

**MADISON COUNTY BOARD OF SUPERVISORS**  
**Meeting–Tuesday, October 8, 2013**

The Board convened at 2:00 p.m. in the Supervisors chambers, second floor, County Office Building, Wampsville, New York with all members present.

Pledge of Allegiance.

On motion by Supervisor Rafte, seconded by Supervisor Bono, the minutes from the previous meeting were dispensed with and adopted as filed.

**COMMUNICATIONS**

1. Copy of a resolution from Herkimer County – Report and Resolution of the Committee on County Planning and Development Concerning Membership on the Workforce Investment Board.

**REPORTS**

1. Auction Summary Report for 2013.
2. Federal Single Audit Report FYE 12/31/12.
3. NYS Dept. of Transportation Single Audit Report FYE 12/31/12.
4. Basic Financial Statements FYE 12/31/12.
5. Financial Assurance for Madison County's East Side and West Side Landfill.
6. Financial Assurance Closure/Post Closure Cost Estimates.

**REPORTS OF COMMITTEES**

Supervisors, Highway, Social Services, JTPA/WIA and Madison County Sewer District:	\$ 2,337,341.59
Miscellaneous Accounts:	\$ 1,503,386.04

**RESOLUTIONS**

**By Supervisor Degear:**

**RESOLUTION NO. 299-13**

**RESOLUTION OF APPRECIATION–RETIREE RECOGNITION**

**WHEREAS**, the Madison County Board of Supervisors believes that County employees should be recognized for their faithful service to the public; and

**WHEREAS**, recognition of the distinguished service of a certain County employee with an upcoming retirement is in order,

**NOW, THEREFORE, BE IT RESOLVED** that the Madison County Board of Supervisors hereby recognizes the dedicated contributions of Jeffrey Sawyer upon his retirement.

Jeffrey D. Sawyer

Sheriff's

2002 - 2013

**ADOPTED: AYES—1500 NAYS—0**

**Sheriff Riley stepped up front along with Deputy Sawyer who was presented a gift on behalf of the County. Deputy Sawyer was congratulated on his service to the county and wished the best on his retirement.**

**RESOLUTION NO. 300-13**

**AMENDING A STIPEND FOR THE FIRST ASSISTANT DISTRICT ATTORNEY TO PROVIDE STOP DWI TRAINING/ASSISTANCE FOR THE STOP DWI PROGRAM FOR 2013**

**WHEREAS**, by Resolution No. 3, dated September 10, 2013, the Board of Supervisors authorized a stipend for the First Assistant District Attorney to provide STOP DWI training and assistance for the STOP DWI program for 2013; and

**WHEREAS**, a stipend of \$6,000 was established for the First Assistant District Attorney for 2013, payable on a bi-weekly basis and effective immediately; and

**WHEREAS**, it was intended that the \$6,000 appropriation from the STOP DWI budget include associated fringe benefit expenses; and

**WHEREAS**, it is estimated that such fringe benefits would amount to \$1,336.

**NOW, THEREFORE, BE IT RESOLVED** that the stipend established for the First Assistant District Attorney for 2013 be changed from \$6,000 to \$4,664, effective immediately.

**ADOPTED: AYES—1500 NAYS—0**

**RESOLUTION NO. 301-13**

**APPOINTING A MEMBER TO THE ETHICS ADVISORY COUNCIL**

**WHEREAS**, a vacancy exists on the Ethics Advisory Council due to the expiration of a term of appointment and resignation; and

**WHEREAS**, the Government Operations Committee recommends the appointment of the individual listed below;

**NOW, THEREFORE BE IT RESOLVED**, that Robert M. Semian of 106 Boyd Avenue, Chittenango, New York be and hereby is appointed to fill this vacancy on the Ethics Advisory Council effective immediately, said term expiring on February 11, 2017.

**ADOPTED: AYES—1500 NAYS—0**

**RESOLUTION NO. 302-13**

**REAPPOINTING THE COMMISSIONER OF SOCIAL SERVICES**

**WHEREAS**, by Resolution No. 361-08 of 2008, Michael Fitzgerald was appointed to a five-year term as Madison County Commissioner of Social Services expiring December 29, 2013; and

**WHEREAS**, the Social and Mental Health Services Committee and the Government Operations Committee recommend the reappointment of Michael Fitzgerald for another term;

**NOW, THEREFORE, BE IT RESOLVED** that Michael Fitzgerald of Oneida, New York, be and hereby is appointed Madison County Commissioner of Social Services for a term of five years at the 2013 annual salary of \$81,753 effective December 30, 2013.

**ADOPTED: AYES—1500 NAYS—0**

**RESOLUTION NO. 303-13**

**AUTHORIZING THE CHAIRMAN TO EXTEND AN AGREEMENT WITH MASSMUTUAL, AN AGENT AND ADMINISTRATOR FOR HARTFORD LIFE, FOR THE DEFERRED COMPENSATION PROGRAM FOR EMPLOYEES OF MADISON COUNTY**

**WHEREAS**, by Resolution No. 134 of 1992, Resolution No. 187 of 1997, Resolution No. 261 of 2002 and Resolution No. 333 of 2007, the Chairman of the Board was authorized to enter into consecutive, five-year agreements with The Hartford Life Insurance Company to serve as the administrator for the County's deferred compensation program pursuant to section 9003.2 of the Rules and Regulations of the New York State Deferred Compensation Board; and

**WHEREAS**, MassMutual has acquired The Hartford's Retirement Plans Group effective January 1, 2013 which, pursuant to the sales transaction, MassMutual has been appointed by the Hartford Life Insurance Company as its agent and administrator to provide all administrative services necessary to support the group variable annuity contract and the group fixed annuity contract (Contracts); and

**WHEREAS**, by Resolution No. 238 of 2012 the Chairman of the Board was authorized to enter into an agreement that extended an administrative services arrangement with The Hartford Life Insurance Company, now administered by MassMutual; and

**WHEREAS**, the County's one year extension with The Hartford Life Insurance Company will expire on October 7, 2013; and

**WHEREAS**, the Contracts may be extended beyond October 7, 2013 for up to an additional year under the New York State Deferred Compensation Board's Rules and Regulations (NYCRR Parts 9000 to 9006 of Subtitle II of Title 9); and

**WHEREAS**, the Government Operations Committee as the local deferred compensation committee appointed by the Madison County Board of Supervisors finds it to be in the best interest of the Plan to extend the agreement with MassMutual and Reliance Trust Company through December 31, 2013 for reasons which include, but are not limited to, the preservation of the stability of the Plan's administration, recordkeeping and account maintenance; compliance with pending reporting requirements and to allow the County ample time to obtain a successor investment vehicle and administrative arrangement prior to the maturity of the Contracts; and

**NOW, THEREFORE BE IT RESOLVED**, that Madison County hereby extends through December 31, 2013 the agreement with MassMutual to continue as the administrative services agency and financial organization for the deferred compensation program; and

**BE IT FURTHER RESOLVED**, that the Chairman of the Board be and hereby is authorized to execute, and deliver all documents necessary to effectuate the administrative services agreement, in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES–1500 NAYS–0**

**RESOLUTION NO. 304-13**

**DESIGNATING DISPOSAL OF OBSOLETE AND/OR SURPLUS COUNTY PERSONAL PROPERTY**

**WHEREAS**, in accordance with the Madison County disposal of Obsolete and/or Surplus County Personal Property Policy and Procedures, County Personal Property is required to be declared obsolete and/or surplus by the Board of Supervisors; and

**WHEREAS**, the current list of County Personal Property waiting obsolete and/or surplus designation is attached.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors declares the list of said items as obsolete and/or surplus.

472	Shelving	Fair/Good	
473	Typewriter	Fair/Good	
474	Fax Machine,Cannon CFX-L4000	Condition Unknown	
475	Printer, HP Deskjet 970 Cxi	Condition Unknown	
476	Fax,Copy,Print,Scan, Lexmark	Condition Unknown	
477	Overhead Projector, no cord	Condition Unknown	
478	Dalite silver Pacer Screen	Good	
479	Cart on wheels, locked, no key	Good	
480	Desk,tan, oversize top,	Very Good	
481	Utility Table w/drawer	Good	
482	Utility Table w/drawer	Good	
483	Desk, Dk. Brown,slight damage on corner	Fair/Good	
484	Bookcase, Black,metal, 3 shelf	Good	
485	Typing Table, black, metal	Good	
486	Typing Table, black, metal	Good	
488	Wood Storage Unit	Good	
489	Wood Storage Unit	Good	
490	Wood Storage Unit	Good	
491	Bookcase, Gray, metal	Good	
492	Trimble Asset Surveyor	Condition Unknown	
493	Chairs, Stacking (3)	Good	
494	Chairs, Stacking (4), black	Good	
495	Wood Desk w/storage slots	Fair/Good	
496	End Table, sled base	Fair/Good	
497	Wood Typing Table w/drop down side shelf	Fair/Good	
498	Wood Typing Table, lift up keyboard shelf	Fair/Good	
499	Metal Desk, Tan	Fair/Good	

500	Wood Desk w/storage slots	Fair/Good	
501	Desk, Tan	Fair/Good	
502	File Cabinet,2 dr., lateral, dark grey	Fair/Good	
503	TV, Sharp,top corner damage	Condition Unknown	
504	File Cabinet, 2 dr., black	Fair/Good	
505	Chairs,2 wood,3 leather, 1 fabric,no arms	Fair/Good	
506	Utility Table	Fair/Good	
507	Utility Table	Fair/Good	
508	Landscape Panel, free standing	Good	
509	Printer Table	Fair/Good	
510	Utility Table, small	Fair/Good	
511	Cabinet, 2 door, 2 shelves	Fair/Good	
512	Bookcase, 5 shelf, brown	Fair/Good	
513	File Cabinet,3 dr. tan w/lock	Fair/Good	
514	Fax, HP 1040	Very Good	

**ADOPTED: AYES–1500 NAYS–0**

**RESOLUTION NO. 305-13**

**AUTHORIZING THE CHAIRMAN TO RENEW AN AGREEMENT WITH CONTINUUM VOICE AND DATA SYSTEMS INC.**

**WHEREAS**, a number of Madison County departments utilize the Onbase Electronic Document Management System; and

**WHEREAS**, the Information Technology Department is the lead department for this system and is responsible for the maintenance agreement with Continuum Voice and Data Systems Inc.; and

**WHEREAS**, the term of the renewal is from May 1, 2013 through April 30, 2014, renewable on an annual basis; and

**WHEREAS**, the cost of this renewal will be Twenty-Eight Thousand Seven Hundred Thirty-Three Dollars and Twenty-Five Cents (\$28,733.25); and

**WHEREAS**, any additional department that wishes to utilize the Onbase System in the future will be added as needed,

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board be and is hereby authorized to renew an agreement with Continuum Voice & Data Systems, Inc., a copy of which is on file with the Clerk of the Board.

**ADOPTED: AYES–1500 NAYS–0**

**By Supervisor Salka:**

**RESOLUTION NO. 306-13**

**AUTHORIZING THE CHAIRMAN TO ENTER AN AGREEMENT TO RENEW THE CHILDHOOD LEAD POISONING PREVENTION GRANT**

**WHEREAS**, Madison County Public Health Department has been notified by New York State Department of Health of their approval for renewal of the Childhood Lead Poisoning Prevention Program budget and work plan for the period of October 1, 2013 through September 30, 2014, and

**WHEREAS**, State and Federal funding for this grant will extend the existing contract for the period of 10/1/13-09/30/14, this grant is identified by the following:

Awarding Agency:	Health Resources and Services
Pass-through Agency:	New York State Department of Health
Catalog #:	93.994
Programs Name:	Childhood Lead Poisoning Prevention Program
Contract No.:	C-026517-3
Grant Extension:	10/1/13-09/30/14
Federal Funds:	43.02%
Grant total:	\$34,565

**WHEREAS**, the remaining 56.98% of the grant is New York State funded, and

**WHEREAS**, both Board of Health and the Public Health Services Committee supports the Health Department's involvement in this initiative,

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of The Board of Supervisors be and is hereby authorized to enter into an agreement with The New York State Department of Health, as is on file with the Clerk of the Board.

**ADOPTED: AYES—1500 NAYS—0**

**RESOLUTION NO. 307-13**

**MODIFYING CONTRACT WITH BIRNIE BUS FOR  
PRE-SCHOOL CHILDREN TRANSPORTATION**

**WHEREAS**, bids were duly received and opened on May 31, 2011 for the transportation of handicapped children for the 2011-2012 school year with the option to extend agreements for four (4) individual and consecutive periods of one (1) year each; and

**WHEREAS**, Madison County Department of Health is responsible to provide arrangements for transportation of children with handicapping conditions to education facilities under the Early Intervention Program and Special Education Program for ages 0-5; and

**WHEREAS**, Resolution # 200-13 was approved on July 9, 2013 for the following locations awarded to Birnie Bus:

Program Name	Location	Rate/Route	New Rate
2- Jowonio	Syracuse	\$275.61	279.47
4- Little Lukes	East Syracuse	\$275.61	279.47
8- UCP Clinton	Clinton	\$252.22	255.75

**WHEREAS**, we have two children riding one bus to Upstate Cerebral Palsy (UCP) and their route is taking over 90 minutes; and

**WHEREAS**, VMC has been contacted and recommends Madison and Oneida Counties co-mingling children and share one bus to UCP; and

**WHEREAS**, the County would like to co-mingle transportation with Oneida County and share the cost of a bus instead of adding an additional bus with Paine Bus; and

**WHEREAS**, the shared route would cost Madison County \$75/day instead of \$267.71/day; and

**WHEREAS**, the Board of Health and Public Health Services' Committee feels this is in the best interest of Madison County;

**NOW THEREFORE BE IT RESOLVED**, that the Chairman of the Board of Supervisors be and is hereby authorized to modify an agreement with Birnie Bus, effective October 1, 2013 through June 30, 2014, as is on file with the Clerk of the Board.

**ADOPTED: AYES—1500 NAYS—0**

**RESOLUTION NO. 308-13**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT WITH ABILITY NETWORK INC.**

**WHEREAS**, the Mental Health Department submits Medicare electronic claims and is required to utilize an NGS-approved network service vendor; and

**WHEREAS**, it is necessary to enter into an agreement with ABILITY Network Inc., an NGS-approved network service vendor, who provides Medicare Access network connectivity services; and

**WHEREAS**, this agreement has been reviewed and approved by the Social and Mental Health Services Committee;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an agreement on behalf of the County of Madison with ABILITY Network Inc., in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES—1500 NAYS—0**

**By Supervisor Suits:**

**RESOLUTION NO. 309-13**

**A RESOLUTION TO COMBINE THE 2014 FEDERAL AND STATE/LOCAL PRIMARIES**

**WHEREAS**, the MOVE (Military and Overseas Voter Empowerment) Act adopted in 2009 requires federal military absentee ballots to be sent out forty-five (45) days prior to the General Election; and

**WHEREAS**, New York State's September primary date for state and local offices does not allow sufficient time to comply with the federal mandate, therefore requiring a separate earlier date for the federal primary; and

**WHEREAS**, to eliminate the substantial financial burden of an additional full county election, it is in the best interest of Madison County taxpayers to combine the state/local primary election with the federal primary election; and

**WHEREAS**, failure to do so will result in an additional and unnecessary expense of over \$40,000 for Madison County as accounted for in the additional primaries in 2012; and

**WHEREAS**, as proven in 2012, the separate primaries in New York State created voter confusion and a record low voter turnout; and

**WHEREAS**, at a time when taxpayers are pleading with government to run more efficiently, the prospect of an additional primary should be summarily dismissed by policymakers in Albany, with an eye toward consolidating federal, state and local offices onto a single primary date for 2014 and all future years.

**NOW, THEREFORE, BE IT RESOLVED**, that the Madison County Board of Supervisors urge the New York State Legislature to combine the federal and state/local primaries in 2014 and all future years for a substantial savings of the tax dollars of New York residents; and

**RESOLVED**, that the Clerk of the Board is hereby authorized to forward certified copies of this resolution to Governor Andrew Cuomo, State Senate Majority Leader Dean Skelos, and Speaker of the Assembly Sheldon Silver.

**ADOPTED: AYES–1500 NAYS–0**

**By Supervisor Bradstreet:**

**RESOLUTION NO. 310-13**

**AUTHORIZING THE BOARD OF SUPERVISORS TO ACCEPT A GIFT ON BEHALF OF  
MADISON COUNTY**

**WHEREAS**, pursuant to County Law §215, the Board of Supervisors may acquire gifts for lawful county purposes so long as all conveyances made to the county, or on its behalf, shall be made in the name of the county; and

**WHEREAS**, the Sheriff's Office is committed to the Operation Safe Child ID Program, and the current equipment is age-excessive and no longer usable; and

**WHEREAS**, the Sheriff has identified various organizations and corporations that may assist, by cash donation, to acquire the needed upgrade that costs \$1,995.00; and

**WHEREAS**, donations would be deposited until such time the purchase could be made; and

**WHEREAS**, this has been reviewed by the Madison County Attorney's Office for appropriateness; and

**WHEREAS**, these donations would serve a lawful county purpose in that the funds would be utilized to purchase the required software and components to ensure this vital program's continuation;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors is hereby authorized to accept the gift of personal property consisting of cash donations to upgrade this Operation Safe Child ID System on behalf of Madison County.

