

August 8, 2019  
WEB SITE <http://macedontown.net>

The Regular Meeting of the Town Board of the Town of Macedon held August 8, 2019 at the Town Complex, 32 Main Street, in the Town of Macedon was called to order by Supervisor Sandy Pagano at 7:30 p.m.

Pledge of Allegiance.

Upon Roll Call, the following members of the Board were

Present:

Councilperson	David McEwen
Councilperson	Dave Maul
Councilperson	Bruce Babcock
Supervisor	Sandy Pagano

Absent:

Councilperson	Paul Kenyon
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Also Present:

Attorney	David Fulvio
Chief of Police	John Colella
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

**RESOLUTION No. 172 (2019) APPROVAL OF MINUTES**

RESOLVED the Board approves the minutes from the July 25, 2019 (regular meeting)

MOTION BY BABCOCK, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**\*Reports**

- July Town Clerk Report
- July Police Report
- July EMS Report

**RESOLUTION NO. 173 (2019) APPROVAL OF REPORTS**

RESOLVED the reports be approved as submitted.

MOTION BY BABCOCK, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**RESOLUTION NO. 174 (2019) SURPLUS EQUIPMENT - HIGHWAY**

BE IT RESOLVED that the Town Board authorizes the Highway Superintendent, Christopher Countryman, to declare surplus a 2004 Ford 350, Gas Pick Up Truck with VIN # 1FTSF31S94EC00263, As Is, and sealed bids will be accepted at the Town Clerks office until 9:00am on August 22, 2019 to be awarded to the highest bidder. The Town of Macedon has the right to reject any and all bids.

MOTION BY MAUL, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**RESOLUTION NO. 175 (2019) FIREWORKS DISPLAY PERMIT – ROCHESTER AERO MODELING SOCIETY**

RESOLVED the Macedon Town Board approves the Outdoor Fireworks Display Permit on August 31, 2019 at 2529 Macedon Center Rd as requested by Young Explosives Corporation.

MOTION BY MAUL, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 176 (2019) WAYNE FINGER LAKES ELECTRICITY BID**

RESOLVED the Town Board authorizes the Supervisor to sign Cooperative Electricity Bid with Wayne Finger Lakes BOCES Bid #WFL 2020-19.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 177 (2019) RESIGNATION – JOHNSON**

RESOLVED the Town Board accepts the resignation from Alana Johnson, part-time Paramedic for the Macedon Town Ambulance effective August 1, 2019.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 178 (2019) PERSONNEL – HOUSE**

RESOLVED the Town Board appoints Christopher House as part-time Paramedic at the rate of \$18.50/hr effective August 1, 2019.

MOTION BY BABCOCK, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 179 (2019) SCHOOL TAX COLLECTORS**

RESOLVED that as provided in Section 37 of the Town Law of New York State the Town Board of the Town of Macedon does hereby appoint the following individuals to collect for the 2019-20 school year.

RESOLVED that Irene Unterborn is appointed Tax Collector for the portion of the Palmyra-Macedon Central School District within the Town, and be it further

RESOLVED that Margaret Revelle is appointed School Tax Collector for the portion of the Penfield School District within the Town, and be it further

RESOLVED that Nicole Ritz is appointed School Tax Collector for the portion of Victor Central School District within the Town, and be it further

RESOLVED that Kathryn Johnson is appointed School Tax Collector for the portion of Gananda School District within the Town, and be it further

RESOLVED that Debra DeMinck School Tax Collector for the portion of Wayne Central School District within the Town.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**7:48 PM – LOCAL LAW NO. 5 (2019) TO ELIMINATE THE 10-YEAR LIMITATION ON THE COLD WAR VETERANS REAL PROPERTY TAX EXEMPTION**

**RESOLUTION NO. 180 (2019) WAIVE READING OF THE LEGAL NOTICE**

RESOLVED the Town Board waives reading of the legal notice published in the July 14, 2019 issue of the Times.

MOTION BY MCEWEN, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

All persons desiring to be heard, having heard none. The public hearing was closed.

