**

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

**Others present:** Mary Jane Dedrick (Deputy Town Clerk, P.O. Box 14), Gary Treadway ( Highway Superintendent, Treadway Lane), Cee McKenzie (BAR Chair, 526 Gull Bay Road), Bob Rudt (Planning Board, 526 Gull Bay Road), May Drinkwine-Shiell (Resident, 439 County Route 3), Bert Windle (Resident, 5211 Sagamore Road), Joe Hoell (Resident, 427 County Route 3), Bonnie Maiolo (Resident, 211 County Route 3), Charlie Bain Sr. (Boat launch attendant, 17 Bain Lane),

**7:02 Public hearing on the 2019 budget opened by Supervisor LaPointe**

Supervisor LaPointe reviewed changes to the budget including salary increases to the Town Clerk, Highway Superintendent, Planning Board Clerk and the contracted Town Highway crew increase. The largest increase proposed was for the Putnam Volunteer Fire Department an increase from \$92,000 to \$120,000 an approximate 27% increase to the fire department. The overall increase to the proposed budget is 1.74% which is below the 2% tax cap. Supervisor LaPointe also explained the reduction in the Town's assessed value, a loss of approximately 1.8 million, as a result of two court ordered reductions; One for the Adirondack Camp and another for property in Royal Anchorage. The floor was then opened for comment and questions. Bert Windle spoke first. Mr. Windle stated he was representing the LCP (Lake Communities of Putnam), he continued commenting that President Trump is asking Federal Departments to turn in a budgets with a 5% or more reduction and noticed that the proposed Town budget

has an increase of 1.74%. He continued that every year there is an increase and the budget never seems to “hold the line”. Mr. Windle went on to say that he believes most people agree the fire department’s increase is supported by the residents, however he’d like to see redirection on priorities of where the total assets are spent, the fire department can get what they need, but take it away from somewhere else. Mr. Windle did acknowledge he did see a few reductions in the budget, and will seek clarification in his questioning. The first question, page 3 under Supervisor, he inquired about the increase of nearly \$9000 in the total column. Supervisor LaPointe explained that his clerk (Amy Quesnel) had previously been on a different line, contingency line; Mr. Windle accepted the explanation then continued to his next question. On page 4 under Assessors there was an increase on the equipment line. Supervisor LaPointe explained that last year \$4000 was budgeted on that line however none of it was used, so this year \$2000 was budgeted however that doesn’t mean it will actually be spent, it’s more of a reserve. Mr. Windle acknowledged this explanation moving to his next question. The attorney’s fees appeared to have an increase; however he doesn’t see Mr. Breitenbach often at meetings. Supervisor LaPointe explained that over the course of a year Mr. Breitenbach is consulted often, at his office. Mr. Breitenbach does not charge the town an hourly rate, but instead, a lump sum fee. Mr. Windle accepted this explanation then moved on to his next question on the central garage line, asking for an explanation of what that line covered. Supervisor LaPointe explained it consisted of heat, lights and maintenance of the building. The increase was in anticipation of heating fuel increases, however it will not necessarily be spent just because it’s budgeted. Mr. Windle accepted this explanation. Mr. Windle went to page 6 and asked about special items, specifically “unallocated Insurance”. Supervisor LaPointe replied that is insurance on the town hall, highway department building, and all the town properties. He explained the premiums go up a little every year. Mr. Windle stated he’d been watching the problems with the dog control, he noticed the budget has gone up on that line, he inquired if residents were getting a response to complaints that have come in over the past year. Supervisor LaPointe replied he believes there has been a good response, and that somewhere around 140 new dog registrations have been recorded in the past year. The dog control effort continues. Mr. Windle proceeded in his questioning asking if all of the highway departments in the county worked under the same union contract. Supervisor LaPointe replied that no, the contract and pay scale is individual to towns, and Putnam’s is the highest paid in Washington County, however Putnam’s highway crew has the added responsibilities that other highway crews do not have. Putnam’s crew collects garbage and recycling, mow parks and cemeteries, prepare the town hall for meetings and events such as elections, they also perform maintenance and repair on town properties. Mr. Windle accepted this explanation and moved to the Veterans line asking what that money was spent on. Mr. LaPointe explained that the town pays for the flags placed at the cemeteries on veteran’s gravesites. Mr. Windle proceeded to the seniors’ line of the budget; Supervisor LaPointe replied the seniors group in Putnam has a few annual outings that the town pays for, for instance a luncheon at the Skene Manor, a St. Patrick’s Day corned beef dinner and a breakfast at Rathbun’s sugar house. The next line Mr. Windle questioned was the youth commission line and what that covered. Supervisor LaPointe explained that covered the life guards and boat launch employees. Some money is recovered for the boat launch employees in the form of a grant from the LGA (Lake George Association), this is the third year of the grant, but at this time it is unsure if that will continue. Mr. Windle commented that he didn’t think there is any objection to the raises mentioned at the opening of the hearing because the community can see the work the individuals do including Paula Wilson whose work load has increased over the past few years with the Planning Board; he stated it was money well spent. The discussion went off on a tangent about brine for the roads, live plows and next year’s paving plans (see Highway report for details on this discussion). A second tangent about the town’s assessed value and the reasons it has remained flat also occurred before getting back to the business of the budget hearing. May Drinkwine-Shiell asked why the cemetery line was blank on the budget. Supervisor LaPointe explained that there are no plans for the cemeteries in the coming year. Currently the cemetery maintenance is done by the highway department and comes from that budget. Also a separate cemetery account has been created that’s reflected in the monthly report. Supervisor LaPointe asked if there were any other questions or comments related to the budget, there were none.