**ADOPTED: AYES–1500 NAYS–0**

**RESOLUTION NO. 311-13**

**AUTHORIZING CHAIRMAN TO ENTER INTO AGREEMENT**

**WHEREAS**, Linstar, Inc. is an equipment dealer and systems integrator specializing in secure access, video surveillance, positive identification and emergency management; and

**WHEREAS**, the Sheriff's Office owns a Datacard CP80 Plus Duplex Printer with IDCentre Gold v6.5 from Linstar, Inc., for printing of ID cards; and

**WHEREAS**, the agreement includes a preventative maintenance trip and on –call remedial maintenance service; and

**WHEREAS**, the charges for the basic principal maintenance is One Thousand Six Hundred Fifteen Dollars (\$1,615.00); and

**WHEREAS**, the term of this agreement shall begin on June 17, 2013 and end June 16, 2014;

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board of Supervisors be and he is hereby authorized to enter into agreement with Linstar, Inc., in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES–1500 NAYS–0**

**By Supervisor Bono:**

**RESOLUTION NO. 312-13**

**AUTHORIZING THE CHAIRMAN TO REQUEST AN EXTENDED PERIOD FOR FEMA 4129-DR-NEW YORK AID FOR FLOOD DAMAGE IN MADISON COUNTY TO JUNE 28–JULY 8, 2013**

**WHEREAS**, the County of Madison experienced serious flood damage during the period of June 28 to July 8, 2013 throughout the county; and

**WHEREAS**, numerous roads were damaged by heavy rain and flooding that required significant emergency repairs; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) has declared a federal disaster area and Public Assistance for FEMA-4129-DR-New York for the period of June 28 to July 4 that impacted the region; and

**WHEREAS**, the County of Madison, along with many towns, villages, cities and counties in the Central New York, Southern Tier and Mohawk Valley region experienced additional heavy flooding due to massive downpours on July 7 that washed away much of the repair work done to town roads while causing the many rivers and streams to overflow their banks and impact private property and infrastructure; and

**WHEREAS**, the costs related to these repairs were exponentially increased due to the massive washouts caused by the storms on July 7-8 that required emergency repairs; and

**WHEREAS**, the expenses related to this natural disaster could financially impact the County of Madison and its townships that has limited funds budgeted annually for supplies and materials related to repair and improvement of town roads; and

**WHEREAS**, many of the completed repairs to roads and bridges damaged by flooding on June 28-July 4, 2013, covered under funding for FEMA-4129-DR-New York were also damaged or washed away by this July 7-8, 2013 flooding event; and

**WHEREAS**, the additional expenses will create unanticipated budget problems and shortfalls for Madison County and its taxpayers and could delay or diminish the road repair programs for years to come; and

**WHEREAS**, other municipalities in Oneida, Herkimer, Chenango and other counties in the region were significantly impacted by this additional rain and flooding; and

**WHEREAS**, the federal FEMA aid is essential to assisting Madison County and its residents in weathering these road repairs costs;

**NOW THEREFORE BE IT RESOLVED**, that the Madison County Board of Supervisors formally requests that the Federal Emergency Management Agency and President of the United States Barrack Obama extend the FEMA-4129-DR-NEW YORK reimbursement from the Federal Emergency Management Agency (FEMA) through SEMO for damages incurred from June 28 to July 8, 2013 to include the heavy rains and flooding on July 7-8, 2013 in the region, and copies of this resolution shall be forwarded to President Barrack Obama at the White House, FEMA, SEMO, Congressman Richard Hanna, State Senator David Valesky, Assemblyman William Magee, United States Senators Kirsten Gillibrand and Charles Schumer, and Governor Andrew Cuomo.

**ADOPTED: AYES—1500 NAYS—0**

**RESOLUTION NO. 313-13**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT  
WITH THE MADISON COUNTY SNOWMOBILE ASSOCIATION, INC FOR THE USE OF THE  
SWALLOWS BRIDGE ROAD BRIDGE**

**WHEREAS**, the County of Madison co-owns the Swallows Bridge Road Bridge situated in the City of Oneida, over Oneida Creek with the County of Oneida; and

**WHEREAS**, the Bridge has been closed to regular vehicle traffic since May 11, 2005; and

**WHEREAS**, Madison County allowed the Madison County Snowmobile Association to use and maintain the Bridge for recreational snowmobile traffic last season without incident; and

**WHEREAS**, the Swallows Bridge Road Bridge is still the most suitable crossing of Oneida Creek between Madison and Oneida Counties for snowmobiles; and

**WHEREAS**, the Madison County Snowmobile Association, Inc. has again agreed to certain terms and conditions for the use and maintenance of the Bridge for recreational snowmobile traffic;

**NOW, THEREFORE BE IT RESOLVED**, that the Chairman of the Board of Supervisors be and is hereby authorized to enter into an Agreement on behalf of the County of Madison with the Madison County Snowmobile Association in the form as is on file with the Clerk of the Board.

**ADOPTED: AYES—1500 NAYS—0**

**RESOLUTION NO. 314-13**

**ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 7 FOR THE YEAR 2013 AND CALLING FOR A PUBLIC HEARING**

Supervisor Bono introduced proposed Local Law No. 7-2013 titled, “A Local Law Amending, Replacing, and Superseding Local Law No. 3-1992, as Amended by Local Law No. 5-1995 By Establishing the Rules and Regulations of the Madison County Sewer District Comprising the Entire Village of Cazenovia, and Parts of the Towns of Cazenovia and Nelson, Madison County, New York”; and

**WHEREAS**, a copy of said proposed Local Law No. 7-2013 has been furnished to each Supervisor; and

**WHEREAS**, the enactment of said proposed Local Law No. 7-2013 is subject to a permissive referendum pursuant to Municipal Home Rule Law Section 24(2)(c); and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the County of Madison, such that there are no other involved agencies within the meaning of SEQRA with respect to the enactment of said proposed Local Law, with the result that the Madison County Board of Supervisors shall act as lead agency in this matter; and

**WHEREAS**, the enactment of the proposed Local Law No. 7 is an unlisted action for purposes of SEQRA; and

**WHEREAS**, the Board has determined that a short environmental assessment form (EAF) shall be required in connection with this action;

**NOW THEREFORE, BE IT RESOLVED** that the enactment of proposed Local Law No. 7-2013 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

**RESOLVED** that the Board conduct a public hearing as to the enactment of proposed Local Law No. 7-2013 at the Supervisor’s Chambers located on the second floor of County Office Building No. 4 at 138 North Court Street, Wampsville, New York 13163 on November 12, 2013 at 2:15 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested shall be heard.

**ADOPTED: AYES – 1500 NAYS – 0**

**MADISON COUNTY BOARD OF SUPERVISORS  
PROPOSED LOCAL LAW NO. 7 OF 2013**

**A LOCAL LAW AMENDING, REPLACING, AND SUPERSEDING LOCAL LAW NO. 3-1992, AS  
AMENDED BY LOCAL LAW NO. 5-1995 BY ESTABLISHING THE RULES AND  
REGULATIONS OF THE MADISON COUNTY SEWER DISTRICT COMPRISING THE ENTIRE  
VILLAGE OF CAZENOVIA, AND PARTS OF THE TOWNS OF CAZENOVIA AND NELSON,  
MADISON COUNTY, NEW YORK**

Be it enacted by the Madison County Board of Supervisors as follows:

**SECTION 1.**

A local law amending, replacing, and superseding Local Law No. 3-1992, as Amended by Local Law No. 5-1995, by re-establishing the Rules and Regulations of the Madison County Sewer District comprising the entire Village of Cazenovia and parts of the Towns of Cazenovia and Nelson, Madison County, New York, as follows:

**“RULES AND REGULATIONS  
OF THE MADISON COUNTY SEWER DISTRICT  
COMPRISING THE ENTIRE VILLAGE OF CAZENOVIA  
AND PARTS OF THE TOWNS OF CAZENOVIA AND NELSON  
MADISON COUNTY, NEW YORK**

The Board of Supervisors of Madison County, State of New York, does hereby establish the following Rules and Regulations pursuant to Article 5A of the County Law for the Madison County Sewer District, which District comprises the entire Village of Cazenovia and parts of the Towns of Cazenovia and Nelson, Madison County, New York.

**Article 1  
PURPOSE**

- |             |   |                                      |
|-------------|---|--------------------------------------|
| Section 101 | - | General Purpose                      |
| Section 102 | - | Existing Village and Town Ordinances |
| Section 103 | - | Specific Purposes                    |
| Section 104 | - | Description of the District          |

**SECTION 101 - GENERAL PURPOSE**

To establish a comprehensive set of rules and regulations pursuant to Article 5A of the County Law for the Madison County Sewer District, which District comprises the entire Village of Cazenovia and parts of the Towns of Cazenovia and Nelson, Madison County, New York. The Madison County Sewer District is to provide and operate treatment facilities and trunk or interceptor sewers (POTW) consistent with area-wide needs and approved planning within the District which has been duly formed. It is not intended to construct, own or maintain collection sewers within established Town Districts or the Village

of Cazenovia. However, it is recognized that, for maximum economy, the use of Madison County District sewers by adjacent properties, wherever possible, is both prudent and desirable to avoid duplication, to serve all possible within the District, and to make maximum use of available construction or operating aid provided by State or Federal authorities.

#### **SECTION 102 - EXISTING VILLAGE AND TOWN ORDINANCES**

The Village and Town Sewer ordinances, local laws, and/or regulations must be compatible with State and Federal regulations and the requirements which the District must meet in order to comply with higher authority and discharge permits. The Village and/or Towns shall enforce their regulations and may change them from time-to-time as required, and shall coordinate such changes with the District to maintain compatibility and consistency.

#### **SECTION 103 - SPECIFIC PURPOSES**

The specific purposes of these Rules and Regulations 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) Through the methods established from time to time by the Madison County Board of Supervisors upon recommendation from the Madison County Sewer Board, to provide for the fair and 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, pursuant to County Law Section 266 and General Municipal Law Article 14-F.

#### **SECTION 104 - DESCRIPTION OF THE DISTRICT**

##### **HISTORY**

The Madison County Sewer District was originally established in the early 1970's and at that time was comprised of the entire Village of Cazenovia and parts of the Town of Cazenovia, later adding parts of the Town of Nelson. In the mid-1970's Madison County was awarded a U.S. Environmental Protection Agency clean water grant for the purpose of constructing a new wastewater treatment facility and construction of a new main sewage line interceptor to connect the existing main line. At that time, the Village of Cazenovia sold its main line interceptors to Madison County, to be operated and maintained by the Madison County Sewer District.

##### **GOVERNANCE**

The Madison County Sewer District is governed by the Madison County Board of Supervisors who appoints a five member Madison County Sewer District Board. The Madison County Sewer District Board of Directors consists of members from the Towns of Cazenovia, Nelson and the Village of Cazenovia, those municipalities who comprise the Sewer District. The Madison County Sewer Board holds monthly meetings at the wastewater treatment facility to conduct the business of the District which includes: approving purchases, budgets and capital projects; oversight of the facility operations and maintenance activities; recommending to the Madison County Board of Supervisors an annual operating and capital budget; recommending to the Board of Supervisors sewer rates and other miscellaneous fees for the collection of revenue and efficient operation of the District.

#### **PHYSICAL ASSETS**

The Madison County Sewer District is comprised of two categories of assets: (i) the wastewater treatment facility; and (ii) the main truck line interceptor sewers.

The wastewater treatment facility was constructed in 1975 and began treatment for wastewater in 1977. The treatment facility is permitted to discharge treated wastewater to Chittenango Creek under a New York State Pollution Discharge Elimination System (SPDES) Permit (SPDES Permit #:NY0028525). The SPDES Permit sets the limits for the treatment facility to achieve compliance with New York State Department of Environmental Conservation regulations. The treatment facility was designed to receive 950,000 gallons per day average daily flow, with a peak hourly flow of 3.5 million gallons per day. The facility was also designed for a defined influent limit of pounds per day loading of biodegradable organics, as defined as BOD, TSS and ammonia. Untreated wastewater is conveyed to the facility from the main interceptors sewers that first enter screenings and flow measuring buildings before it flows to a splitter box that allows wastewater to be split to either of the two biological aeration reactors. The biological aeration reactors are designed as extended aeration oxidation ditches with mechanical brush aerators that supply oxygen to grow microorganism to facilitate the consumption of biodegradable organic wastewater. The biological mixture then flows to a splitter box to allow flow splitting to two flocculating clarifiers for the separation of the living biology and clean water. The clean water flows into a chlorine contact tank for disinfection with chlorine, and then dechlorination prior to discharge to the Chittenango Creek. The settled living biology in the clarifiers are returned to the aeration reactors on a continual basis. As the biological population increases, excess biological mass referred to as biosolids, are pumped to an aerobic digester for volatile solids stabilization, prior to dewatering with a belt filter press. The dewatered biosolids are then composed to meet USEPA 503 class A compost requirements. The class A compost is returned to the public within the district that desire to recycle the compost for non food crop uses in such areas as flower gardens and lawn mulching.

#### **MAIN TRUNK LINE INTERCEPTOR DESCRIPTION**

The Madison County Sewer District trunk line in the Town of Nelson begins at manhole #109 just off Route 20. It runs in a westerly direction toward the Village of Cazenovia on the north side of Route 20 to manhole #33 located at the intersection of Nelson Street, Fenner Street, and Sims Lane. \*From manhole #33 it continues in a northerly direction to manhole #30 located at the intersection of Sims Lane and Burr Street. It then crosses Chittenango Creek by the Burr Street bridge and connects to the Madison County Sewer District main trunk line at manhole #8 off of William Street. From manhole #8 the main trunk line runs to the Madison County Sewer District wastewater treatment facility located on Route 13 North in the Town of Cazenovia.

The Fenner Street trunk line starts at manhole #47 located at the intersection of Carriage Lane and Fenner Street. From manhole #47 the main trunk runs in a westerly direction into the Village of Cazenovia and connects into manhole #33 at the intersection of Fenner Street, Sims Lane, and Nelson Street. \*(See manhole #33 description above to complete line direction to the treatment plant after leaving manhole #33).

The East Lake Road trunk line located in the Town of Cazenovia starts at manhole #73, which is located at the intersection of Wright Road and East Lake Road. This trunk line runs in a southerly direction along the west side of East Lake Road, Hickory Lane, and Forman Street, located in the Village of Cazenovia, and connects to manhole #57 located near the intersection of Albany Street and Forman Street. From manhole #57 the trunk line runs in an easterly direction on the north side of Albany Street to manhole #50 located at the intersection of Hurd Street, Albany Street, and Willow Place. From manhole #50 the trunk line runs in a southerly direction down Willow Place to manhole #20, located at the joining of Willow Place and Carpenter Street. \*From manhole #20 the trunk line runs in an easterly direction through the Willow Patch along the dike area and then crosses Mill Street at manhole # 16 at the intersection of South Street, Riverside Drive, and Mill Street. From manhole # 16 the trunk line continues south along Riverside Drive and then crosses Albany Street (Route 20) at manhole #12. From manhole #12 the trunk line heads in a northerly direction toward manhole #8 on William Street. From manhole #8 the trunk line continues in a northerly direction all the way to manhole #1, located to the south of Clark Street by the Clark Street Bridge. On the north side of Clark Street, before crossing Chittenango Creek, the manhole numbers change starting with #85. Once it crosses the creek, the next manhole # is 84. From manhole #84 the trunk line runs along Chittenango Creek and Route 13 north before it crosses Chittenango Creek at the Madison County Sewer District's siphon structures, located at manhole #80 and #79. It then proceeds to the head works (Influent Bldg.) of the wastewater treatment facility. The last manhole before entering the Madison County Sewer District's Influent Bldg. is manhole #74.

Ledyard Avenue trunk line starts at manhole #28 on Ledyard Ave. and runs in an easterly direction to manhole #22, located at the intersection of Forman Street and Carpenter Street. From manhole #22 the trunk line runs in an easterly direction to manhole #20 at the joining of Carpenter Street and Willow Place. From manhole #20 a complete description of the direction of the trunk line has been given under the East Lake Rd. trunk line section. \*(See manhole #20 description above to complete the line direction to the treatment plant after leaving manhole #20).

## END OF ARTICLE 1

## ARTICLE 2 DEFINITIONS

Section 201	-	Defined Terms
Section 202	-	Abbreviations
Section 203	-	Undefined Terms

### SECTION 201 - DEFINED TERMS

Unless otherwise stated in the section where the term is used in these Rules and Regulations, the meaning of terms used in these Rules and Regulations shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. Shall is mandatory; may is permissive.

**Abnormal Sewage** - Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of these characteristics of Normal Sewage. *See* Normal Sewage.

**Act or "THE ACT"** - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as may be amended.

**"Administrative Head or Body"** - The Madison County Sewer District Board, which members shall have

been duly appointed by the Madison County Board of Supervisors.

**Administrator** - The Regional Administrator of the U. S. Environmental Protection Agency (USEPA), Region 2.

**Ammonia Nitrogen** - The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

**Applicant** - That person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

**Approval Authority** - The USEPA, or the New York State Department of Environmental Conservation (NYSDEC), in the event the NYSDEC is delegated approval authority responsibility by the USEPA.

**Approved Laboratory Procedure** - The procedures defined in the current approved edition of "Standard Methods" in this article or other procedures approved by the NYSDEC, NYSDOH or USEPA for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters and/or sludges.

**ASTM, denoting American Society for Testing and Materials** - The latest edition of any ASTM specification, when stipulated in these Rules and Regulations.

**Board of Supervisors** - The duly elected Madison County Board of Supervisors of the County of Madison or its authorized deputy or representative.

**BOD(5), Denoting Biochemical Oxygen Demand** - The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in five (5) days at 20°C in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

**Builder** - Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

**Building Drain** - That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the building walls and conveys it to the building lateral, which begins five (5) feet outside the inner face of the building wall. A building drain is privately owned and maintained.

**CBOD, Carbonaceous Biochemical Oxygen Demand** - The result obtained when using an approved laboratory procedure to determine the quantity of carbonaceous oxygen utilized in five (5) days at 20°C in the aerobic carbonaceous biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

**Chief Operator** - That individual or entity nominated by the Madison County Sewer Board and confirmed by the Madison County Board of Supervisors. Such an individual shall be licensed in the State of New York and qualified to oversee distribution and POTW operations. This definition shall also include his authorized deputy, agent, or representative.