**RESOLUTION NO. 181 (2019) PUBLIC HEARING CLOSED**

RESOLVED the Public Hearing be closed at 7:50 p.m.

MOTION BY MCEWEN, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**RESOLUTION NO. 182 (2019) LOCAL LAW NO. 5 (2019) LOCAL LAW TO ELIMINATE THE 10-YEAR LIMITATION ON THE COLD WAR VETERANS REAL PROPERTY TAX EXEMPTION PUBLIC HEARING SET**

TOWN OF MACEDON - STATE OF NEW YORK

A local law in relation to determining the veterans' real property exemptions.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF MACEDON, NEW YORK, as follows:

This local law is enacted pursuant to the provisions of Section 458-b of the Real Property Tax Law, as amended by Chapter 290 of the Laws of 2017, the duration of the cold war veterans real property tax exemption, as codified in Section 4 of Local Law 2-2013, is amended as follows:

Delete

(iii) The exemption provided by sections 2 and 3 shall be granted for a period of 10 years. The commencement of such ten year period shall be governed pursuant to this subparagraph. Where a qualified owner owns qualifying residential real property on the effective date of the local law providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of the local law providing for such exemption. Where a qualified owner does not own qualifying residential real property on the effective date of the local law providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property such exemption may be granted pursuant to this subdivision for the unexpired portion of the ten year exemption period.

Add

(iii) The exemption authorized by this section shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten year limitation.

This local law shall go into effect immediately upon filing with the Secretary of State.

MOTION BY BABCOCK, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**7:58 P.M. A LOCAL LAW ESTABLISHING THE SEWER USE REGULATIONS FOR THE HAMLET OF MACEDON SEWER DISTRICT AND MACEDON CONSOLIDATED SEWER DISTRICT NO. 1**

**RESOLUTION NO. 183 (2019) WAIVE READING OF THE LEGAL NOTICE**

RESOLVED the Town Board waives reading of the legal notice published in the July 14, 2019 issue of the Times.

MOTION BY MCEWEN, SECONDED BY MAUL

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

All persons desiring to be heard, A resident asked if the rates are staying the same or will they be going up. The WCWSA stated that the charge for units may possible change. The public hearing was closed.

**RESOLUTION NO. 184 (2019) PUBLIC HEARING CLOSED**

RESOLVED the Public Hearing be closed at 8:18 p.m.

MOTION BY MCEWEN, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE, MOTION CARRIED

**RESOLUTION NO. 185 (2019) A LOCAL LAW ESTABLISHING THE SEWER USE REGULATIONS FOR THE HAMLET OF MACEDON SEWER DISTRICT AND MACEDON CONSOLIDATED SEWER DISTRICT NO. 1.**

Be it enacted by the Town Board of the Town of Macedon as follows:

**Section 1.**

Chapter 105, entitled "Macedon Consolidated Sewer District No. 1 Sewer Use Law", is hereby repealed and replaced and shall read as follows:

Chapter 105

**SEWER USE REGULATIONS FOR THE  
HAMLET OF MACEDON SEWER DISTRICT  
AND  
MACEDON CONSOLIDATED SEWER DISTRICT NO. 1**

ARTICLE I

**Short Title and Purpose**

§105-1. Short Title.

§105-2. General Purpose.

§105-3. Specific Purposes.

§105-4. Application of Wayne County Water and Sewer Authority Amended and Restated Sewer Rules

ARTICLE II

**Definitions**

§105-5. Defined Terms.

§105-6. Undefined Terms.

ARTICLE III

**Use of Public Sewers Required**

§105-7. Regulations Pertaining to Use of Public Sewers

§105-8. Moratorium.

ARTICLE IV

**Private Wastewater Disposal**

§105-9. Public Sewer Unavailable - Private Wastewater Disposal Required.

§105-10. Connection of Two Buildings to the Same Septic Tank Prohibited.

§105-11. Construction Permit Application.

§105-12. Construction Permit.

§105-13. Preventing Nuisances - Rehabilitation Required.

§105-14. Sanitary Operation Required.