**Budget public hearing closed at 7:53**

**Resolution # 95**

**Accept the minutes of the October 11<sup>th</sup>, 2018 meeting**

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

**Resolution # 96**

**Accept the Supervisor's report for the month of October, 2018**

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

**Resolution # 97**

**Accept the Town Clerk's report for the month of October, 2018**

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

**Resolution # 98**

**Pay bill as audited**

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

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

General Fund	# 341-372	\$19,754.98
Highway Fund	# 123-135	\$30,004.60
Cumming's Park	# 2	\$3,975.00

**Correspondence** (7:55)

Supervisor LaPointe presented a letter he had received from the LGA (Lake George Association). The LGA is writing to encourage the town to pass a "Septic Inspection Upon Property Transfer" law. (See Attached) The correspondence included a copy of the law's language, as adopted by Queensbury, for review. (See attached). Bert Windle expressed that he felt it would make sales "much harder, it's another stumbling block". Councilman Harris called for feedback from property owners on Lake George because "they're the ones that will have to deal with this". Mr. Windle suggested tabling this for a year to observe what happens in the communities that have adopted this law, to identify potential problems that may arise as a result of the law.

**Courtesy of the floor** (7:59)

Bert Windle stated in last month's minutes, under Planning Board, there was some discussion about code enforcement by the County building inspector. Councilman Wilson replied that there had been some e-mail correspondence following that meeting. Essentially anything filed with the county application for a building permit, which includes the LRCC1, must be followed during construction. The LRCC1 is a document approved by the Planning Board Chair stating the plans submitted to the County for a building permit meets the criteria for approval in Putnam. A building permit will not be issued without this approval. A change in plans would need a new approval. The Town Clerk followed Councilman Wilson by saying she spoke with the LGPC (Lake George Park Commission) about storm water management. The LGPC is the entity that implemented storm water regulations and issues permits for storm water management, they also enforce their permits. The County Code Enforcement Officer has no jurisdiction over the permit issued by the LGPC. The LGPC will issue their own permits for storm water management

and will enforce their own regulations. The Clerk stated she was also directed to the website of the LGPC. Under storm water regulations, it specifically names Putnam as one of the towns that the LGPC permits and enforces storm water regulations. Bob Rudt stated the Planning Board has been enforcing those regulations. Supervisor LaPointe reiterated that that Putnam Planning Board has no authority to do that, that the LGPC will enforce their regulations.

May Drinkwine-Shiell addressed the board next asking about a property that Code Enforcement has visited about rubbish, debris and a dilapidated structure on the property. Supervisor LaPointe replied that the owner of the property was issued a court date but failed to appear to the court. There has been a bench warrant issued for the property owner. The case is now in the hands of the prosecutor's office. Supervisor LaPointe spoke with the Town Justice who advised him the landowner is expected to appear on the next court date of November 20<sup>th</sup>.