**Chlorine Demand** - The result obtained when using an approved laboratory procedure to determine the difference between the amount of chlorine added to a sample and the amount of chlorine remaining in the sample at the end of a specified contact time at room temperature, expressed in milligrams per liter.

**COD, denoting Chemical Oxygen Demand** - The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

**Color** - The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

**Composite Sample** - The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

**Connection Charge (Tap Fee)** - The one time application fee to offset Madison County Sewer District expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

**Control Authority** - The term shall refer to "Approval Authority" or to the Chief Operator when the Madison County Sewer District has an approved pretreatment program under the provision of 40 CFR 403.11.

**Control Manhole** - A manhole accessible to the Control Authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

**Conventional Pollutant** - A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

**Cooling Water** - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in these Rules and Regulations.

**County** - The county in which the Madison County Sewer District is located.

**Developer** - Any person who subdivides land for the purpose of constructing, or causing to be constructed, buildings for which wastewater disposal facilities are required.

**Direct Discharge** - The discharge of treated or untreated wastewater directly to the Waters of the State of New York. (For reference, see Indirect Discharge.)

**District** - The Madison County Sewer District, comprising the entire Village of Cazenovia and parts of the Towns of Cazenovia and Nelson as administered by the Madison County Sewer Board.

**District Engineer** - The duly appointed Engineer for the Madison County Sewer District or a consulting professional engineer retained by the Madison County Sewer District.

**Domestic Wastes** - See Sewage, Domestic.

**Dry Sewers** - The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of sanitary sewage.

**End of Pipe** - The control manhole or other point provided for the collection of samples which are to be representative of a user's discharge to the POTW.

**End of Pipe Concentration** - The concentration of a substance in a sample at End of Pipe.

**Easement** - An acquired legal right for the specific use of land owned by others.

**Enforcement Officer** - The person appointed by the Madison County Sewer District as enforcement officer, or such other person as may be designated by the Madison County Sewer District, to perform the duties herein conferred on the Enforcement Officer.

**EPA, USEPA, or U.S. Environmental Protection Agency** - The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules and regulations. Also may be used as a designation for the Administrator or other duly authorized official of this Agency.

**Floatable Oil** - Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

**Flow Rate** - The quantity of liquid or waste that flows in a certain period of time.

**Garbage** - The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

**Grab Sample** - A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

**ICS Form** - The form used by the NYSDEC to survey industries to perform and update the Industrial Chemical Survey.

**Indirect Discharge** - The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the State's Waters. (For reference, see Direct Discharge)

**Industrial** - Meaning or pertaining to industry, manufacturing, commerce, trade, or business, and is distinguished from domestic or residential.

**Industrial Chemical Survey (ICS)** - The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

Institutional User – See User, Institutional

**Industrial User** - See User, Industrial.

**Industrial Wastes** - The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

**Infiltration** - Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

**Inflow** - Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

**Interference** - A discharge which, alone or in conjunction with discharges by other sources,

- (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and/or
- (2) is a cause of a violation of any requirement of the POTW's NPDES/SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State, County or local regulations):
  - (a) Section 405 of the Clean Water Act,
  - (b) the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act-RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA,
  - (c) Clean Air Act,
  - (d) Toxic Substance Control Act, and
  - (e) Marine Protection Research and Sanctuaries Act.

**Lateral, Building** - The sewer extension from the building drain to the Street Lateral or other place of wastewater disposal.

**Lateral, Street** - The sewer extension from the public sewer to the property line or right-of-way line as the case may be.

**National Categorical Pre-treatment Standards or Categorical Standard** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

**National Pollutant Discharge Elimination System (NPDES) Permit** - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1392).

**National Prohibitive Discharge Standard or Prohibitive Discharge Standard** - Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5 as amended

**Natural Outlet** - Any outlet, including storm sewers and Combined Sewer overflows, to State's Waters.

**New Owner** - That individual or entity who purchased property within the Service Area of the Madison County Sewer District after the effective date of these Rules and Regulations.

**New Source** - Any source, the construction of which is commenced after the publication of the proposed regulation prescribing a Categorical Standard which will be applicable to such source, if such standard is thereafter promulgated.

**New User** - A discharger to the POTW who commences discharge after the effective date of these Rules and Regulations.

**Normal Sewage** - see Sewage, Normal.

**Nuisance** - The use or lack of use of the POTW in such a manner so as to endanger life or health, or give offense to the senses, obstruct, or otherwise interfere with the reasonable use or maintenance of the POTW.

**Occupied Structure** - Any structure occupied and used for residential, commercial, industrial, or institutional purposes.

**Oil and Grease** - The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

**Old Owner** - That individual or entity who owns or owned a property, within the Service Area of the POTW, purchased prior to the effective date of these Rules and Regulations, or inherited the property at any time and who intends to sell or transfer the property, or has sold or transferred the property to a new owner, also the agent of the old owner.

**Other Wastes** - Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage. Also, the discarded matter not normally present in sewage.

**Pass Through** - The discharge which exits the POTW into Waters of the State in quantities or concentrations, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration or a violation).

**Permit** - A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by these Rules and Regulations.

**Person** - Any individual, public or private corporation, political subdivision, Federal, State, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

**pH** - The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter of solution. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

**Phosphorus, total** - See Total Phosphorus.

**Pollutant** - Any material placed into or onto the State's Waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

**Pollution** - The man-made or man-induced alteration of the chemical, physical, biological and/or

radiological integrity of the State's Waters, lands and/or airs resulting from the introduction of a pollutant into these media.

**Pretreatment (Treatment)** - The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be achieved by physical, chemical or biological process, process changes or by other means.

**Properly Shredded Garbage** - The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers and with no particle having a dimension greater than one-half (1/2) inch in any dimension.

**Property Line** - The boundary line of a public highway, street, alley or easement controlled by the Village, Town or County.

**Public Sewer** - A sanitary sewer within the highway limits, easements limits or other rights-of-way, including street laterals.

**POTW Treatment Plant** - That portion of the POTW designed to provide treatment to wastewater and to treat sludge and residuals derived from such treatment; in this instance, the Madison County Sewer District Treatment Plant.

**Publicly Owned Treatment Works (POTW)** - A treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned, in this instance, by Madison County Sewer District. This definition includes any sewers and appurtenances that transport wastewater to the POTW Treatment Plant, but does not include pipes, sewers or other conveyances not connected directly or indirectly to a facility providing treatment.

**Priority Pollutants** - The most recently revised or updated list, developed by the EPA, in accordance with the Act.

**Receiving Waters** - A natural water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

**Roof Drain** - A drain installed to receive water collecting on the surface of a roof for disposal.

**Septage** - All liquids and solids in and removed from septic tanks, holding tanks, cesspools or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions and industries. Septage shall not have been contaminated with substances of concern or priority pollutants. Not material from grease traps.

**Septic Tank** - A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and State requirements.

**Service Area of the POTW** - The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined or consolidated by action of the Madison County Sewer District Board.

**Sewage** - A combination of the water-carried wastes from residences, business buildings, institutions

and industrial establishments, and such ground, surface and Storm Water as may be inadvertently present.

**Sewage, Domestic (Domestic Wastes)** - Liquid wastes from the cooking and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings and institutions, or liquid wastes from clothes washing and/or floor/wall washing. (See Sewage, Sanitary).

**Sewage, Normal** - Sewage or other wastes which show, by analysis, the following characteristics:

- (1) B.O.D. (Five (5) Day) - 2085 lbs. per million gallons (250 milligrams per liter), or less.
- (2) Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- (3) Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less.
- (4) Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.
- (5) Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
- (6) CBOD – 2502 lbs. per million gallons and 300 milligrams, or less.
- (7) Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
- (8) Chemical Oxygen Demand - 2919 lbs. per million gallons (350 milligrams per liter), or less.
- (9) Oil and Grease - 834 lbs. per million gallons (100 milligrams per liter), or less.

In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

**Sewage, Sanitary** - Liquid wastes from the sanitary conveniences of dwellings (including apartment houses, restaurants and hotels), office buildings, factories or institutions and free from storm water, surface water, industrial and other wastes. (See Domestic Wastes).

**Sewage Treatment Plant (Water Pollution Control Plant)** - See POTW Treatment Plant.

**Sewage, Unusual Strength or Character** - Sewage which has characteristics greater than those of Normal Sewage and/or which contains Substances of Concern.

**Sewer** - A pipe or conduit for carrying or transporting sewage.

**Sewer, Combined** - A sewer designed to receive and transport both surface runoff and sewage.

**Sewer, Public** - A sewer in which all abutting property owners have equal rights and the use of which is controlled by the Madison County Sewer District.

**Sewer, Sanitary** - A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**Sewer, Storm (Storm Drain)** - A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

**Sewerage System (also POTW)** - All facilities for collecting, regulating, pumping and transporting wastewater to and away from the POTW treatment plant.

**Sewer (Trunk)** - A sewer owned and maintained by the Madison County Sewer District generally intended to convey sewage from the Town Districts or the Village to the POTW.

**Slug** - A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow and BOD loading, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow and BOD loading during normal user operations, shall constitute a slug.

**State Pollutant Discharge Elimination System (SPDES) Permit** - A permit issued pursuant to Section 402 of the Act (33 4SC 1392).

\*Note: The Madison County Sewer District SPDES Permit Number is NY0028525.

**Standard Methods** - Procedures contained in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, procedures established by the Administrator, pursuant to Section 304(G) of the Act and contained in 40 CFR, Part 136, and amendments thereto. (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, shall be used), any other procedure approved by the Administrator or any other procedure approved by the Chief Operator, whichever is the most conservative.

**State** - State of New York.

**State's Waters** - See Waters of the State.

**Storm Water** - Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

**Substances of Concern** - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment.

**Sump Pump** - A mechanism used for removing water from a sump or wet well.

**Suspended Solids** - The result obtained, using an approved laboratory procedure, to determine the dry weight of solids in a sample that either float on the surface of or are in suspension or are able to be settled and can be removed from the sample by filtration, expressed in milligrams per liter.

**Total Kjeldahl Nitrogen (TKN)** - The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

**Total Phosphorus** - The result obtained, using an approved laboratory procedure, to determine the total quantity of orthophosphate in a sample of wastewater following the hydrolysis of phosphorus compounds, expressed as milligrams of phosphorus per liter of sample.

**Town** - The Towns of Cazenovia and Nelson.

**Toxic Substances** - Any substance, whether gaseous, liquid or solid, that when discharged to a public

sewer in sufficient quantities may be hazardous to sewer maintenance personnel, tend to interfere with any biological sewage treatment process or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

**Trucked or Hauled Water** - See Septage and Wastewater.

**User** - Any person who contributes, causes or permits the contribution of wastewater into the POTW.

**User, Existing** - A discharger to the POTW who is discharging on or before the effective date of these Rules and Regulations.

**User, Industrial** - A discharger to the POTW who discharges non-domestic wastewaters.

**User, Institutional** – A public, quasi-public or private entity formed for the purpose of and/or which provides educational, health care, social, financial, administrative or other similar services. Institutional Users include but are not limited to hospitals, nursing homes, secondary schools, colleges, universities, and other similar entities.

**User, Significant Industrial** - An industrial user of the (-CVT-) POTW who is:

- (1) Subject to National Categorical Pretreatment Standards promulgated by the EPA,
- (2) Having substantial impact, either singly or in combination with other industries, on the operation of the treatment works,
- (3) Using, on an annual basis, more than ten thousand (10,000) lbs or one thousand (1,000) gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system,
- (4) Discharging more than five percent (5%) of the flow or load of conventional pollutants received by the POTW treatment plant.

\*Note: A user discharging a measurable quantity of a pollutant may be classified as non-significant if, at the influent to the POTW treatment plant, the pollutant is not detectable.

**User, New** - A discharger to the POTW who initiates discharge after the effective date of these Rules and Regulations.

**Village** - The Village of Cazenovia.

**Wastewater** - The liquid and water-carried or domestic wastewaters from dwellings, commercial establishments, industrial facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**Wastewater Discharge Permit** - A permit as set forth in Article 10 of these Rules and Regulations.

**Wastewater, Unusual Strength or Character** - see Sewage of Unusual Strength or Character.

**Waters of the State (State's Waters)** - All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or

accumulations of water, surface or underground, natural or artificial, intermittent, public or private, which are contained within, flow through or border upon the State or any portion thereof.

## **SECTION 202 - ABBREVIATIONS**

The following abbreviations shall have the designated meanings:

ANSI	-	American National Standards Institute
ASTM	-	American Society for Testing and Materials
AWWA	-	American Water Works Association
BOD	-	Biochemical Oxygen Demand
CBOD	-	Carbonaceous Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
L	-	Liter
Mg	-	Milligram
Mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
NYSDEC	-	New York State Department of Environmental Conservation
NYSDOH	-	New York State Department of Health
NYSDOT	-	New York State Department of Transportation
P	-	Total Phosphorus
PSI	-	Pounds per Square Inch
POTW	-	Publicly Owned Treatment Works
PPM	-	Parts per Million, weight basis
SIC	-	Standard Industrial Classification
SPDES	-	State Pollutant Discharge Elimination System
SWDA	-	Solid Waste Disposal Act, 42 W.S.C. 690 L, et seq.
U.S.C.	-	United State Code of Laws
USEPA	-	United State Environmental Protection Agency
TSS	-	Total Suspended Solids

## **SECTION 203 - 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.

## **END OF ARTICLE 2**

### **Article 3**

#### **USE OF PUBLIC SEWERS REQUIRED**

Section 301	-	Waste Disposal Unlawful
Section 302	-	Wastewater Discharge Unlawful
Section 303	-	Connection to Public Sewer Required
Section 304	-	Limitation on Use of Public Sewers
Section 305	-	Wastewater from Outside the POTW Service Area
Section 306	-	Moratorium
Section 307	-	Basis of Sewer Use Requirement

## **SECTION 301 - WASTE DISPOSAL UNLAWFUL**

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Madison County Sewer District, or in any area under the jurisdiction of the Madison County Sewer District, any human or animal excrement, garbage or objectionable waste; except such duly designated areas which are operated under the rules and regulations of the Department of Health of the State of New York and the District. Providing, however, that this section shall not be construed to prohibit or prevent the storage, use and spreading of manure, fertilizer or other similar materials for purposes of farming, gardening or horticulture.

#### **SECTION 302 - WASTEWATER DISCHARGE UNLAWFUL**

It shall be unlawful to discharge to any watercourse in the Madison County Sewer District either directly or through any storm sewer, any sanitary sewage, industrial waste, or other polluted waters, except where treatment has been provided in accordance with a NPDES/SPDES Permit. Use of separate storm sewers and sanitary sewers is mandatory and no Combined Sewers will be allowed when construction of new facilities is undertaken.

#### **SECTION 303 - CONNECTION TO PUBLIC SEWER REQUIRED**

The owner of any house, building or property used for human occupancy, employment, recreation or other purpose, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District is hereby required at his expense to install suitable plumbing facilities therein and to connect such facilities directly to the proper public sewer in accordance with the provisions of these Rules and Regulations, within ninety (90) days after the date of official notice to do so, provided that said public sewer has been installed and is located within two hundred (200) feet of an occupied structure. No connections to the County owned sewers shall be permitted unless the properties lie within the Village of Cazenovia or an established Town District.

#### **SECTION 304 - LIMITATION ON USE OF PUBLIC SEWERS**

The use of the public sewers shall be strictly limited and restricted, except as provided in Section 307, to receive and accept the discharge of sewage and other wastes, generated on or discharged from real property within the bounds of the Madison County Sewer District.

#### **SECTION 305 - WASTEWATER FROM OUTSIDE THE POTW SERVICE AREA**

The Madison County Sewer Board, on the recommendation of the Chief Operator, shall have the authority to enter into agreements to accept sewage and other wastes generated by or discharged from persons outside the service area of the POTW.

If the person is a municipality, that municipality shall have enacted a Sewer Use Law as restrictive on the discharge of sewage and other wastes as the restrictions contained in these Rules and Regulations.

If the person is not a municipality, the discharge shall be made only with the expressed written consent of the Chief Operator (the issuance of a permit) setting forth the terms and conditions of such a discharge.

#### **SECTION 306 - MORATORIUM**

At the recommendation of the Chief Operator, who determines that:

- (1) one or more segments of the POTW is exceeding its hydraulic or organic treatment capacity at any time; or

- (2) any specific purpose of these Rules and Regulations is being violated;

the Madison County Sewer Board shall have the authority to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected. Such correction may be by:

- (1) construction of new facilities
- (2) enlarging existing facilities
- (3) correction of inflow and infiltration
- (4) cleaning and repairing of existing facilities

### **SECTION 307 - BASIS OF SEWER USE REQUIREMENT**

All requirements, directives and orders calling for mandatory use of the sewers, within the Service Area of the POTW, for the proper discharge of sewage and other wastes shall be established and given by the Madison County Sewer District Board, NYSDEC, USEPA and/or other such State or Federal agencies, which have enforcement powers.

### **END OF ARTICLE 3**

#### **Article 4**

#### **PRIVATE WASTEWATER DISPOSAL**

- |             |   |   |
|-------------|---|---|
| Section 401 | - | Public Sewer Unavailable - Private Wastewater Disposal Required |
| Section 402 | - | Direct Connection to New Public Sewers Required                 |
| Section 403 | - | Additional Requirements   |

### **SECTION 401 - PUBLIC SEWER UNAVAILABLE - PRIVATE WASTEWATER DISPOSAL REQUIRED**

Where a public sewer is not available, under the provisions of Section 303, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the Rules and Regulations of the NYSDOH, Madison County Health Department and local laws of the Towns or Village regulating on-site waste disposal systems.