§105-15. Septage Removal.

§105-16. Direct Connection to New Public Sewers Required.

§105-17. Additional Requirements.

#### ARTICLE V

##### **New Sewers or Sewer Extensions**

§105-18. Regulations Pertaining to New Sewers, Sewer Extensions, or Sewer Replacements

§105-19. Liability Insurance Coverage During Construction Period.

#### ARTICLE VI

##### **Building Laterals, Street Laterals, Connections, and Fees**

§105-20. Regulations Pertaining to Building Laterals, Street Laterals, Connections, and Fees

#### ARTICLE VII

##### **Inflow and Infiltration**

§105-21. Regulations Pertaining to Inflow and Infiltration.

§105-22. Charges for Inflow.

#### ARTICLE VIII

##### **Trucked or Hauled Waste**

§105-23. Regulations Pertaining to Trucked or Hauled Waste.

#### ARTICLE IX

##### **General Sewer Use Requirements**

§105-24. Regulations Pertaining to General Sewer Use.

§105-25. Grease, Oil, and Sand Interceptors.

§105-26. Solid Waste Grinders.

§105-27. Rejection of Wastewater.

#### ARTICLE X

##### **Pretreatment of Wastewater**

§105-28. Regulations Pertaining to Pretreatment of Wastewater

#### ARTICLE XI

##### **Individual Wastewater Discharge Permits**

§105-29. Regulations Pertaining to Individual Discharge Permits

#### ARTICLE XII

##### **Individual Wastewater Discharge Permit Issuance**

§105-30. Regulations Pertaining to the Issuance of Individual Wastewater Discharge Permits.

#### ARTICLE XIII

Reporting Requirements

§105-31. Regulations Pertaining to Reporting Requirements for Permittees.

#### ARTICLE XIV

Compliance Monitoring

§105-32. Regulations Pertaining to Compliance Monitoring.

#### ARTICLE XV

Enforcement and Penalties

§105-33. Regulations Pertaining to Administrative, Judicial, and Supplemental Enforcement Actions and Proceedings.

§105-34. Criminal Penalties.

§105-35. Contractor Listings.

#### ARTICLE XVI

##### Charges

§105-36. Regulations Pertaining to Normal Sewer Charges, Abnormal Sewer Surcharges, Charges for Trucked or Hauled Waste, Impact Fees, and Delinquent Payments.

§105-37. Apportionment of Sewer System Costs by Equivalent Dwelling Units.

#### ARTICLE XVII

##### **Public Disclosure of POTW Operations**

§105-38. POTW Operations Open to the Public.

§105-39. Procedural Requirements Available.

§105-40. Validity Through Public Inspection.

#### ARTICLE XVIII

##### **Conflicts, Severability, Effective Date and Applicability**

§105-41. Conflicts.

§105-42. Severability.

§105-43. Applicability.

#### APPENDIX

Wayne County Water and Sewer Authority Amended and Restated Sewer Use Rules

### ARTICLE I

#### **Short Title and Purpose**

##### **§105-1. Short Title.**

For brevity and ease of communication, this chapter may be cited as the South Macedon Sewer Use Law.

##### **§105-2. General Purpose.**

The general purpose of this chapter is to provide for efficient, economic, environmentally safe, and legal operation of the Publicly Owned Treatment Works (POTW) that service the Hamlet of Macedon Sewer District and Macedon Consolidated Sewer District No. 1.

##### **§105-3. Specific Purposes.**

The specific purposes of this chapter are the following:

(1) To prevent the introduction of substances into the POTW that will:

- (a) Interfere with the POTW in any way.
- (b) Pass through the POTW to the State's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit.
- (c) Increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals.
- (d) Endanger municipal employees.
- (e) Cause air pollution, or groundwater pollution, directly or indirectly.
- (f) Cause, directly or indirectly, any public nuisance condition.

(2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.

(3) To assure that new sewers and connections are properly constructed.