Bert Windle spoke again bringing the topic of the power line that had been proposed to come ashore in Putnam. Supervisor LaPointe stated that there was nothing to report on that matter. The meeting that occurred last year was an informational meeting only. Nothing has been decided. Mr. Windle stated "they're running out of time", and continued that they were negotiating with people "down the line". Supervisor LaPointe repeated that the Town of Putnam has no contract or specific information at this time.

#### **Highway report** (8:27)

Highway Superintendent (HS) Gary Treadway reported (earlier in the meeting) that Cummings Road had been paved the previous week. The coming year, Clemons Lane, Notch Hill crossing to Hamel Lane will be paved, totaling approximately 7/10ths of a mile. He continued that Lilli Lane also needs attention. Lillie Lane is .3 miles. Peterson Road hill is also in the plans for 2019. Councilman Harris expressed concern about residents that lived on Peterson. He was unsure if they wanted a paved road. HS Treadway replied the beginning of the road will remain a dirt surface, however the hill on the road creates problems with maintenance, and he went on to say that they've been trying different material on the hill, trying to do their best to maintain it. Councilman Harris agreed saying the hill had a tendency to "washboard" making travel across that portion potentially dangerous to residents. Councilman Harris expressed his concern with salt run off should the entire road be paved. He stated he didn't want properties below the hill to end up with dead trees and vegetation, or have water going to his cattle's water supply contaminated with the road salt.

(Reported during his regular report) HS Treadway reported that the crew, along with working on Cummings Road last week, has been hauling stockpiles which is done. They've also been working on dirt roads. The next priority is the dredging project in Gull Bay at the boat launch. The permits will expire at the end of 2018 so it's imperative to get the dredging finished so that application process will not have to be completed again. HS Treadway expects the dredging to be completed in the following weeks. Winter preparations of the equipment are also on the crew's agenda. Cee McKenzie reported to HS Treadway that an area on the south side of Gull Bay Road had been broken out by Nelson, a company trimming trees for the power company. HS Treadway replied the crew would take care of it.

#### **Planning Board report** (8:29)

The Planning Board has not met yet this month, no report.

#### **Old business** (8:29)

Firehouse roof Supervisor LaPointe reported that the contractors that bid on the firehouse roof the prior month were contacted and asked to provide proof of insurance. Two of the contractors provided proof of Workman's Comp and insurance. Quotes for materials were obtained from two separate sources from the same material list. The bids were then revisited being considered without the cost of materials. Based on the labor costs of the bids Busby Construction is the low bid.

**Resolution #99**

**Authorize Busby Construction to put the new roof on the firehouse with materials being purchased at ProBuild.**

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

**New Business** (8:33)

2019 Budget

**Resolution # 100**

**Accept the 2019 budget as proposed**

On motion of Councilman Hart, seconded by Councilman Wilson,

- Roll Call: Councilman Harris-Aye
- Councilwoman Randall- Aye
- Councilman Hart- Aye
- Councilman Wilson-Aye
- Supervisor LaPointe-Aye

All in favor of accepting the 2019 budget as proposed. Resolution adopted unanimously.

Councilman Wilson thanked Cee McKenzie and Councilman Hart in their assistance in working with the Putnam Volunteer Fire Dept.

Supervisor LaPointe added he'd like to see a discussion with the firehouse about having a three year contract with quarterly checks. Councilman Hart added he'd like to see the firehouse consult with the town council before making any major purchases. Councilman Wilson added that the major increase this year would not be possible in future years. Cee McKenzie suggested an addendum to the contract to specifically state the contract funds are to be applied to services contracted.

**Resolution #101**

**Motion to adjourn the regular meeting of the Putnam Town Board**

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

**Regular meeting of the Putnam Town Board adjourned at 8:37 P.M.**

Next meeting: December 13<sup>th</sup>, 2018 at 7 P.M.

Respectfully submitted,

Darlene Kerr  
Putnam Town Clerk

John LaPointe \_\_\_\_\_ Supervisor

Darrell Wilson \_\_\_\_\_ Councilman

Kevin Hart \_\_\_\_\_ Councilman

Shirley Randall \_\_\_\_\_ Councilwoman

Greg Harris \_\_\_\_\_ Councilman



# LAKE GEORGE ASSOCIATION

*Protecting Our Water. Educating for the Future.*

October 31, 2018

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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

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

LOCAL LAWS & ORDINANCES Chapter 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

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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,

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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.

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#### **SECTIONS. Effective Date**

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