### **SECTION 402 - 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, in compliance with these Rules and Regulations, 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.

### **SECTION 403 – ALTERNATE USE OF PRIVATE WASTEWATER DISPOSAL SYSTEM**

Where a direct connection to a public sewer is made pursuant to Section 402, subject to the approval of the NYSDOH, Madison County Health Department and the Chief Operator and following inspection by the Chief Operator, connection of a sump pump and/or house drain may be made to an appropriately prepared septic tank or similar wastewater disposal facility to serve as a groundwater distribution system. Any owner wishing to connect a sump pump and/or house drain to an appropriately prepared septic tank or similar wastewater disposal facility consistent with this Section shall submit an application for approval to the Chief Operator accompanied by an inspection fee set from time to time by the Chief Operator. Connections made pursuant to this Section shall be subject to periodic inspection by the Chief Operator at his discretion. Any water, groundwater, stormwater or

otherwise which accumulates in a septic tank or similar wastewater disposal facility pursuant to this Section shall be disposed of in accordance with applicable law.

#### **SECTION 404 - 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 Chief Operator, to protect public health and public welfare.

#### **END OF ARTICLE 4**

#### **Article 5**

#### **NEW SEWERS or SEWER EXTENSIONS**

Section 501	-	Proper Design
Section 502 A	-	New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting
Section 502 B	-	Plans, Specification, and Pipe Test Results Required
Section 503 A	-	Sewer Pipe
Section 503 B	-	Safety and Load Factors
Section 503 C	-	Sewer Pipe installation
Section 503 D	-	Manhole Installation
Section 504 A	-	Infiltration/Exfiltration Testing
Section 504 B	-	Test Section
Section 504 C	-	Test Period
Section 504 D	-	Pipe Lamping
Section 504 E	-	Deflection Testing
Section 504 F	-	Air Testing Alternative
Section 505	-	Force Mains
Section 506	-	Final Acceptance and Warranty/Surety
Section 507	-	Liability Insurance Coverage During Construction Period

#### **SECTION 501 - PROPER DESIGN**

New sanitary sewers and all extensions to sanitary sewers owned and operated by the Village of Cazenovia, Town of Cazenovia or Town of Nelson, which contribute to the Madison County Sewer District Treatment Plant, shall be designed by a professional engineer licensed to practice sewer design in New York State, in accordance with the most recent Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers (Ten State Standards), and in strict conformance with all requirements of the NYSDEC, as required. Plans and specifications shall be submitted to and written approval shall be obtained from the Chief Operator, the Madison County Health Department and the NYSDEC before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

#### **SECTION 502 A - NEW SEWERS SUBJECT TO APPROVAL, FEES, INSPECTION, TESTING, AND REPORTING**

When a property owner, builder or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications and method of installation shall be subject to the approval of the Madison County Sewer District Board and the Madison County Health Department, or NYSDEC, in accordance with Section 501. Said property owner, builder or developer shall pay for the entire installation, including a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains and all other Madison

County Sewer District expenses incidental thereto. Each street lateral shall be installed and inspected pursuant to Article 6, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 503, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the Chief Operator, without prior notice. The Chief Operator shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 504, before any building lateral is connected thereto. The Chief Operator shall be notified by the Contractor thirty (30) days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Madison County Sewer District Board until such construction inspections have been made so as to assure the Madison County Sewer District Board of compliance with these Rules and Regulations and any amendments or additions thereto. The Chief Operator has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The Chief Operator shall report all findings of inspections and tests to the Madison County Sewer District Board.

#### **SECTION 502 B - PLANS, SPECIFICATION, AND PIPE TEST RESULTS REQUIRED**

Plans, specifications and methods of installation shall conform to the requirements of this Article. Components and materials of wastewater facilities not covered in these Rules and Regulations, such as pumping stations, lift stations or force mains, shall be designed in accordance with Section 501 and shall be clearly shown and detailed on the plans and specifications submitted for approval. Additional force main details are covered in Section 505. When requested, the applicant shall submit, to the Chief Operator and to the Madison County Health Department, all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished, upon request.

#### **SECTION 503 A - SEWER PIPE**

- (1) Sewer pipe material shall be:
  - (a) Reinforced Concrete Pipe (Note that non-reinforced concrete pipe shall not be used.)

The pipe and specials shall conform to ASTM Specification C 76.

The reinforcing wire cage shall conform to ASTM Specification A 15, A 82, or A 185, as appropriate. Water absorption and three-edge bearing tests shall conform to ASTM Specification C 497.

Gaskets shall conform to Sections 3.3 and 3.4 of AWWA Specification C302.
  - (b) Cast Iron Pipe - Extra Heavy

Pipe, fittings, and specials shall conform to the requirements of ASTM Specification A 74 or ANSI A 21.11.

Gaskets shall conform to ASTM Specification C 564.
  - (c) Polyvinyl Chloride (PVC) Pipe - Heavy Wall

Pipe shall be made from Class 12454-B materials or better in accordance with ANSI/ASTM Specification D 1784

Pipe and accessories shall conform to the requirements of the following, with a minimum pipe stiffness of 46 psi at a maximum deflection of five percent (5%).

ANSI/ASTM D 3034 (4" - 15")  
ASTM F 679 (18" - 27")

(d) Ductile Iron Pipe

Pipe, fittings and specials shall be manufactured in accordance with ASTM Specification A 746. Pipe shall have a minimum thickness of Class 50. Fittings shall conform to ANSI Specification A 21.11 and have a minimum pressure class rating of 150 PSI. All pipe and fittings shall be cement mortar lined in accordance with ANSI Specification A 21.4 at twice the specified thickness and have an internal and external bituminous seal coating.

Closure pieces shall be jointed by means of a mechanical coupling of the cast sleeve type.

(e) Acrylonitrile-Butadiene-Styrene (ABS) Pipe

Pipe and fittings shall conform to the requirements of ASTM Specification D 2661.

(f) Other pipe materials

Other pipe materials require prior written approval of the Chief Operator before being installed.

- (2) The minimum internal pipe diameter shall be 8 inches.
- (3) Joints for the selected pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-on" type are used.
- (4) Gaskets shall be continuous, solid, natural or synthetic rubber and shall provide a positive compression seal in the assembled joint, such that the requirements of Section 504 are met.
- (5) Joint preparation and assembly shall be in accordance with the manufacturer's recommendations.
- (6) Wye branch fittings shall be installed, for connection of street laterals, in accordance with Section 506.

**SECTION 503 B SAFETY AND LOAD FACTORS**

Selection of pipe class shall be predicated on the following criteria:

Safety factor	-	1.5
Load factor	-	1.7
Weight of soil	-	120 lbs/cu. ft.
Wheel loading	-	16,000 lbs.

Utilizing the foregoing information, design shall be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, latest edition, "Design and Construction of Sanitary and Storm Sewers", and the pipe shall have sufficient structural strength to support all loads to be placed on the pipe, with a safety factor as specified above.

**SECTION 503 C - SEWER PIPE INSTALLATION**

- (1) Local utilities shall be contacted to verify construction plans and to make arrangements

to disconnect all utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.

- (2) Subject to the requirement of any local laws, rules or regulations, the construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, stumps and other organic matter, removal of refuse, garbage and trash, removal of ice and snow, and removal of telephone and power poles and posts. Any tree which will not hinder construction shall not be removed and shall be protected from damage by any construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.
- (3) The public shall be protected from personal and property damage as a result of the construction work.
- (4) Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least one-half (1/2) of a street shall be kept open for traffic flow.
- (5) Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control can be affected by limiting the amount of clearing and grubbing prior to trenching, proper scheduling of the pipe installation work, minimizing time of open trench, prompt grading and seeding and filtration of drainage.
- (6) The trench shall be excavated only wide enough for proper installation of the sewer pipe, manhole and appurtenances. Allowances may be made for sheeting, de-watering and other similar actions to complete the work. Roads, sidewalks and curbs shall be cut, by sawing, before trench excavation is initiated.
- (7) Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunneling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways and railroad tracks.
- (8) Open trenches shall be protected at all hours of the day with barricades, as required.
- (9) Trenches shall not be open for more than thirty (30) feet in advance of pipe installation nor left unfilled for more than thirty (30) feet in the rear of the installed pipe, when the work is in progress, without permission of the Chief Operator. When work is not in progress, including over night, weekends and holidays, the trench shall be backfilled to ground surface.
- (10) The trench shall be excavated approximately six (6) inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated and replaced with select materials.
- (11) Ledge rock, boulders and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least twelve (12) inches for five (5) feet, at the transition from rock bottom to earth bottom, centered on the transition.
- (12) Maintenance of grade, elevation and alignment shall be done by some suitable method or combination of methods.

- (13) No structure shall be undercut unless specifically approved by the Chief Operator.
- (14) Proper devices shall be provided and maintained operational at all times, to remove all water from the trench as it enters. At no time shall the sewer line be used for removal of water from the trench.
- (15) To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Sheeting shall be not be removed but cut off no lower than one foot above the pipe crown nor no higher than one foot below final grade and left in the trench, during backfill operations.
- (16) The pipe barrel shall be supported, along its entire length, on a minimum of six (6) inches of crusher run max. One-half (1/2) inch stone. This foundation shall be firmly tamped in the excavation.
- (17) Bell holes shall be hand excavated, as appropriate.
- (18) Pipe shall be laid from low elevation to high elevation. The pipe bell shall be up-gradient; the pipe spigot shall be down-gradient.
- (19) The joints shall be made and the grade and alignment checked and made correct.
- (20) Crushed stone shall be placed over the laid pipe to a depth of at least six (6) inches. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that the pipe is not moved during placement of the crushed stone.
- (21) The pipe shall be in straight alignment.
- (22) The remaining portion of the trench above the pipe embedment shall be backfilled in foot lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks and other structures shall be to ninety-five percent (95%) of the maximum moisture-density relationship, as determined by ASTM Specification D 698, Method D. Ice, snow or frozen material shall not be used for backfill.

#### **SECTION 503 D - MANHOLE INSTALLATION**

- (1) Manholes shall be placed where there is a change in slope or alignment and at intervals not exceeding four hundred (400) linear feet.
- (2) Manhole bases shall be constructed of 3,000 psi (seven (7) day) concrete twelve (12) inches thick or shall be precast bases properly bedded in the excavation. Field constructed bases shall be properly reinforced.
- (3) Manhole walls shall be constructed using precast minimum four (4) foot diameter concrete manhole barrel sections and an eccentric top section, conforming to ASTM Specification C-478. All sections shall be cast solid, without lifting holes.
- (4) All joints between sections shall be sealed with an "O" ring rubber gasket, meeting the same specifications as pipe joint gaskets.
- (5) All joints shall be sealed against infiltration.
- (6) Steps or ladder rungs shall be at the discretion of the Chief Operator.
- (7) All precast sections shall be produced at a plant which is approved by the NYSDOT for manufacture of concrete pipe.
- (8) The elevation of the top section shall be such that the cover frame top elevation is 0.5 foot above the one hundred (100) year flood elevation (in a field), 0.5 foot above a lawn

elevation or at finished road or sidewalk grade.

- (9) When located in a travelled area (road or sidewalk), the manhole frame and cover shall be heavy duty cast iron. When located in a lawn or in a field, the manhole frame and cover may be light duty cast iron. The cover shall be thirty-six (36) inches in diameter. The minimum combined weight of the heavy duty frame and the cover shall be 735 +/- 5% lbs. The minimum combined weight of the light duty frame and the cover shall be 420 +/- 5% lbs. The mating surfaces shall be machined and painted with tar pitch varnish. The cover shall not rock in the frame. Infiltration between the cover and frame shall be prevented by proper design and painting. Covers shall have "Sanitary Sewer" cast into them. Covers shall have lifting holes suitable for any lifting/jacking device. The lifting holes shall be designed so that infiltration is prevented.
- (10) Benches shall be level and slope to the flow channel at about one (1) inch per foot.
- (11) The minimum depth of the flow channel shall be the nominal diameter of the smaller pipe. The channel shall have a steel trowel finish. The flow channel shall have a smooth curvature from inlet to outlet.
- (12) Manhole frames shall be set in a full bed of mortar with no less than two (2) nor more than nine (9) courses of brick underneath to allow for later elevation adjustment.

#### **SECTION 504 A - INFILTRATION/EXFILTRATION TESTING**

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final infiltration test before they will be approved and wastewater flow permitted by the Madison County Sewer District. The infiltration rate shall not exceed twenty-five (25) gallons per twenty-four (24) hours per mile per nominal diameter in inches. An exfiltration test may be substituted for the infiltration test; the same rate shall not be exceeded. The exfiltration test shall be performed by the applicant, under the supervision of the Chief Operator, who shall have the responsibility for making proper and accurate measurements required. The exfiltration test consists of filling the pipe with water to provide a head of at least five (5) feet above the top of the pipe or five (5) feet above groundwater, whichever is higher, at the highest point under test, and then measuring the loss of water, from the pipe section under test, by the amount of water which must be added to maintain the original level. In this test, the test section must remain filled with water for at least twenty-four (24) hours prior to taking any measurements. Exfiltration shall be measured by the drop of water level in a standpipe with a closed bottom end or in one of the sewer manholes serving the test section. When a standpipe and plug arrangement is used in the upper manhole in the test section, there shall be some positive method for releasing entrapped air prior to taking any measurements.

#### **SECTION 504 B - TEST SECTION**

The test section shall be as ordered or as approved, but in no event longer than one thousand (1,000) feet. In the case of sewers laid on steep grades, the test length may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the test section. For purposes of determining the leakage rate of the test section, manholes shall be considered as sections of forty-eight (48) inch diameter pipe, five (5) feet long. The maximum allowable leakage rate for such a section is 1.1 gallons per twenty-four (24) hours. If leakage exceeds the allowable rate, then necessary repairs or replacements shall be made and the section retested.

#### **SECTION 504 C - TEST PERIOD**

The test period, during which the test measurements are taken, shall not be less than two (2) hours.

#### **SECTION 504 D - PIPE LAMPING**

Prior to testing, the section shall be lamped. Any "joint" out of straight alignment shall be realigned.

#### **SECTION 504 E - DEFLECTION TESTING**

Also prior to testing, all plastic pipes in the test section, shall be tested for deflection. Deflection testing shall involve the pulling of a ball, whose diameter is ninety-five percent (95%) of the pipe inside diameter, through the pipe. Any "joint" with a deflection greater than five percent (5%) shall be replaced. The test section shall be flushed just prior to deflection testing.

#### **SECTION 504 F - AIR TESTING ALTERNATIVE**

In lieu of hydrostatic testing (exfiltration or infiltration), air testing may be employed with the approval of the Madison County Sewer District. Low pressure air tests shall conform to ASTM Specification C 828. All sections to be tested shall be cleaned and flushed and shall have been backfilled, prior to testing. The air test shall be based on the time, measured in seconds, for the air pressure to drop from 3.5 PSI to 2.5 PSI. Acceptance is based on limits stated in ASTM Specification C 828. Before pressure is applied to the line all connections shall be firmly plugged. Before the test period starts, the air shall be given sufficient time to cool to ambient temperature in the test section.

If the test section is below groundwater, the test pressure shall be increased an amount sufficient to compensate for groundwater hydrostatic pressure, however, the test pressure shall not exceed 10 psi.

The test gauge shall have been recently calibrated and a copy of the calibration results shall be made available to the Chief Operator prior to testing.

#### **SECTION 505 - FORCE MAINS**

Force mains serving sewage lifting devices, such as grinder pumps and pump stations, shall be designed in accordance with Section 501. Additional design requirements are:

- (1) Trenching, bedding and backfilling shall be in accordance with Section 503C.
- (2) Drain valves shall be placed at low points.
- (3) Automatic air relief valves shall be placed at high points and at four hundred (400) foot intervals, on level force main runs.
- (4) Air relief and drain valves shall be suitably protected from freezing.
- (5) When the daily average design detention time, in the force main, exceeds twenty (20) minutes, the manhole and sewer line receiving the force main discharge or the sewage shall be treated and kept aerobic at all times so that corrosion of the manhole and the exiting line are prevented. The corrosion is caused by sulfuric acid biochemically produced from hydrogen sulfide anaerobically produced in the force main.

#### **SECTION 506 - FINAL ACCEPTANCE AND WARRANTY/SURETY**

All sanitary sewers and extensions to sanitary sewers constructed at the applicant's expense, after final approval and acceptance by the Chief Operator and concurrence by the Village of Cazenovia, Town of Cazenovia, or Town of Nelson Boards, respectively, shall become the property of the Village of Cazenovia, Town of Cazenovia or Town of Nelson Sewer Districts and shall thereafter be operated and maintained by the appropriate municipality. Said sewers, after their acceptance by the Madison County

Sewer District, shall be guaranteed against defects in materials or workmanship for one (1) year, by the applicant. The guarantee shall be in such form and contain such provisions as deemed necessary by the appropriate municipality, secured by a surety bond or such other security as the Village or Town Board may approve.

**SECTION 507 - 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 or cash equivalent in the amount of Ten Thousand Dollars (\$10,000.00) with the Madison County Sewer District Clerk to indemnify the Madison County Sewer District, its employees, servants, agents, etc. 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, their or its servants or 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 Madison County Sewer District Board may be revoked at any time for just cause.
- (2) Before commencing work, the above contractor shall file with the Madison County Sewer District Clerk insurance certificates, naming Madison County and the Madison County Sewer District as additional insureds, for the following:
  - (a) Workers' 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 One Million Dollars (\$1,000,000.00) each occurrence and One Million Dollar (\$1,000,000.00) aggregate (completed operations/products, personal injury);
  - (c) Property Damage Liability having limits of not less than One Million Dollars (\$1,000,000.00) 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 - each person	\$500,000
ii. Bodily injury - each occurrence	\$1,000,000
iii. Property damage - each occurrence	\$1,000,000
  - (e) All insurance policies must provide for ten (10) business days notice to the Madison County Sewer District before cancellation or non-renewal and must cover all liabilities of the Madison County Sewer District and be in a form approved by the Madison County Sewer District Board and be in a satisfactory form approved by the Board.
- (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 Chief Operator of Highways. If a Madison County Highway is involved, the Madison County Highway Department; the New York State Department of Transportation, if a State Highway is involved; the Town

Highway Superintendent, if a Town of Cazenovia or Nelson highway is involved; or the Village Department of Public Works if a Village of Cazenovia Street is involved.