(4) To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

**§105-4. Application of Wayne County Water and Sewer Authority Amended and Restated Sewer Use Rules**

Except as set forth herein, Wayne County Water and Sewer Authority Amended and Restated Sewer Use Rules, adopted May 28, 2019 by the Wayne County Water and Sewer Authority Board, and as may be amended from time to time, shall apply to properties located within the Hamlet of Macedon Sewer District and Macedon Consolidated Sewer District No. 1. A copy of the current Wayne County Water and Sewer Authority Amended and Restated Sewer Use Rules is attached in Appendix 1. In the event of any conflict between the provisions of the South Macedon Sewer Use Law then in effect and the provisions contained in Appendix 1, the provisions of the South Macedon Sewer Use Law then in effect shall govern.

ARTICLE II

**Definitions**

**§105-5. Defined Terms.**

Unless otherwise stated in the section where the term is used in this Chapter, the meanings of terms, abbreviations, and undefined terms as stated in Wayne County Water and Sewer Authority Amended and Restated Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein and used in this Chapter, except for the following:

**GPY** – Gallons per year water consumption.

**SUPERINTENDENT** -- The Superintendent of Water and Sewer of the Town of Macedon

**TOWN** -- The Town of Macedon, in the County of Wayne, State of New York.

**WCWSA SEWER USE RULES** -- The Wayne County Water and Sewer Authority Amended and Restated Sewer Use Rules and Regulations, adopted by Resolution of the Wayne County Water and Sewer Authority Board of Directors on May 28, 2019, as may be amended from time to time.

**§105-6. Undefined Terms.**

Terms not defined in this article, or terms found to be ambiguous or improperly defined in this article, shall be defined by the Act, or Regulations, pursuant thereto.

ARTICLE III

**Use of Public Sewers Required**

**§105-7. Regulations Pertaining to the Use of Public Sewers.**

The provisions, rules and regulations pertaining to the use of public sewers, as contained in Article III, Sections 125-8 through 125-11 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

**§105-8. Moratorium.**

The Town Board, upon notice to, and in consultation with the Superintendent, shall have the authority to impose or lift a moratorium to limit or deny new connections from properties within the Town to the POTW upon the same terms and conditions as set forth in Article III, Section 125-11 of the WCWSA Sewer Use Rules.

ARTICLE IV

**Private Wastewater Disposal**

**§105-9. Public Sewer Unavailable - Private Wastewater Disposal Required.**

Where a public sewer is not available, under the provisions of §105-10, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the Rules and Regulations of the NYSDOH, to be enforced by the Superintendent, and/or the NYSDOH.

**§105-10. Connection of Two Buildings to the Same Septic Tank Prohibited.**

No two separate permanent buildings, where the intended use for either is for a distinct and separate business or a dwelling place for a private family or families, shall be connected to the same individual septic tank and tile absorption field unless authorized by the Superintendent.

**§105-11. Construction Permit Application.**

A completed application form, containing results of percolation tests, computations, and a plot plan, including the design and cross-section of the wastewater disposal system, in relation to lot lines, adjacent and on-site well or water supply, and buildings, shall be submitted to the Town. A fee, established by Article XII, shall accompany the application. The wastewater disposal system shall be designed by a professional engineer, licensed surveyor, or architect, and shall be in accordance with the NYSDOH - "Standards for Waste Treatment Works", or NYSDEC "Standards for Commercial and Institutional Facilities", as appropriate.

**§105-12. Construction Permit.**

A written construction permit shall be obtained from the Superintendent before construction commencement. The Superintendent, or his designated representative, shall be permitted to inspect the construction work at any stage, without prior notice.

**§105-13. Preventing Nuisances - Rehabilitation Required.**

When the liquid or liquid-borne effluent from a private wastewater disposal system enters any watercourse, ditch, storm sewer, or water supply system, located in the Town, in such a manner, volume, and concentration so as to create a hazardous, offensive, or objectionable condition, in the opinion of the Superintendent or the NYSDOH, the owner of the premises upon which such wastewater disposal system is located, upon receiving written notice from the Superintendent, to do so, shall, within ninety (90) days, after receipt of such notice, repair, rebuild, or relocate such wastewater disposal system for the purpose of eliminating such hazardous, offensive, or objectionable conditions. The repair, rebuilding, or relocation of the system shall be accomplished in accordance with the rules and regulations of the NYSDOH and the Wayne County Health Department, at the owner's expense.

**§105-14. Sanitary Operation Required.**

The owner shall operate and maintain the private wastewater disposal system in a manner consistent with all applicable rules and regulations at all times, at the owner's expense.

**§105-15. Septage Removal.**

Where a private wastewater disposal system utilizes a cesspool or a septic tank, septage shall be removed from the cesspool or septic tank, by a licensed hauler of trucked and hauled wastes, at three year intervals or more frequently.

**§105-16. Direct Connection to New Public Sewers Required.**

At such time that a public sewer becomes available to a property, a direct connection shall be made to the public sewer if required by the Superintendent, in compliance with this Chapter, and any cesspool, septic tank, and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed. When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank



effluent may be piped or pumped to the sewer; the owner shall provide an easement to the septic tank for septage removal.

**§105-17. Additional Requirements.**

No statement in this Article shall be construed to prevent, or interfere with, any additional requirements that may be deemed necessary by the Superintendent, to protect public health and public welfare.

ARTICLE V

**New Sewers or Sewer Extensions**

**§105-18. Regulations Pertaining to New Sewers, Sewer Extensions or Sewer Replacements.**

The provisions, rules, and regulations pertaining to new sewers, sewer extensions, or sewer replacements, as contained in Article IV, Section 125-12 through 125-25 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

**§105-19. Liability Insurance Coverage During Construction Period.**

(1) All contractors engaged in connecting house laterals with sanitary sewers, who perform any work within the Right of Way of any highway, shall file a bond in the amount of Five Thousand Dollars (\$5,000.00) with the Town Clerk to indemnify the Town against loss, cost, damage or expense sustained or recovered on account of any negligence, omission or act of the applicant for such a permit, or any of his, or their agents arising or resulting directly or indirectly by reason of such permit or consent, or of any act, construction or excavation done, made or permitted under authority of such permit or consent. All bonds shall contain a clause that permits given by the Town Board may be revoked at any time for just cause.

(2) Before commencing work, the above contractor shall file insurance certificates with the Town Clerk for the following:

(a) Worker's Compensation and Employer's Liability Insurance as required by the laws of the State covering the contractor;

(b) Personal Injury Liability having limits of not less than \$500,000 each occurrence and \$500,000 aggregate (completed operations/products, personal injury);

(c) Property Damage Liability having limits of not less than \$500,000 for all damages arising during the life of the contract; and shall include, but not be limited to, the following designated hazards:

i - Premises and Operations;

ii - Independent Contractors;

iii - Completed operations and products;

iv - Property Damage; and

v - Explosions, collapse and underground;

(d) Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:

i - Bodily injury shall be insured at least \$300,000 for each person and \$500,000 for each occurrence; and

ii - Property damage shall be insured at least \$500,000 for each occurrence.

(e) Business Excess Liability Insurance in the amount of \$2,000,000.

(f) All insurance policies must provide for five (5) business days' notice to the Town before cancellation and must cover all liabilities of the Town and be in a form approved by the Town Board and be in a satisfactory form approved by the Town Board.

(g) The minimum insurance limits stated above shall be subject to periodic review by the Town Board and adjustments made, by resolution, as appropriate.

(3) Where it is necessary to enter upon or excavate any highway or cut any pavement, sidewalk or curbing, permission must be obtained from the Superintendent of Highways if a Town Highway is

involved, from the County Department of Public Works if a County Highway is involved, and/or the New York State Department of Transportation if a State Highway is involved.

(4) The minimum insurance limits above shall be as established by the Town Board and shall be subject to periodic review and adjustment, as appropriate, by the Town Board.