## **SECTION 508 - UPDATED DESIGN, BUILDING AND CONSTRUCTION REQUIREMENTS**

When used in this Article, any and all design, building and construction requirements, specifications and materials or otherwise shall mean the most up to date version of those requirements, specifications and materials, as amended.

### **END OF ARTICLE 5**

#### **Article 6**

#### **BUILDING LATERALS, STREET LATERALS CONNECTIONS, and FEES**

Section 601 A	-	Permit Required for Sewer Connections
Section 601 B	-	Inflow/Infiltration Prohibited
Section 602	-	Sewer Lateral Permits
Section 603 A	-	New Building Laterals
Section 603 B	-	Laterals Serving Several Buildings
Section 603 C	-	Laterals Serving Complexes
Section 603 D	-	Dry Sewers
Section 604	-	Using Existing Building Laterals
Section 605	-	Lateral Pipe Materials
Section 606 A	-	Street Lateral to Public Sewer Connection
Section 606 B	-	Future Connection Locations; As-Built Drawings
Section 606 C	-	Special Manhole Requirements
Section 607	-	Laterals At and Near Buildings
Section 608	-	Sewage Lifting
Section 609	-	Lateral Pipe Installation
Section 610 A	-	Watertight Joints
Section 610 B	-	Cast Iron Push Joints
Section 610 C	-	PVC Push Joints
Section 611 A	-	Building Lateral/Street Lateral Connection
Section 611 B	-	Cleanout Repair/Replacement
Section 611 C	-	Street Lateral Replacement; Ownership
Section 612	-	Testing
Section 613 A	-	Connection Inspection
Section 613 B	-	Trench Inspections
Section 614	-	Public Safety Provisions Required; Restoration of Disturbed Areas
Section 615	-	Interior Clean-Out
Section 616	-	Costs Borne by Owner

#### **SECTION 601 A - PERMIT REQUIRED FOR SEWER CONNECTIONS**

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Chief Operator.

#### **SECTION 601 B - INFLOW/INFILTRATION PROHIBITED**

No person shall discharge or cause to be discharged any storm water, surface water,

groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer.

#### **SECTION 602 - SEWER LATERAL PERMITS**

There shall be two classes of sewer lateral permits:

- (1) For residential, commercial, and institutional user/service,
- (2) For industrial users/service.

In either case, a permit application shall be submitted to the Chief Operator. The permit application shall be supplemented by any plans, specifications or other information considered pertinent, in the judgment of the Chief Operator. A fee, established from time-to-time by resolution by the Madison County Board of Supervisors, shall accompany the application.

#### **SECTION 603 A - NEW BUILDING LATERALS**

A separate and independent building lateral shall be provided for every building requiring sanitary facilities. When, however, there is a building behind a front building, the second building may use the front building's building lateral if there is no other way to provide sanitary service to the back building.

New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the Chief Operator has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be

- (1) exposed and totally encapsulated in not less than three inches of concrete, or
- (2) exposed and walled and the building rooms above positively ventilated outdoors.

All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the Chief Operator. No new manholes shall be constructed on the portion of the lateral under the building.

#### **SECTION 603 B - LATERALS SERVING SEVERAL BUILDINGS**

When building laterals are to serve multiple dwelling structures, the building lateral shall be sized in accordance with the metered water use and with sound professional engineering judgment.

#### **SECTION 603 C - LATERALS SERVING COMPLEXES**

Where a lateral sewer is to serve a complex of industrial, commercial, institutional or dwelling structures, special design of the building lateral system shall be required. Plans and specifications shall be prepared and submitted for approval pursuant to these Rules and Regulations.

#### **SECTION 603 D - DRY SEWERS**

Dry Sewers shall be designed and installed in accordance with these Rules and Regulations.

#### **SECTION 604 - USING EXISTING BUILDING LATERALS**

Existing building laterals may be used in connection with new buildings only when they are found, on examination by the Chief Operator, to meet all requirements of these Rules and Regulations.

#### **SECTION 605 - LATERAL PIPE MATERIALS**

Building and street lateral pipe materials shall be one of the following:

- (1) Tar-coated, service grade, cast iron soil pipe conforming to ASTM Specification A-74, "Cast Iron Pipe and Fittings". All dimensions, weight and markings of the pipe shall conform to the requirements of ANSI, Designation A112.5.1, except spigot ends shall be "plain end", if gasket joints are used.
- (2) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-3034-73, "SDR-35 Polyvinyl Chloride (PVC) Sewer Pipe and Fittings". All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. The bell shall consist of an integral wall section stiffened with two (2) PVC retainer rings which securely lock the solid cross-section ring into position. Minimum "Pipe Stiffness" (F/Y) at five percent (5%) deflection shall be 46 PSI when tested in accordance with ASTM Specification D-2412.

Any part-of the building or street lateral that is located within five (5) feet of a water main or water service shall be constructed of cast iron soil pipe. Cast iron soil pipe may be required by the Chief Operator where the building or street lateral is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the Chief Operator. The distance between consecutive joints, as measured along the centerline of the installed pipe, shall not be less than ten (10) feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by the Chief Operator. The size and slope of building and street laterals shall be subject to approval by the Chief Operator, but in no event shall the internal pipe diameter be less than four (4) inches, nor shall the pipe slope be less than one-quarter (1/4) inch per foot.

#### **SECTION 606 A - STREET, LATERAL TO PUBLIC SEWER CONNECTION**

At the point of connection of a street lateral to a main sewer, a standard wye fitting and sufficient one-eighth (45 degree) bend fittings shall be used. The wye fittings shall be installed so that flow in the "arm" shall transition smoothly into the flow in the public sewer. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles.

#### **SECTION 606 B - FUTURE CONNECTION LOCATIONS; AS-BUILT DRAWINGS**

The street lateral, including the wye and eighth bend fittings, shall be connected to the main sewer at the time of constructing the main sewer, for each proposed lot for either immediate or future development. Laterals installed for future development shall be fitted a standard plug approved for use by the Chief Operator. All sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a two (2) inch by six (6) inch corrosion and rot resistant board. The marker board shall extend from the depth of the lateral to a minimum of two (2) feet above grade. The location of all lateral connections shall be indicated on a drawing and four (4) copies of this drawing, showing the as-built location of these connections, shall be furnished to the Chief Operator. A refundable deposit shall be placed with the Madison County Sewer District to assure receipt of these as-builts. The deposit shall be placed when application is made; the amount of the deposit shall be One Hundred Dollars (\$100.00) per sheet of plans showing locations of lateral connections. No sanitary sewer shall be accepted by the Madison County Sewer District until four (4) copies of this record drawing have been so filed with the Chief Operator and the Chief Operator has approved the submitted drawings.

## **SECTION 606 C - SPECIAL MANHOLE REQUIREMENTS**

When any street lateral is to serve a school, hospital or similar institution, or public housing, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Chief Operator, will receive wastewater of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Chief Operator shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Chief Operator. If required, a new manhole shall be installed in the public sewer pursuant to Sections 503 D and 1007, and the lateral connection made thereto as directed by the Chief Operator.

## **SECTION 607 - LATERALS AT AND NEAR BUILDINGS**

Whenever possible, the building lateral shall be at least twelve (12) inches above basement floor, except upon approval of the Chief Operator. Building laterals laid parallel to a bearing wall shall not be installed closer than three (3) feet to such wall. The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Changes of direction of 90° or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. The ends of all building or street laterals, which are not connected to the interior plumbing of the building for any reason, shall be sealed against infiltration by a suitable stopper, plug or by other approved means.

## **SECTION 608 - SEWAGE LIFTING**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the Chief Operator.

## **SECTION 609 - LATERAL PIPE INSTALLATION**

All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by the Chief Operator. Pipe laying and backfill, regardless of pipe material used, shall be performed in general accordance with paragraphs 3 through 6 of ASTM Specification C-12, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus fourteen (14) inches and except that no backfill shall be placed until the work has been inspected. The depth of cover over the pipe shall be sufficient to afford protection from frost, but in no case shall such depth be less than four (4) feet.

## **SECTION 610 A - WATERTIGHT JOINTS**

All joints and connections shall be made watertight.

## **SECTION 610 B - CAST IRON PUSH JOINTS**

Premolded gaskets may be used for hub and plain end cast iron pipe joints and joints with fittings, if approved by the Chief Operator. The gasket shall be a neoprene compression-type unit which provides a positive seal in the assembled joint. The gasket shall be premolded, one-piece unit, designed for joining the cast iron hub and plain end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, non-toxic material, and shall not chemically attack the gasket material.

## **SECTION 610 C - PVC PUSH JOINTS**

Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto, and conforming to the applicable ASTM specification identified in Section 605.

## **SECTION 611 A - BUILDING LATERAL/STREET LATERAL CONNECTION**

- (1) The connection of the building lateral to an existing street lateral shall be made at the property line. Except as provided under Section 502, if a street lateral has not previously been provided, the street lateral will be constructed from the existing public sewer to the property line, by a licensed plumber, at the owner's expense. The street lateral shall be installed with a properly sealed and covered clean-out to grade located at the property line. The clean-out shall terminate in a metal box imbedded in concrete.
- (2) The cost of constructing the street lateral from the existing public sewer to the property line shall be at the owner's expense; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.
- (3) The owner shall indemnify the Madison County Sewer District from any loss or damage that may directly or indirectly be occasioned by the installation of the building lateral.
- (4) It shall be the responsibility of the property owner to maintain, repair or replace the building lateral, as needed.
- (5) The method of connection of the building lateral to the street lateral will be dependent upon the type of sewer pipe material and, in all cases, shall be approved by the Chief Operator. After the installation of the street lateral has been approved by the Chief Operator, the new street lateral shall become the property of the Village of Cazenovia, Town of Cazenovia or Town of Nelson Sewer Districts. Any subsequent repairs to the new street laterals shall be made by the appropriate municipality at their own expense.

## **SECTION 611 B - CLEANOUT REPAIR/REPLACEMENT**

If, in the judgment of the Chief Operator, it is determined that a building lateral, without a property line clean-out, needs repair or replacement, the Madison County Sewer District may install a clean-out at the property line, at the owner's expense, such that the street lateral can be maintained independently of the building lateral.

## **SECTION 611 C - STREET LATERAL REPLACEMENT; OWNERSHIP**

Absent any existing Town or Village laws to the contrary, any existing street lateral which, upon examination by the Chief Operator, is determined to be in need of replacement will be replaced with a new street lateral with a property line clean-out. The replacement street lateral shall be constructed by a plumber. The cost of constructing the replacement street lateral and clean-out shall be at the owner's expense. Once the replacement street lateral and clean-out have been constructed and approved by the Chief Operator, the new street lateral shall become the property of the Village of Cazenovia, Town of Cazenovia or Town of Nelson. Any repairs to new street laterals shall be made by the appropriate municipality at their own expense.

## **SECTION 612 - TESTING**

The street lateral, building lateral or the combined lateral shall be tested for infiltration/exfiltration by:

- (a) any full pipe method described in Section 504, or

- (b) by a suitable joint method, with the prior written approval of the Chief Operator.

**SECTION 613 A - CONNECTION INSPECTION**

The applicant for the building lateral permit shall notify the Chief Operator when the building lateral is ready for inspection and connection to the street lateral is to be made. The connection shall be made under the supervision of the Chief Operator. When street laterals are installed pursuant to this Article and Section 402, the property owner, builder or developer shall notify the Chief Operator when the street lateral is ready for inspection and connection to the main sewer, and such connection shall be made under the supervision of the Chief Operator. Notice shall be given at least twenty-four (24) hours in advance of any work requiring inspection. A connection fee shall be established, from time to time, by resolution of the Madison County Board of Supervisors.

**SECTION 613 B - TRENCH INSPECTIONS**

When trenches are excavated for the laying of building lateral pipes or for laying of street lateral pipes pursuant to this Article and Section 402, such trenches shall be inspected by the Chief Operator. Before the trenches are backfilled, the person performing such work shall notify the Chief Operator when the laying of the building lateral is completed and no backfilling of trenches shall begin until approval is obtained from the Chief Operator.

**SECTION 614 - PUBLIC SAFETY PROVISIONS REQUIRED; RESTORATION OF DISTURBED AREAS**

All excavations for constructing building laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Chief Operator. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. Shortly thereafter the Village or Town Highway Department shall complete road and shoulder restoration to the District's Standards. The cost for such final road and shoulder restoration by the DPW shall be included with the fees paid with the application for the permit required in Section 602.

**SECTION 615 - INTERIOR CLEAN-OUT**

An interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral.

The cleanout diameter shall be no less than the building lateral diameter.

**SECTION 616 - COSTS BORNE BY OWNER**

All costs associated with the provisions of this Article shall be borne by the property owner unless specifically stated or agreed to be a cost borne by the Madison County Sewer District. The property owner shall indemnify the Madison County Sewer District from any loss or damage that may be directly or indirectly occasioned by the installation of the building and street laterals, and connections and appurtenances.

**END OF ARTICLE 6**

**ARTICLE 7  
INFLOW**

- Section 701 - New Inflow Sources Prohibited
- Section 702 - Existing Inflow Sources Disconnected
- Section 703 - Reserved
- Section 704 - No Re-connection of Inflow Source Allowed

**SECTION 701 - NEW INFLOW SOURCES PROHIBITED**

No connections shall be made to a sanitary or to a Combined Sewer which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, uncontaminated cooling water discharges or other sources of inflow.

**SECTION 702 - EXISTING INFLOW SOURCES DISCONNECTED**

All connections which contribute inflow to the sanitary sewer systems must be disconnected in a fashion approved by the Chief Operator and upon direction of the Chief Operator. Disconnection shall be immediate unless the Chief Operator authorizes a continued connection due to an emergency condition which determination shall be in the Chief Operator’s sole discretion and judgment.

**SECTION 703 - RESERVED**

**SECTION 704 - NO RE-CONNECTION OF INFLOW: SOURCE ALLOWED**

It shall be a willful violation of these Rules and Regulations for any person to reconnect any inflow source which has been disconnected pursuant to this Article.

**END OF ARTICLE 7**

**ARTICLE 8  
WASTEHAULERS**

- Section 801 - Licenses and Application
- Section 802 - Concurrent Requirements
- Section 803 - Dumping Location and Timing
- Section 804 - Notification of Dumping
- Section 805 - Prohibited Wastes

**SECTION 801 - LICENSES AND APPLICATION**

The discharge of trucked or hauled wastes into the Madison County Sewer District sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the Chief Operator. Applicants for such license shall apply on a form provided by the Chief Operator. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septage volume expected, service area and any other information that the Chief Operator may require, to determine whether the trucked or hauled wastes could adversely impact the POTW. The application shall be accompanied by a fee prescribed by the Chief Operator and set from time to time by Resolution by the Madison County Board of Supervisors, not to exceed Three Hundred Dollars (\$300.00).

The wastehauler licensee will also be charged a fee for each dumping, in accordance with Article 12. The dumping fee shall be paid upon delivery.

**SECTION 802 - CONCURRENT REQUIREMENTS**

The applicant for a license shall be the owner of the vehicle or vehicles to be used for such discharge. Any false or misleading statement, in any license application, shall be grounds for invalidating the license. All licenses, issued by the Chief Operator, for this purpose, shall be for one (1) year. The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 ("364 permit"). If, for any reason, the 364 permit is revoked, the 364 permit lapses or becomes invalid, then the license issued under this Article shall become invalid immediately. All acts performed in connection with the license shall be subject to the inspection and regulations, as established by the Chief Operator, the terms and conditions of the license and all local and general laws, ordinances and regulations which are now or may come into effect, and such license may be suspended or revoked, at any time, by the Chief Operator for willful, continued or persistent violation thereof.

### **SECTION 803 - DUMPING LOCATION AND TIMING**

The Chief Operator may require discharging at only certain locations within the POTW, and only at certain times, and on only certain days of the week or seasons of the year as shall be stated on said license or as may be relocated by the Chief Operator. The time and conditions for permissible discharge shall be as set forth on the license or as may be revised by the Chief Operator.

### **SECTION 804 - NOTIFICATION OF DUMPING**

Each discharge of trucked or hauled wastes shall be made only with the approval of the Chief Operator. The Chief Operator may require inspection, sampling and analysis of each load prior to the discharge of a load. Any extra costs associated with such inspection, sampling and analysis shall be paid by the licensee.

### **SECTION 805 - PROHIBITED WASTES**

The following is a list of wastes which are prohibited from discharge to the Madison County Sewer District POTW.

- (1) Wastes resulting from cleaning catch basins, floor troughs, grease traps, waste holding tanks (specifically oil/water separators) and any tanks involved in chemical or wastewater treatment.
- (2) Waste resulting from cleaning catch basins, floor troughs and sand filters at vehicle washing facilities.
- (3) All out-of-District wastes.
- (4) Wastes not listed on the contract hauler's NYSDEC 364 Waste Transporter's Permit.
- (5) Wastes from any industrial pretreatment devices or waste holding tank.
- (6) It is a violation of the Madison County Sewer District Rules and Regulations relating to the use of the Public Sewer System to discharge any waste into the sewer system at any location other than a location designated by the Chief Operator as set forth in the license. Be advised that any violation of the procedures governing waste acceptance may subject the waste hauler to the fines and penalties prescribed in Article 11 of these Rules and Regulations.