#### ARTICLE VI

##### **Building Laterals, Street Laterals, Connections, and Fees**

##### **§105-20. Regulations Pertaining to Building Laterals, Street Laterals, Connections, and Fees.**

The provisions, rules and regulations pertaining to building laterals, street laterals, connections, and fees, as contained in Article V, §§125-26 through 125-53 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

#### ARTICLE VII

##### **Inflow and Infiltration**

##### **§105-21. Regulations Pertaining to Inflow and Infiltration.**

The provisions, rules and regulations pertaining to inflow and infiltration, as contained in Article VI, §§125-54 through 125-58 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

##### **§105-22. Charges for Inflow.**

The Superintendent is enabled to take whatever action is necessary to determine the amount of inflow including the requirement for installation of a control manhole. The property from which the inflow originated shall be billed for inflow according to Article XII, however, the Town Board may cause a surcharge at a rate not to exceed five (5) times that for normal sewage volume charge.

#### ARTICLE VIII

##### **Trucked or Hauled Waste**

##### **§105-23. Regulations Pertaining to Trucked or Hauled Waste.**

The provisions, rules and regulations pertaining to trucked or hauled waste, as contained in Article VII, §§125-59 through 125-63 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

#### ARTICLE IX

##### **General Sewer Use Requirements**

##### **§105-24. Regulations Pertaining to General Sewer Use.**

The provisions, rules and regulations pertaining to general sewer use, as contained in Article VIII, §§125-64 through 125-73 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

##### **§105-25. Grease, Oil, and Sand Interceptors.**

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

##### **§105-26. Solid Waste Grinders.**

Solid waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the POTW if there is a combined sewer overflow (CSO) on the sewer lines conveying the waste to the POTW treatment plant.

**§105-27. Rejection of Wastewater.**

The Town Board may reject a User's wastewater, on recommendation of the Superintendent, when it is has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard. See §105-85.

ARTICLE X

Pretreatment of Wastewater

**§105-28. Regulations Pertaining to the Pretreatment of Wastewater.**

The provisions, rules and regulations pertaining to the pretreatment of wastewater, as contained in Article IX, §§125-74 through 125-78 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

ARTICLE XI

**Individual Wastewater Discharge Permit**

**§105-29. Regulations Pertaining to Individual Wastewater Discharge Permits.**

The provisions, rules and regulations pertaining to individual wastewater discharge permits, as contained in Article X, §§125-79 through 125-87 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

ARTICLE XII

**Individual Wastewater Discharge Permit Issuance**

**§105-30. Regulations Pertaining to Issuance of Individual Wastewater Discharge Permits.**

The provisions, rules and regulations pertaining to the issuance of individual wastewater discharge permits, as contained in Article XI, §§125-88 through 125-94 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

ARTICLE XIII

**Reporting Requirements**

**§105-31. Regulations Pertaining to the Reporting Requirements for Permittees.**

The provisions, rules and regulations pertaining to the reporting requirements for permittees, as contained in Article XII, §§125-95 through 125-110 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

ARTICLE XIV

**Compliance Monitoring**

**§105-32. Regulations Pertaining to Compliance Monitoring.**

The provisions, rules and regulations pertaining to compliance monitoring, as contained in Article XIII, §§125-111 through 125-123 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein, except the Superintendent shall have the same right as the Executive Director of entry for inspection and sampling, authority to seek issuance of a search warrant , and access to property records, as set forth in §§125-115, 125-116, and 125-120 of the WCWSA Sewer Use Rules.

ARTICLE XV

**Enforcement and Penalties**

**§105-33. Regulations Pertaining to Administrative, Judicial, and Supplemental Enforcement Actions and Proceedings.**

The provisions, rules and regulations pertaining to administrative, judicial, and supplemental enforcement actions and proceedings, as contained in Article XIV, §§125-124 through 125-134, Article XV, §§125-135 through 125-37 and 125-39 through 125-140, and Article XVI, §§125-141 through 125-145 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