Be advised that the NYSDEC will be notified in the event that any load is rejected from the County Waste Hauler Disposal Facility. The NYSDEC will also be notified of all enforcement actions taken against haulers violating County procedures governing the acceptance and treatment of hauled waste.

### **SECTION 806 - WASTEHAULER LICENSE DURATION AND REVOCABILITY**

A wastehauler license issued under this Article will be valid for one (1) year but may be amended or revoked by the Chief Operator for non-compliance with its terms, to protect the Madison County Sewer District POTW, protect human life, the environment or to eliminate a nuisance, upon written notice to the license holder.

## **END OF ARTICLE 8**

## **ARTICLE 9 DISCHARGE RESTRICTIONS**

Section 901	-	General Prohibitions
Section 902	-	Concentration Based Limitations
Section 903	-	Modification of Limitations
Section 904	-	Dilution
Section 905	-	Grease, Oil, and Sand Interceptors

### **SECTION 901 - PRETREATMENT STANDARDS**

All users of the Madison County Sewer District POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 406 - 471.

### **SECTION 902 - GENERAL PROHIBITIONS**

No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State or Local Pretreatment Standards or Requirements.

Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:

- (1) Any solids, liquids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall two (2) successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than twenty-five percent (25%) nor any single reading be more than forty percent (40%) of the lower explosive limit (LEL) of the meters. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, antifreeze, paint, paint thinners or solvents of any kind, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides and sulfides, and any volatile organic compounds or other substance which the Village, the State, or the EPA has determined to be a fire hazard, or hazard to the POTW.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, medical wastes, syringes, formaldehydes, straw, shavings, grass clippings, rags, spent grains,

spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass grinding or polishing wastes.

- (3) Any wastewater having a pH less than 6.0 or greater than 9.0, unless the POTW was specifically designed to manage such wastewater or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or POTW personnel.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard.
- (5) A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act.
- (6) Any noxious or malodorous solids, liquids or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
- (7) Oils and grease - Any commercial, institutional or industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable when the wastes cool to the temperature prevailing, in the wastewater at the POTW treatment plant, during the winter season; also any commercial, institutional or industrial wastes containing more than 100 mg/1 of emulsified oil or grease; also any substances which will cause the sewage to become substantially more viscous, at any seasonal sewage temperature in the POTW.
- (8) Any substance which will cause interference or pass through.
- (9) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (10) Any solid, liquid, vapor, or gas having a temperature higher than 65°C (150°F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than 40°C (104°F). The Chief Operator reserves the right, in certain instances, to prohibit wastes at temperatures lower than 65°C.
- (11) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.
- (12) Any wastewater containing any radioactive wastes except as approved by the Chief Operator, and in compliance with applicable State and Federal regulations.
- (13) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.

### **SECTION 903 - CONCENTRATION BASED LIMITATIONS**

No person shall discharge, Directly or Indirectly, into the POTW, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit or as provided for in Section 903. Concentration limits are applicable to wastewater effluent at point just prior to discharge into the POTW ("End of Pipe" Concentrations).

EFFLUENT CONCENTRATION LIMIT mg/iL

ALLOWABLE MAX LIMIT

SUBSTANCE	DAILY
Aluminum	2.0
Antimony	(3)
Arsenic	(3)
Barium	2.0
Beryllium	(3)
Cadmium	0.2
Chlorides	(3)
Chlorine	(3)
Chromium (hex)	0.01
Chromium (tot)	0.02
Cobalt	(3)
Copper	0.4
Cyanide (complex)	0.8
Cyanide (free)	0.2
Fluorides	3.0
Gold	0.1
Iodine	(3)
Iron	4.0
Lead	0.1
Manganese	2.0
Mercury	0.001
Molybdenum	(1)
Nickel	2.0
Phenols, total	(3)
Selenium	0.1
Silver	0.1
Sulfates	(3)
Sulfides	3.0
Tin	(3)
Titanium	(3)
Vanadium	0.6
Zinc	(3)

- (1) Except for chromium (hex), all concentrations listed for metallic substances shall be as "total metal", which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.
- (2) As determined on a Composite Sample taken from the User's daily discharge over a typical operational and/or production day.
- (3) No standard limit exists. Units will be established as required.
- (4) As determined on a grab sample taken from the User's discharge at any time during the daily operational and/or production period.
- (5) Other substances which may be limited are:  
 Antibiotics; chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW produce toxic, flammable or explosive compounds; pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides; polyaromatic hydrocarbons,

viable pathogenic organisms from industrial processes or hospital procedures; volatile organics.

#### **SECTION 904 - MODIFICATION OF LIMITATIONS**

Limitations on wastewater strength contained in these Rules and Regulations may be supplemented with more stringent limitations when, in the opinion of the Chief Operator:

- (1) The limitations in these Rules and Regulations are not sufficient to protect the POTW,
- (2) The limitations in these Rule and Regulations are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit,
- (3) The POTW sludge will be rendered unacceptable for disposal or reuse as the Village desires, as a result of discharge of wastewaters at the above prescribed concentration limitations,
- (4) Madison County Sewer District, or other municipal employees or the public will be endangered, or
- (5) Air pollution and/or groundwater pollution will be caused.

#### **SECTION 905 - DILUTION**

No user shall increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard. Dilution flow shall be considered to be inflow.

#### **SECTION 906 - GREASE, OIL, AND SAND INTERCEPTORS**

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Chief Operator, 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 Chief Operator, 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.

### **END OF ARTICLE 9**

## **ARTICLE 10**

### **DISCHARGE PERMITS AND INSPECTIONS**

Section 1001	-	Wastewater Discharge Reports
Section 1002	-	Notification to Industrial Users
Section 1003A	-	Wastewater Discharges
Section 1003B	-	Wastewater Discharge Permits Required For Significant Industrial Users
Section 1003C	-	Other Industrial Users
Section 1003D	-	Discharge Permits to Storm Sewers Not Authorized
Section 1004A	-	Application for Wastewater Discharge Permits
Section 1004B	-	Permit Modifications
Section 1004C	-	Permit Conditions
Section 1004D	-	Permit Duration
Section 1004E	-	Permit Reissuance
Section 1004F	-	Permit Transfer

Section 1004G	-	Permit Revocation
Section 1004H	-	Public Notification
Section 1005	-	Reporting Requirements for Permittee
Section 1006	-	Flow Equalization
Section 1007	-	Monitoring Stations (Control Manholes)
Section 1008	-	Proper Design and Maintenance of Facilities and Monitoring Stations
Section 1009	-	Vandalism, Tampering with Measuring Devices
Section 1010	-	Sampling and Analysis
Section 1011	-	Accidental Discharges; SPCC Plan
Section 1012	-	Posting Notices
Section 1013	-	Sample Splitting
Section 1014	-	Public Access to Information Maintained by the Chief Operator
Section 1015A	-	Access to Property and Records
Section 1015B	-	Access to Easements
Section 1015C	-	Liability of Property Owner
Section 1016	-	Special Agreements

### **SECTION 1001 - WASTEWATER DISCHARGE REPORTS**

As a means of determining compliance with these Rules and Regulations, with applicable SPDES permit conditions, and with applicable State and Federal law, each industrial user shall be required to notify the Chief Operator of any new or existing discharges to the POTW by submitting a completed Industrial Chemical Survey (ICS) Form and a completed Industrial Wastewater Survey (IWS) Form to the Chief Operator. The Chief Operator may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the Chief Operator deems necessary. All information shall be furnished by the user in complete cooperation with the Chief Operator.

### **SECTION 1002 - NOTIFICATION TO INDUSTRIAL USERS**

The Chief Operator shall, from time-to-time, notify each industrial user of applicable Pretreatment Standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.

### **SECTION 1003 A - WASTEWATER DISCHARGES**

No Significant Industrial User shall discharge wastewater to the POTW without having a valid Wastewater Discharge Permit, issued by the Chief Operator. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of these Rules and Regulations. Violation of a permit term or condition is deemed a violation of these Rules and Regulations.

### **SECTION 1003 B - WASTEWATER DISCHARGE PERMITS REQUIRED FOR SIGNIFICANT INDUSTRIAL USERS**

All Significant Industrial Users proposing to connect to or to discharge to the POTW shall obtain a Wastewater Discharge Permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a Wastewater Discharge Permit within thirty (30) days after the effective date of these Rules and Regulations and shall obtain such a permit within ninety (90) days after making application.

### **SECTION 1003 C - OTHER INDUSTRIAL USERS**

The Chief Operator may issue Wastewater Discharge Permits to other industrial users of the POTW.

## **SECTION 1003 D - DISCHARGE PERMITS TO STORM SEWERS NOT AUTHORIZED**

The Chief Operator does not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.

## **SECTION 1004 A – APPLICATION FOR WASTEWATER DISCHARGE PERMITS**

Industrial users required to obtain a Wastewater Discharge Permit shall complete and file with the Chief Operator an application in the form prescribed by the Madison County Sewer District Board, the application shall be accompanied by a permit fee, set from time to time by resolution by the Madison County Board of Supervisors. In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location (if different from the address).
- (2) SIC code of both the industry and any categorical processes.
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Article 9 and 10 of these Rules and Regulations and which are limited in the appropriate Categorical Standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with Standard Methods.
- (4) Time and duration of the discharge.
- (5) Average daily peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections and appurtenances.
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged to the POTW.
- (8) Each product produced by type, amount, process or processes and rate of production.
- (9) Type and amount of raw materials processed (average and maximum per day).
- (10) Number and type of employees and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- (11) The nature and concentration of any pollutants in the discharge which are limited by any County, State or Federal Standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable Standards.
- (12) If additional pretreatment and/or O&M will be required to meet the Standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
  - (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for

major components, commencing construction, completing construction, beginning operation and beginning routine operation).

- (b) No increment referred to in (a) above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.
- (c) No later than fourteen (14) calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Chief Operator including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Chief Operator.

- (13) Any other information as may be deemed by the Chief Operator to be necessary to evaluate the permit application.

The Chief Operator will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Chief Operator may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

#### **SECTION 1004 B - PERMIT MODIFCATIONS**

Wastewater Discharge Permits may be modified by the Chief Operator, upon thirty (30) days notice to the permittee, for just cause. Just cause shall include, but not be limited to:

- (1) Promulgation of an applicable National Categorical Pretreatment Standard,
- (2) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13,
- (3) Changes in general discharge prohibitions and local limits as per Section 903 of these Rules and Regulations,
- (4) Changes in processes used by the permittee, or changes in discharge volume or character,
- (5) Changes in design or capability of any part of the POTW,
- (6) Discovery that the permitted discharge causes or contributes to pass through or interference, and
- (7) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 1004 A (12)(a).

#### **SECTION 1004 C - PERMIT CONDITIONS**

Wastewater Discharge Permits shall be expressly subject to all the provisions of these Rules and Regulations and all other applicable regulations, user charges and fees established by the Madison County Sewer District Board. Permits may contain the following:

- (1) Limits on the average and maximum rate and time of discharge or requirements for flow and organic loading parameters regulation and equalization.

- (2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
- (3) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports.
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Madison County Sewer District Board, and affording the Chief Operator access thereto.
- (9) Requirements for notification of the Chief Operator of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (10) Requirements for the notification of the Chief Operator of any change in the manufacturing and/or pretreatment process used by the permittee.
- (11) Requirements for notification of excessive, accidental or slug discharges.
- (12) Other conditions as deemed appropriate by the Chief Operator to ensure compliance with these Rules and Regulations, and State and Federal laws, rules and regulations.

#### **SECTION 1004 D - PERMIT DURATION**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years.

#### **SECTION 1004 E - PERMIT REISSUANCE**

The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Chief Operator, during the term of the permit, as limitations or requirements, as identified in Section 1004 B, or other just cause exists. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Section 1004 A (12)(a).

#### **SECTION 1004 F - PERMIT TRANSFER**

Wastewater Discharge Permits are issued to a specific User for a specific operation, or discharge at a specific location. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new User, different premises or a new or changed operation.

#### **SECTION 1004 G - PERMIT REVOCATION**

Wastewater Discharge Permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Chief Operator timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay

user charges and failure to meet compliance schedules.

#### **SECTION 1004 H - PUBLIC NOTIFICATION**

The Chief Operator will publish in the official daily newspaper(s) of Madison County, notice of intent to issue a Wastewater Discharge Permit, at least fourteen (14) days prior to issuance.

#### **SECTION 1005 - REPORTING REQUIREMENTS FOR PERMITEE**

The reports or documents required to be submitted or maintained under this section shall be subject to:

1. The provisions of 18 USC Section 1001 relating to fraud and false statements;
2. The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
3. The provisions of Section (c)(6) of the Act, as amended, regarding corporate officers.

##### **(1) Baseline Monitoring Report**

Within one hundred eighty (180) days after promulgation of an applicable Federal Categorical Pretreatment Standard, a User subject to that standard shall submit to the Chief Operator the information required by paragraphs (8) and (9) of Section 1004 A.

##### **(2) 90-Day Compliance Report**

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards, or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit, to the Chief Operator, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

##### **(3) Periodic Compliance Reports**

(a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Chief Operator, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Chief Operator, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Section 1004 A. At the discretion of the Chief Operator, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Chief Operator may agree to alter the months during which the above reports are to be submitted; however, no fewer than two (2) reports shall be submitted per year.

(b) The Chief Operator may impose mass limitations on Users, which are using dilution to meet applicable Pretreatment Standards or Requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 1005(3)(a) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of discharge sampling and analysis, including the flow and the nature and

concentration, or production and mass, where requested by the Chief Operator, of pollutants contained therein, which are limited by the applicable Pretreatment Standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

(4) Violation Report

If sampling, performed by the user, indicates a violation of these Rules and Regulations and/or the User's discharge permit, the User shall notify the Chief Operator within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Chief Operator within thirty (30) days after becoming aware of the violation. The User is not required to re-sample if the POTW performs monitoring of the User's discharge at least once a month for the parameter which was violated or, if the POTW performs sampling, for the parameter which was violated, between the User's initial sampling and when the User receives the results of this sampling.

(5) Other reports

The Chief Operator may impose reporting requirements equivalent to the requirements imposed by Section 1005(3) for users not subject to pretreatment standards.

### **SECTION 1006 - FLOW EQUALIZATION**

No person shall cause the discharge of Slug to the POTW. Each person discharging, into the POTW, greater than one hundred thousand (100,000) gallons per day or greater than five percent (5%) of the average daily flow or BOD lbs. per day loading in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least two hundred percent (200%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Chief Operator. A wastewater discharge permit may be issued solely for flow equalization. All flow equalization facilities will use a calibrated flow meter as approved by the Chief Operator.

### **SECTION 1007 - MONITORING STATIONS (CONTROL MANHOLES)**

- (1) All Significant Industrial Users and other Industrial Users whose industrial waste discharge has caused or may cause Interference or Pass-Through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling and measurement of their industrial wastewater discharge.
- (2) If there is more than one street lateral serving an Industrial User, the Chief Operator may require the installation of a control manhole on each lateral.
- (3) The Chief Operator may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located and the Industrial User shall allow immediate access, without prior notice, to the station by the Chief Operator, or his designated representative.

### **SECTION 1008 - PROPER DESIGN AND MAINTENANCE OF FACILITIES AND MONITORING STATIONS**

Preliminary treatment and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe and continuously operational by the owner at his expense. Where an Industrial User has such treatment, equalization or monitoring facilities at the time these Rules and Regulations is enacted, the Chief Operator may approve or

disapprove the adequacy of such facilities. Where the Chief Operator disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization or monitoring are required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Chief Operator. Construction of new or upgraded facilities shall not commence until written approval of the Chief Operator has been obtained.

#### **SECTION 1009 - VANDALISM, TAMPERING WITH MEASURING DEVICES**

No unauthorized person shall break, damage, destroy, uncover, deface, tamper with, prevent access or render inaccurate, or cause or permit the breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access or rendering inaccurate to:

- (1) any structure, appurtenance or equipment which is a part of the Madison County Sewer District POTW, or
- (2) any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under these Rules and Regulations except as approved by the Chief Operator.

#### **SECTION 1010 - SAMPLING AND ANALYSIS**

Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.

All measurements, tests and analyses of the characteristics of waters and wastes required in any section of these Rules and Regulations shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 1007, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where feasible) Composite Samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

#### **SECTION 1011 - ACCIDENTAL DISCHARGES; SPCC PLAN**

Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of these Rules and Regulations or of an Industrial Wastewater Discharge Permit. Users shall immediately notify the Chief Operator of the discharge of wastes in violation of these Rules and Regulations or any Permit. Such discharges may result from:

- (1) Breakdown of pretreatment equipment
- (2) Accidents caused by mechanical failure, or negligence
- (3) Other causes.

Where possible, such immediate notification shall allow the Chief Operator to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement following any accidental or Slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Chief Operator shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding forty-five (45) calendar days after the occurrence.

When required by the Chief Operator, detailed plans and procedures to prevent accidental or

Slug discharges shall be submitted to the Chief Operator, for approval. These plans and procedures shall be called a Spill Prevention, Control and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any National Prohibitive Discharge Standard;
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

#### **SECTION 1012 - POSTING NOTICES**

In order that the Industrial User's employees be informed of the Madison County Sewer District's requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Madison County Sewer District's requirements and whom to call in case of an accidental discharge in violation of these Rules and Regulations.

#### **SECTION 1013 - SAMPLE SPLITTING**

When so requested in advance by an industrial userx and when taking a sample of industrial wastewater, the Madison County Sewer District's representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols including any Quality Control (QC) procedures. One of the portions shall be given to the representative of the industrial user whose wastewater was sampled, and the other portion shall be retained by the Madison County Sewer District for its own analysis.

#### **SECTION 1014 - PUBLIC ACCESS TO INFORMATION MAINTAINED BY THE CHIEF OPERATOR**

When requested, the Chief Operator shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the Chief Operator, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to these Rules and Regulations, or the SPDES Permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with State or Federal Laws, Rules and Regulations. The Chief Operator shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

#### **SECTION 1015 A - ACCESS TO PROPERTY AND RECORDS**

The Chief Operator and other authorized representatives of the Madison County Sewer District,

representatives of EPA, NYSDEC, NYSDOH and/or Madison County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain a user's compliance with applicable provisions of Federal and State law governing use of the Madison County Sewer District POTW, and with the provisions of these Rules and Regulations. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under these Rules and Regulations. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

#### **SECTION 1015 B - ACCESS TO EASEMENTS**

The Chief Operator, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Madison County Sewer District holds an easement for the purpose of inspection, observation, measurement, sampling, repair and maintenance of any portion of the Madison County Sewer District's public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

#### **SECTION 1015 C - LIABILITY OF PROPERTY OWNER**

During the performance, on private premises, of inspections, sampling or other similar operations referred to in Sections 1015 A and 1015 B, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

#### **SECTION 1016 - SPECIAL AGREEMENTS**

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the Madison County Sewer District and any User of the POTW whereby Wastewater of Unusual Strength or Character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Madison County Sewer District Board shall consider whether the wastewater will:

- (1) pass-through or cause interference
- (2) endanger the public municipal employees
- (3) cause violation of the SPDES Permit
- (4) interfere with any Purpose stated in Section 102
- (5) prevent the equitable compensation to the Madison County Sewer District for wastewater conveyance and treatment, and sludge management and disposal

No discharge which violates the Categorical Pretreatment Standards will be allowed under the terms of such special agreements.

No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the POTW for treatment and disposal. Additionally the user shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the Madison County Sewer District before the agreement is entered into. The Madison County Sewer District Board may condition the agreement.

## END OF ARTICLE 10

## ARTICLE 11 ENFORCEMENT AND PENALTIES

Section 1101 - Enforcement Response Plan

### ADMINISTRATIVE REMEDIES

Section 1102 - Notification of Violation  
Section 1103 - Consent Orders  
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### JUDICIAL REMEDIES

Section 1110 - Civil Penalties  
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### MISCELLANEOUS

Section 1116 - Delinquent Payments  
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Section 1120 - Public Notification  
Section 1121 - Contractor Listings

### SECTION 1101 - ENFORCEMENT RESPONSE PLAN

- (1) The Chief Operator and/or Enforcement Officer shall prepare an Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall:

- (a) Describe how the Enforcement Officer will investigate instances of non-compliance.

- (b) Describe the types of escalated enforcement actions that the Enforcement Officer will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions.
  - (c) Adequately reflect the Madison County Board's responsibility to enforce all applicable standards and requirements.
  - (d) The Enforcement Response Plan shall contain:
    1. Criteria for scheduling periodic inspection and/or sampling visits to POTW Users.
    2. Forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence.
    3. Systems to track due dates, compliance schedule milestones and pending enforcement actions.
    4. Criteria, responsible personnel, and procedures to select and initiate an enforcement action.
- (2) The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, including, but not limited to:
- (a) magnitude of the violation
  - (b) duration of the violation
  - (c) effect of the violation on the receiving water
  - (d) effect of the violation on the POTW
  - (e) compliance history of the User
  - (f) good faith of the User,

and shall promote consistent and timely use of enforcement remedies.

The Madison County Sewer District Board shall approve the Enforcement Response Plan. The Enforcement Response Plan provides for a consistent and timely approach to enforcement and the Board's approval is not needed before an enforcement action is undertaken. The Enforcement Response Plan shall be reviewed at least every five (5) years.

## **ADMINISTRATIVE REMEDIES**

### **SECTION 1102 - NOTIFICATION OF VIOLATION**

Whenever the Enforcement Officer finds that any User has violated or is violating these Rules and Regulations, or any Wastewater Discharge Permit, order, prohibition, limitation or requirement permitted by these Rules and Regulations, the Enforcement Officer may serve upon such person a written notice stating the nature of the violation. Within two (2) calendar days of the date of the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Enforcement Officer, by the User. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation.

### **SECTION 1103 - CONSENT ORDERS**

The Enforcement Officer is hereby empowered to enter into Consent Orders, assurances of voluntary compliance or other similar documents establishing an agreement with the User responsible for the noncompliance. Such orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same

force and effect as an administrative order.

#### **SECTION 1104 - ADMINISTRATIVE OR COMPLIANCE ORDER**

When the Enforcement Officer finds that a User has violated or continues to violate these Rules and Regulations or a permit or order issued thereunder, he may issue an order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless the violation is corrected and that there is no reoccurrence of the violation. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

The User may, within fifteen (15) days of receipt of such order, petition the Enforcement Officer to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Enforcement Officer by registered mail. The Enforcement Officer may:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order,
- (3) Request additional information from the user, or
- (4) Order the petitioner to show cause in accordance with Section 1108.

#### **SECTION 1105 - ADMINISTRATIVE FINES**

Notwithstanding any other section of these Rules and Regulations, any user who is found to have violated any provision of these Rules and Regulations, or permits and orders issued hereunder, shall be fined in an amount not to exceed One Thousand Dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The User may, within fifteen (15) calendar days of notification of such fine, petition the Enforcement Officer to modify or suspend the fine. Such petition shall be in written form and shall be transmitted to the Enforcement Officer by registered mail. The Enforcement Officer may:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the fine,
- (3) Request additional information from the user, or
- (4) Order the petitioner to show cause in accordance with Section 1108.

#### **SECTION 1106 - CEASE AND DESIST ORDERS**

When the Enforcement Officer finds that a User has violated or continues to violate these Rules and Regulations or any permit or order issued hereunder, the Enforcement Officer may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith.
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The User may, within fifteen (15) days of receipt of such order, petition the Enforcement Officer to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Enforcement Officer by registered mail. The Enforcement Officer may:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order,
- (3) Request additional information from the user, or
- (4) Order the petitioner to show cause in accordance with Section 1108.

## **SECTION 1107 - TERMINATION OF PERMIT**

Any user who violates the following conditions of these Rules and Regulations or a wastewater discharge permit or order, or any applicable or State and Federal law, is subject to permit termination, if applicable:

- (1) Violation of permit conditions.
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
- (3) Failure to report significant changes in operations or wastewater constituents and characteristics.
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Non-compliant industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.

The User may, within fifteen (15) calendar days of receipt of such notification, petition the Enforcement Officer to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Enforcement Officer by registered mail. The Enforcement Officer may:

- (1) Reject any frivolous petitions,
- (2) Request additional information from the user, or
- (3) Order the petitioner to show cause in accordance with Section 1109.

## **SECTION 1108 - SHOW CAUSE HEARING**

The Enforcement Officer may order any User appealing administrative remedies for violations of these Rules and Regulations to show-cause, before the Madison County Sewer District Board why an enforcement action, initiated by the Enforcement Officer, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Madison County Sewer District Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Madison County Sewer District Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days before the hearing. Service may be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment.

The Madison County Sewer District Board may itself conduct the hearing and take evidence, or may designate any of its members or:

- (1) Issue, in the name of the Madison County Sewer District Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings,
- (2) Take the evidence,
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Madison County Sewer District Board for action thereon.

After the Madison County Sewer District Board has reviewed the evidence, it may order the user to comply with the Enforcement Officer's order or fine, modify the Enforcement Officer's order or fine

or vacate the Enforcement Officer's order or fine.

## **SECTION 1109 - RESERVED**

### **JUDICIAL REMEDIES**

#### **SECTION 1110 - CIVIL PENALTIES**

Any person who violates any of the provisions of or who fails to perform any duty imposed by these Rules and Regulations, or any order or determination of the Enforcement Officer promulgated under these Rules and Regulations, or the terms of any permit issued hereunder, shall be liable to the Madison County Sewer District for a civil penalty not to exceed One Thousand Dollars (\$1,000.00) for each such violation, to be assessed after a hearing held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Madison County Sewer District's Attorney or the County Attorney at the request of the Enforcement Officer in the name of the Madison County Sewer District in any court of competent jurisdiction. In addition to the above described penalty and damages, the Enforcement Officer may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses. Such civil penalty may be released or compromised by the Enforcement Officer before the matter has been referred to the Madison County Sewer District's Attorney or County Attorney, and where such matter has been referred to the Madison County Sewer District's Attorney or County Attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Madison County Sewer District's Attorney or County Attorney, with the consent of the Enforcement Officer.

#### **SECTION 1111 - COURT ORDERS**

In addition to the power to assess penalties as set forth in this Section, the Enforcement Officer shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

- (1) Suspending, revoking or modifying the violator's Wastewater Discharge Permit, if applicable.
- (2) Enjoining the violator from continuing the violation.

Any such order shall be sought in an action brought by the Madison County Sewer District's Attorney or County Attorney at the request of the Enforcement Officer in the name of the Madison County Sewer District, or in any court of competent jurisdiction.

The Enforcement Officer shall petition the Court to impose, assess and recover such sums imposed according to this Section. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User and any other factor as justice requires.

#### **SECTION 1112 - CRIMINAL PENALTIES**

Any person who willfully violates any provision of these Rules and Regulations or any final determination or order of the Enforcement Officer made in accordance with this Article shall, in addition, be guilty of a Class A misdemeanor, and upon conviction thereof, shall be punished by a fine of

not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than fifteen (15) days, or both.

Any 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 these Rules and Regulations, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall, upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$500.00) per violation per day or imprisonment for not more than fifteen (15) days, or both.

No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

#### **SECTION 1113 - INJUNCTIVE RELIEF**

Whenever a User has violated or continues to violate the provisions of these Rules and Regulations or permit or order issued hereunder, the Enforcement Officer, through counsel may petition the Court, in the name of the Madison County Sewer District, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Enforcement Officer. Notwithstanding anything contrary in these Rules and Regulations such request for injunction may occur at any time if in the judgment of the Chief Operator, circumstances require immediate Court intervention.

#### **SECTION 1114 - DAMAGES**

Any person violating any of the provisions of these Rules and Regulations shall, in addition, be civilly liable to the Madison County Sewer District for any expense, loss or damage occasioned to the Madison County Sewer District by reason of such violation.

#### **SECTION 1115 - SUMMARY ABATEMENT**

Notwithstanding any inconsistent provisions of these Rules and Regulations, whenever the Enforcement Officer finds, after investigation, that any User is causing, engaging in or maintaining a condition or activity which, in his judgment, present an imminent danger to the public health, safety or welfare, or to the environment, or is likely to result in irreparable damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Enforcement Officer may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a User's failure to comply voluntarily with an emergency order, the Enforcement Officer may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Enforcement Officer shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

The Enforcement Officer, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW.

### **MISCELLANEOUS**

#### **SECTION 1116 - DELINQUENT PAYMENTS**

If there shall be any payments which are due to the Madison County Sewer District, or any Department thereof, pursuant to any Article or Section of these Rules and Regulations, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the Madison County Sewer District, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

In the event that there are any sewer rents, fees, assessments or other service charges which shall have been delinquent for a period of at least sixty (60) calendar days as of December 15 of any year, the appropriate officer or body shall report the names of the defaulting persons to the Madison County Board of Supervisors, the Madison County Sewer Board, the Madison County Clerk and the Chief Assessor on or before December 15 of the same year. The appropriate Finance Officer is hereby directed to add the entire amount of the sewer rents, fees, assessment or other service charge which shall be in default, plus penalty and interest, as provided for in these Rules and Regulations, to the real property taxes due and owing to Madison County in the next succeeding year, and the appropriate Finance Officer is directed to collect same in the same manner as real property taxes due and owing to the Madison County Sewer District are collected. This Section coincides with the provisions of the Madison County Sewer District Charter, entitled Collection of Sewer Tax and Water Rents; delinquent sewer tax and water rent to be paid with the Madison County Sewer District real property tax.

Where charges are delinquent and the violator is not a resident of the Madison County Sewer District, then the Madison County Sewer District's Attorney and/or the Madison County Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction.

#### **SECTION 1117 - PERFORMANCE BONDS**

The Enforcement Officer may decline to reissue a permit to any User which has failed to comply with the provisions of these Rules and Regulations or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Enforcement Officer to be necessary to achieve consistent compliance.

#### **SECTION 1118 - LIABILITY INSURANCE**

The Enforcement Officer may decline to reissue a permit to any User which has failed to comply with the provisions of these Rules and Regulations or any order or previous permit issued hereunder, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

### **END OF ARTICLE 11**

### **ARTICLE 12 CHARGES**

Section 1201	-	Sewer Rents and Charges
Section 1202	-	Surcharge for Abnormal Sewage
Section 1203	-	Measurement of Flow
Section 1204	-	Billing Period
Section 1205	-	Charges for Scavenger Wastes
Section 1206	-	Fiscal Year for System
Section 1207	-	Use of Revenues
Section 1208	-	Records and Accounts

## **SECTION 1201 - SEWER RENTS AND CHARGES**

Pursuant to the authority under County Law Section 266 and General Municipal Law Article 14-F, all persons owning, having or occupying lots, parcels or tracts of land situated within the Madison County Sewer District having thereon buildings or structures of any kind connected to the Madison County Sewer District sewer system, shall pay to the Receiver of Taxes and Assessments, at the times prescribed by the Madison County Board of Supervisors, sewer rents and charges as may be fixed by the Madison County Board of Supervisors, by resolution, from time-to-time, for each User within the Village or Town Sewer District within the Madison County Sewer District. It is hereby determined that sewer rents shall be and are hereby equitably based and determined according to the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof as well as by the volume and character of sewage, industrial waste and other wastes discharged into the sewer system or upon any other equitable basis determined by the Madison County Board of Supervisors, including but not limited to any combination of the foregoing.

## **SECTION 1202 - SURCHARGE FOR ABNORMAL SEWAGE**

All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge to be determined from time to time by resolution by the Madison County Board of Supervisors.

## **SECTION 1203 - MEASUREMENT OF FLOW**

The volume of flow shall be used in computing sewer service charges and abnormal sewage surcharges and shall be based upon metered water consumption as shown on the records of meter readings maintained by the Village of Cazenovia and Town Water Districts or water meter installed on an individual well as required by the Chief Operator. In the event that a person discharging wastes into the POTW produces evidence, to the Chief Operator, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Chief Operator shall either establish a percentage of the total metered water to be used as a basis for such computations or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from un-metered sources, the Chief Operator shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW.

Water meters and/or flow measuring devices installed pursuant to this Section shall be of a type and design acceptable to the Chief Operator and shall be purchased by the owner from the District. Water and/or flow measuring devices shall be installed by a qualified plumber at the owner's expense and shall be periodically tested by the Chief Operator at his discretion. In the event any water meters and/or flow measuring devices installed pursuant to this Section require replacement, the replacement water meter and/or flow measuring devices shall be purchased from the District and the cost and installation thereof shall be borne by the owner. Alternatively an owner may select and install a water meter and/or flow measuring device of their choice but such water meter and/or flow measuring device must be of a type and design acceptable to the Chief Operator and approved by the Chief Operator. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Chief Operator.

## **SECTION 1204 - BILLING PERIOD**

The Billing Period shall be annually.

## **SECTION 1205 - CHARGES FOR TRUCKED OR HAULED WASTE**

The charge for dumping septage into the POTW shall be determined from time-to-time by resolution by the Madison County Sewer District Board. The manner of determining the volume dumped shall be at the discretion of the Chief Operator.

**SECTION 1206 - FISCAL YEAR FOR SYSTEM**

The POTW shall be operated on the basis of a fiscal year commencing on the first day of January and ending on the thirty-first day of December.

**SECTION 1207 - USE OF REVENUES**

Revenues derived from user sewer rents, charges and associated penalties, shall be credited to a special fund. Monies in this fund shall be used exclusively for the following functions:

- (1) For the payment of the operation and maintenance, including repair and replacement costs of the Madison County Sewer District POTW,
- (2) For the discovery and correction of inflow and infiltration,
- (3) For the payment of interest on and the amortization of for payment of indebtedness which has been or shall be incurred for the construction or extension of the Madison County Sewer District POTW, and
- (4) For the extension, enlargement, replacement of and/or additions to the Madison County Sewer District POTW, including any necessary appurtenances.

**SECTION 1208 - RECORDS AND ACCOUNTS**

The Madison County Sewer District shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Madison County Sewer District will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials and the public, on request.

In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.

The Madison County Sewer District shall maintain and carry insurance on all physical properties of the POTW, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

**END OF ARTICLE 12**

**ARTICLE 13**

**PUBLIC DISCLOSURE OF POTW OPERATIONS**

- Section 1301 - POTW Operations Open to the Public
- Section 1302 - Procedural Requirements Available
- Section 1303 - Validity Through Public Inspection

**SECTION 1301 - POTW OPERATIONS OPEN TO THE PUBLIC**

It shall be the policy of the Madison County Sewer District Board to conduct all business with full

disclosure to the public.

**SECTION 1302 - PROCEDURAL REQUIREMENTS AVAILABLE**

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under these Rules and Regulations and for requesting a hearing shall be formulated by the Madison County Sewer District and be made available to any resident of the Madison County Sewer District upon request.

**SECTION 1303 - VALIDITY THROUGH PUBLIC INSPECTION**

The Madison County Sewer District shall formulate procedures to make available to the public for inspection such orders, statements of policy, and interpretations used by the Madison County Sewer District in administration of these Rules and Regulations. No rule, regulation, or civil order shall be valid until it has been available for public inspection.