**§105-34. Criminal Penalties.**

- (1) A User who has violated, or continues to violate, any provision of this local law or the WCWSA Sewer Use Rules incorporated by reference, an individual wastewater discharge permit, or order issued hereunder or any other Pretreatment Standard or Requirement, as defined herein or under the WCWSA Sewer Use Rules, shall, upon conviction thereof, be guilty of a Class A Misdemeanor, punishable by a fine of not more than \$1,000.00 per violation or the maximum amount permitted by applicable law, or imprisonment for not more than one (1) year, or both. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.
  - (2) A User who introduces any substance into the POTW that causes personal injury or property damage shall, upon conviction, be guilty of a Class A Misdemeanor, punishable by a fine of not more than \$1,000.00 per violation or the maximum amount permitted by applicable law, or imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
  - (3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this local law or the WCWSA Sewer Use Rules incorporated by reference, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this local law or the WCWSA Sewer Use Rules shall be guilty of a Class A Misdemeanor, and, upon conviction, shall be punished by a fine of not more than \$1,000.00 per violation or the maximum amount permitted by applicable law, or imprisonment for not more than one (1) year, or both.
  - (4) No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, is instituted.
    - (5) Any prosecution brought against a User shall not be a bar against, or a prerequisite for, the Executive Director taking any other action or actions against a User.
- (1) Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town.
  - (2) Existing contracts for the sale of goods or services to the Town held by a User found to be in significant violation with pretreatment standards may be terminated at the discretion of the Town Board.

ARTICLE XVI

**Charges**

**§105-36. Regulations Pertaining to Normal Sewage Charges, Abnormal Sewage Surcharges, Charges for Trucked or Hauled Waste, Impact Fees, and Delinquent Payments**

The provisions, rules and regulations pertaining to normal sewer charges, abnormal sewage surcharges, charges for trucked or hauled waste, impact fees, and delinquent payments, as contained in Article XVII, §§125-146 through 125-151 of the WCWSA Sewer Use Rules are adopted and incorporated by reference as if fully set forth herein.

**§105-37. Apportionment of POTW Costs by Equivalent Dwelling Units**

Except as otherwise provided herein or in the provisions of the WCWSA Sewer Use Rules adopted and incorporated by reference herein, the Town shall apportion the costs for operation and maintenance of the

POTW that service the Hamlet of Macedon Sewer District and Macedon Consolidated Sewer District No. 1, and any indebtedness associated therewith, including any obligations incurred by contract with the WCWSA, Town of Marion, and Village of Palmyra, by Equivalent Dwelling Units, which shall be assigned to sewer users under the following criteria:

(1) **Residential (Class A):**

Single Family Residence (estimated 60,000 gpy)	One (1) EDU
Mobile Home / Apartment / Town Home (with kitchen & bath)	One (1) EDU

Multi-family homes, town homes, or homes with apartments shall be assigned one (1) EDU for each separate home, town home, or apartment containing a kitchen & bath.

(2) **Commercial/Institutional (Class B, less than 480,000 gallons per year):**

Minimum One (1) EDU per service and an additional One (1) EDU for every 60,000 gallons per year usage above the first 60,000 gallons per year (gpy), up to 480,000 gpy, rounded to the nearest whole EDU.

Example: "Cheerful Day Care Center" usage (previous year) = 345,000 gpy Minimum for first

60,000 gpy = One (1) EDU

$$\begin{aligned} 345,000 \text{ gpy} - 60,000 \text{ gpy} &= 285,000 \text{ gpy} \\ 285,000 \text{ gpy} / 60,000 \text{ gpy} &= 4.75 = \text{Five (5) EDU's} \end{aligned}$$

(3) **Commercial/Institutional (Class B, Greater than 480,000 gpy):**

Minimum One (1) EDU per service and an additional One (1) EDU for every 60,000 gpy usage above the first 60,000 gpy up to 480,000 gpy and then an additional One (1) EDU for every 120,000 gpy above 480,000 gpy, rounded to the nearest whole EDU.

Example: "Community School Facility" usage (previous year) = 1,025,000 gpy

Minimum for first 60,000 gpy = One (1) EDU  
480,000 gpy – 60,000 gpy = 420,000 gpy / 60,000 gpy = Seven (7) EDU's  
1,025,000 gpy – 480,000 gpy = 545,000 gpy / 120,000 gpy = 4.54 = Five (5) EDU's  
Total EDU's for "Community School Facility" example = 1 + 7 + 5 = **13 EDU's**

(4) **Industrial User (Class C, Less than 6,000,000 gpy):**

One (1) EDU for every 60,000 gpy up to 6,000,000 gpy, and then rounded to the nearest whole EDU. Minimum Six (6) EDU's.

Example: "X Fabricator Inc." usage (previous year) = 900,000 gpy

$$900,000 \text{ gpy} / 60,000 \text{ gpy} = \text{Fifteen (15) EDU's}$$

(5) **Industrial User (Class C, Greater than 6,000,000 gpy):**

One (1) EDU for every 60,000 gpy usage up to 6,000,000 gpy and then an additional One (1) EDU for every 120,000 gpy above 6,000,000 gpy, and then rounded to the nearest whole EDU.

Example: "Y Food Processing Corp." usage (previous year) = 13,420,000 gpy

$$6,000,000 \text{ gpy} / 60,000 \text{ gpy} = \text{One hundred (100) EDU's}$$

13,420,000 gpy – 6,000,000 gpy = 7,420,000 gpy / 120,000 gpy = 61.8 = Sixty two (62) EDU's  
Total EDU's for "Y Food Processing Corp." example = 100 + 62 = **162 EDU's**

ARTICLE XVII

**Public Disclosure of POTW Operations**

**§105-38. POTW Operations Open to the Public.**

It shall be the policy of the Town Board to conduct all business with full disclosure to the public.

**§105-39. Procedural Requirements Available.**

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under this Chapter and for requesting a hearing shall be formulated by the Town and be made available to any resident of the Town upon request.

**§105-40. Validity Through Public Inspection.**

The Town shall formulate procedures to make available to the public for inspection such orders, statements of policy, and interpretations used by the Town in administration of this Chapter. No rule, regulation, or civil order shall be valid until it has been available for public inspection.

ARTICLE XVIII

**Conflicts, Severability, Effective Date and Applicability**

**§105-41. Conflicts.**

The provisions of any Town law in conflict with any provision of this Chapter are hereby repealed.

**§105-42. Severability.**

Each provision of this Chapter is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Chapter which shall nonetheless remain in full force and effect.

**§105-43. Applicability**

This Chapter shall apply to the users located within the Hamlet of Macedon Sewer District or Macedon Consolidated Sewer District No. 1.

APPENDIX

[WAYNE COUNTY WATER AND SEWER AUTHORITY  
AMENDED AND RESTATED SEWER USE RULES]

**Section 2.**

This local law shall go into effect immediately upon filing with the Secretary of State.

MOTION BY BABCOCK, SECONDED BY MCEWEN

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**Speaker - discussion**

**\*Proposed Re-Use of Jindal Property 729 NYS Route 31 – Linda Shaw, Esq.**

**Roundtable:**

\*Leaf and brush pick up days are the 1<sup>st</sup> and 3<sup>rd</sup> Monday's of the month.

ABSTRACT NO. 19	
2019 # 1395-1477	\$91,440.29
2019 TA#77-83	<u>\$5,995.00</u>
	\$97,435.29

**RESOLUTION NO. 186 (2019) PAYMENT OF CLAIMS**

RESOLVED the bills be paid as audited

MOTION BY PAGANO, SECONDED BY BABCOCK

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

**RESOLUTION NO. 187 (2019) EXECUTIVE SESSION**

RESOLVED the Board enters Executive Session at 8:51 p.m. to discuss contracts

MOTION BY MCEWEN, SECONDED BY PAGANO

ROLL CALL VOTE: MCEWEN AYE, MAUL AYE, KENYON ABSENT, BABCOCK AYE, PAGANO AYE,  
MOTION CARRIED

Declared out of executive at 10:00 pm

MOTION BY MCEWEN, SECONDED BY MAUL THE MEETING BE ADJOURNED AT 10:02 PM.

*Karrie M. Bowers*

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Karrie M. Bowers, Macedon Town Clerk, RMC