**END OF ARTICLE 13**

**SECTION 2. SEVERABILITY**

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

**SECTION 3. EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.

**RESOLUTION NO. 315-13**

**ACKNOWLEDGING INTRODUCTION OF PROPOSED RESOLUTION  
ESTABLISHING SEWER RENTS, FEES AND CHARGES OF THE MADISON  
COUNTY SEWER DISTRICT AND CALLING FOR A PUBLIC HEARING**

**WHEREAS**, Supervisor Bono has introduced proposed Madison County Board of Supervisors Resolution titled, “**A Resolution Establishing Sewer Rents, Fees, and Charges of the Madison County Sewer District In Accordance With County Law Section 266, General Municipal Law Article 14-F, and the Rules and Regulations of the Madison County Sewer District**”; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the adoption of a resolution in the County of Madison, such that there are no other involved agencies within the meaning of SEQRA with respect to the adoption of said proposed Resolution, with the result that the Madison County Board of Supervisors shall act as lead agency in this matter; and

**WHEREAS**, the adoption of the proposed Resolution Establishing Sewer Rents, Fees and Charges of the Madison County Sewer District is an unlisted action for purposes of SEQRA; and

**WHEREAS**, the Board has determined that a short environmental assessment form (EAF) shall be required in connection with this action; and

**NOW THEREFORE, BE IT RESOLVED** that the adoption of the proposed Resolution Establishing Sewer Rents, Fees and Charges of the Madison County Sewer District is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

**RESOLVED** that the Board conduct a public hearing as to the adoption of proposed Resolution at the Supervisor's Chambers located on the second floor of County Office Building No. 4 at 138 North Court Street, Wampsville, New York 13163 on **November 12, 2013 at 2:20 p.m.**, or as soon thereafter as the matter can be heard, at which time all persons interested shall be heard.

**A RESOLUTION ESTABLISHING SEWER RENTS, FEES AND CHARGES OF THE MADISON COUNTY SEWER DISTRICT IN ACCORDANCE WITH COUNTY LAW SECTION 266, GENERAL MUNICIPAL LAW ARTICLE 14-F, AND THE RULES AND REGULATIONS OF THE MADISON COUNTY SEWER DISTRICT**

**WHEREAS**, Supervisor Bono has duly introduced a Resolution Establishing Sewer Rents, Fees and Charges of the Madison County Sewer District; and

**WHEREAS**, pursuant to New York County Law Section 266, General Municipal Law Article 14-F and the Rules and Regulations of the Madison County Sewer District the Madison County Board of Supervisors is authorized to establish and impose, by resolution, sewer rents, fees and charges for the collection, conveyance, treatment and disposal of sewage, the operation and maintenance of the sewer system, the payment of interest on and amortization of debt incurred for construction of the sewer system, the construction of sewage and disposal works and other activities necessary for the efficient operation of the Madison County Sewer District; and

**WHEREAS**, pursuant to said laws and regulations for the Madison County Board of Supervisors has determined it shall be fair and equitable to establish such rents, fees and charges according to the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof, as well as by the volume and character of sewage, industrial waste and other wastes discharged into the sewer system or upon any other equitable basis determined by the Madison County Board of Supervisors, including but not limited to any combination of the foregoing; and

**WHEREAS**, the Madison County Board of Supervisors has conferred with the Madison County Sewer District Board with respect to the establishment and imposition of the sewer rents, fees and charges set forth in the proposed Madison County Sewer District Sewer Rent Fee, and Charge Schedule ("Schedule"); and

**WHEREAS**, a public hearing was held on the proposed Resolution on the 12th day of November, 2013 by the Madison County Board of Supervisors and proof of publication of notice of such public hearing having been submitted and filed, and all persons desiring to be heard in connection with said proposed Resolution having been heard as required by County Law Section 266 and General Municipal Law Article 14-F; and

**WHEREAS**, notice of the public hearing on the proposed Resolution was also mailed to all property owners within the Madison County Sewer District and all property owners were given a full and fair opportunity to be heard at said public hearing on November 12, 2013; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, on October 8, 2013 the Madison County Board of Supervisors declared itself lead agency and determined the adoption of the Resolution to be an unlisted action for purposes of SEQRA; and

**WHEREAS**, the Board determined that a short environmental assessment form (EAF) would be required in connection with this matter; and

**WHEREAS**, the aforementioned EAF has been prepared and reviewed by the Board; and

**WHEREAS**, the Board has considered the adoption of said Resolution, considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and compared the impacts which may be reasonably expected to result from the adoption of said Resolution against said criteria; and

**WHEREAS**, in consultation with the Madison County Sewer Board, it is the determination of the Madison County Board of Supervisors that the adoption of the proposed method and Resolution is in the best interest of the Madison County Sewer District; and

**NOW THEREFORE, BE IT RESOLVED** that the proposed Resolution Establishing Sewer Rents, Fees and Charges of the Madison County Sewer District will not have a significant adverse effect on the environment and this resolution hereby adopts a Negative Declaration for purposes of SEQRA; and it is further

**RESOLVED**, that the Madison County Board of Supervisors does hereby adopt the Resolution containing the Madison County Sewer District Sewer Rent, Fee and Charge Schedule to be effective for the Madison County Sewer District 2014 billing cycle, commencing with metered water readings beginning October 1, 2013 and billed in November/December 2014 and thereafter as follows:

**MADISON COUNTY SEWER DISTRICT**  
**SEWER RENT, FEE AND CHARGE SCHEDULE**

**1. SEWER RENTS (Based Upon Metered Water Consumption)**

**User Classification**

**Rate**

<u>Residential</u> when	Minimum charge of \$284 plus \$4.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Churches and NFP</u> when	Minimum charge of \$284 plus \$4.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Office Buildings</u> when	Minimum charge of \$284 plus \$4.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Retail Stores</u> when	Minimum charge of \$284 plus \$4.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Restaurants</u> when	Minimum charge of \$284 plus \$2.00 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Commercial Businesses</u> when	Minimum charge of \$284 plus \$2.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Colleges and Boarding Schools</u> when	Minimum charge of \$284 plus \$4.00 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Apartment Buildings</u> when	Minimum charge of \$284 plus \$7.00 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Public Schools</u> when	Minimum charge of \$284 plus \$9.00 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded

\*Note: 100 Cubic Feet of water is equal to 748 gallons.  
6300 ft<sup>3</sup> = 47,124

2. **SEWER LATERAL PERMIT FEE (Section 602)**  
\$200.00
3. **INSPECTION FEES (Section 502A; Article 6)**  
\$100.00
4. **AS-BUILT DRAWING DEPOSIT FEE (Section 606B)**  
\$250.00
5. **CONNECTION/HOOK-UP FEE (613A)**  
\$150.00
6. **WASTEHAULER LICENSE FEE (Section 801)**  
\$300.00
7. **WASTEHAULER DUMPING FEE (Section 801)**  
\$350.00 per 3,000 gallons
8. **WASTEWATER/INDUSTRIAL DISCHARGE PERMIT FEE (Section 1004A)**  
\$2,500.00
9. **ABNORMAL SEWAGE SURCHARGE (Section 1202)**  
\$0.26 per pound of BOD

**Supervisor Bono made a motion to amend this resolution, seconded by Supervisor Monforte and carried. The amended version follows:**

**RESOLUTION NO. 315-13 (AS AMENDED)**

**A RESOLUTION CALLING FOR A PUBLIC HEARING ON ESTABLISHING SEWER RENTS, FEES AND CHARGES OF THE MADISON COUNTY SEWER DISTRICT IN ACCORDANCE WITH COUNTY LAW SECTION 266, GENERAL MUNICIPAL LAW**

**ARTICLE 14-F, AND THE RULES AND REGULATIONS OF THE MADISON  
COUNTY SEWER DISTRICT**

**WHEREAS**, it is anticipated that following the adoption of proposed Local Law No. 7-2013, entitled “A Local Law Amending, Replacing, And Superseding Local Law No. 3-1992, As Amended By Local Law No. 5-1995 By Establishing The Rules And Regulations Of The Madison County Sewer District Comprising The Entire Village Of Cazenovia, And Parts Of The Towns Of Cazenovia And Nelson, Madison County, New York” a resolution establishing the sewer rents, fees and charges will be introduced, entitled “A Resolution Establishing Sewer Rents, Fees, and Charges of the Madison County Sewer District In Accordance With County Law Section 266, General Municipal Law Article 14-F, and the Rules and Regulations of the Madison County Sewer District”, and

**WHEREAS**, pursuant to New York County Law Section 266, General Municipal Law Article 14-F and the Rules and Regulations of the Madison County Sewer District the Madison County Board of Supervisors is or shall be authorized to establish and impose, by resolution, sewer rents, fees and charges for the collection, conveyance, treatment and disposal of sewage, the operation and maintenance of the sewer system, the payment of interest on and amortization of debt incurred for construction of the sewer system, the construction of sewage and disposal works and other activities necessary for the efficient operation of the Madison County Sewer District; and

**WHEREAS**, pursuant to said laws and regulations for the Madison County Board of Supervisors it is anticipated that the Board will establish such rents, fees and charges according to the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof, as well as by the volume and character of sewage, industrial waste and other wastes discharged into the sewer system or upon any other equitable basis determined by the Madison County Board of Supervisors, including but not limited to any combination of the foregoing; and

**WHEREAS**, the Madison County Board of Supervisors has conferred with the Madison County Sewer District Board with respect to the establishment and imposition of the sewer rents, fees and charges which are set forth in the proposed Madison County Sewer District Sewer Rent Fee, and Charge Schedule (“Schedule”), attached to and made a part hereof, and a proposed Resolution entitled “A Resolution Establishing Sewer Rents, Fees, and Charges of the Madison County Sewer District In Accordance With County Law Section 266, General Municipal Law Article 14-F, and the Rules and Regulations of the Madison County Sewer District” has been prepared incorporating such Schedule, and a copy thereof today placed on the desks of the Members of the Board of Supervisors; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the adoption of a resolution in the County of Madison, such that there are no other involved agencies within the meaning of SEQRA with respect to the adoption of said proposed

Resolution, with the result that the Madison County Board of Supervisors shall act as lead agency in this matter; and

**WHEREAS**, the adoption of the proposed Resolution and the establishment and imposition thereby of the sewer rents, fees and charges is an unlisted action for purposes of SEQRA; and

**WHEREAS**, the Board has determined that a short environmental assessment form (EAF) shall be required in connection with this action; and

**NOW THEREFORE, BE IT RESOLVED** that the adoption of the proposed Resolution and the establishment and imposition thereby of the sewer rents, fees and charges is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

**RESOLVED** that the Board conduct a public hearing as to the adoption of the proposed Resolution and the establishment and imposition thereby of the sewer rents, fees and charges contained in the Madison County Sewer District Sewer Rent Fee, and Charge Schedule, to be held at the Supervisor's Chambers located on the second floor of County Office Building No. 4 at 138 North Court Street, Wampsville, New York 13163 on **November 12, 2013 at 2:20 p.m.**, or as soon thereafter as the matter can be heard, at which time all persons interested shall be heard.

**PROPOSED**  
**MADISON COUNTY SEWER DISTRICT**  
**SEWER RENT, FEE AND CHARGE SCHEDULE**

**1. SEWER RENTS (Based Upon Metered Water Consumption)**

<b><u>User Classification</u></b>	<b><u>Rate</u></b>
<u>Residential</u> when	Minimum charge of \$284 plus \$4.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Churches and NFP</u> when	Minimum charge of \$284 plus \$4.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Office Buildings</u> when	Minimum charge of \$284 plus \$4.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Retail Stores</u> when	Minimum charge of \$284 plus \$4.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Restaurants</u> when	Minimum charge of \$284 plus \$2.00 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Commercial Businesses</u> when	Minimum charge of \$284 plus \$2.50 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Colleges and Boarding Schools</u> when	Minimum charge of \$284 plus \$4.00 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Apartment Buildings</u> when	Minimum charge of \$284 plus \$7.00 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded
<u>Public Schools</u> when	Minimum charge of \$284 plus \$9.00 Dollars per 100 ft <sup>3</sup> 6300 ft <sup>3</sup> /year is exceeded

\*Note: 100 Cubic Feet of water is equal to 748 gallons.  
 6300 ft<sup>3</sup> = 47,124

2. **SEWER LATERAL PERMIT FEE (Section 602)**  
 \$200.00
3. **INSPECTION FEES (Section 502A; Article 6)**  
 \$100.00
4. **AS-BUILT DRAWING DEPOSIT FEE (Section 606B)**  
 \$250.00
5. **CONNECTION/HOOK-UP FEE (613A)**  
 \$150.00
6. **WASTEHAULER LICENSE FEE (Section 801)**  
 \$300.00
7. **WASTEHAULER DUMPING FEE (Section 801)**  
 \$350.00 per 3,000 gallons
8. **WASTEWATER/INDUSTRIAL DISCHARGE PERMIT FEE (Section 1004A)**  
 \$2,500.00
9. **ABNORMAL SEWAGE SURCHARGE (Section 1202)**  
 \$0.26 per pound of BOD

A final vote was then taken:

**ADOPTED: AYES – 1500 NAYS – 0**

**By Supervisor Goldstein:**

**RESOLUTION NO. 316-13**

**PROVIDING FOR A LIST OF FEES FOR PARTICIPATING IN THE COUNTY'S SOLID WASTE MANAGEMENT PROGRAM, AS REQUIRED BY LOCAL LAW #3 FOR 2004**

**WHEREAS**, Local Law # 3 for 2004 created a process by which the list of fees may be amended without the need to amend the Law itself; and

**WHEREAS**, the County finds that it will be more reasonable and efficient to maintain and amend the list in accordance with the requirements of the proposed Local Law, rather than to amend the Local Law each time the list of fees must be amended; and

**NOW, THEREFORE BE IT RESOLVED**, that the following corrected fees shall apply to activities undertaken pursuant to the Local Law:

Type of Fee	Amount	Local Law Provision
Commercial Waste Permit	\$50 plus \$20 per vehicle	III.1.c.
Renewal of CWP	same as original permit fee	III.1.g.
Lost permit fee	\$5	III.1.h.

Type of Fee	Amount	Local Law Provision
<b><u>Commercial tipping fees/ton</u></b>	<b>\$67.00/ton</b> Contract rate / All Towns, Villages and the City of Oneida <b>\$78.00/ton</b> without Contract <b>\$88.00/ton</b> Day Use Permits <ul style="list-style-type: none"> <li>• Minimum scale charge \$15.00</li> <li>• Vehicle weighing charge \$6.00</li> </ul>	III.5.a., III.6.a.
<b>Tire Disposal Fee</b> - car , truck tires, Off Road Tires (for all Commercial and Day Use Permittees)	<b>\$100 per ton</b>	III.5.a., III.6.a.
<b>Refrigeration Units</b> <b>Propane Cylinders</b> <b>Televisions</b> <b>Computer Monitors</b>	<b>\$5.40 each</b> <b>\$2.70 each</b> <b>\$2.70 each</b> <b>\$2.70 each</b>	III.5.a., III.6.a.
Insufficient Funds (Bounced Check) Charge (Residential and Commercial)	\$20	III.5.e
Penalty for Late Tipping Fee Payments	Municipalities shall pay 1.5 % per month on unpaid balance after 60 days All others shall pay 1.5 % per month on unpaid balance after 30 days	III.5.d.
Day Use Permit Fee (Special Use)	No Charge	III.2.a.

**FURTHER RESOLVED**, that this list of fees shall remain in effect until amended or deleted by the procedure designated in Local Law # 3 for 2004 or by or amendment of the Local Law; and

**BE IT FURTHER RESOLVED**, that this Resolution takes effect January 1, 2014.

**ADOPTED: AYES–1500 NAYS–0**

**RESOLUTION NO. 317-13**

**AUTHORIZING AGREEMENT FOR ENGINEERING SERVICES FOR 2013 GROUNDWATER MONITORING AND MISCELLANEOUS ENGINEERING**

**WHEREAS**, Madison County is in need of a variety of miscellaneous engineering services with regard to the County’s solid waste management system and facilities; and

**WHEREAS**, Barton and Loguidice Engineering possesses the special skills and training required to perform the engineering services in connection with the County’s solid waste management system and facilities; and

**WHEREAS**, the Solid Waste/Recycling Committee has reviewed and approved the Barton and Loguidice Engineering proposal;

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman of this Board is hereby authorized and directed to enter into an Agreement with Barton and Loguidice, P.C. Consulting

Engineers, a professional corporation, to furnish professional engineering services in connection with the County's solid waste management system. The estimated cost of services contemplated by said Agreement is not to exceed \$130,000. The estimated cost of services in the current 2012 professional engineering services Agreement is not to exceed \$165,000. A copy of said Agreement is filed with the Clerk of this Board; and

**BE IT RESOLVED**, that this Agreement shall cover the period from January 1, 2014 and shall terminate on December 31, 2014; and

**BE IT FURTHER RESOLVED**, that funds from the Solid Waste Department engineering accounts will be utilized to cover the cost of the engineering services proposed.

**ADOPTED: AYES-1500 NAYS-0**

**Resolution number 318-13**

**RATIFYING AND ACCEPTING BIDS RECEIVED  
AT PUBLIC AUCTION AND FORMER OWNER REDEMPTIONS  
AND DIRECTING THE CONVEYANCE OF COUNTY OWNED PREMISES**

**WHEREAS**, Madison County has heretofore acquired a Tax Sale Title to the hereinafter described parcels of land, and

**WHEREAS**, Section 215 of the County Law authorizes the County to sell all its rights, titles, and interest in land it owns, and

**WHEREAS**, the County Treasurer and Planning, Economic Development and Environmental & Intergovernmental Affairs Committee have heretofore been authorized to offer for public sale or by former owner redemption County owned premises acquired for nonpayment of taxes, subject to the necessary ratification and acceptance of all sales made by the Madison County Board of Supervisors,

**NOW, THEREFORE, BE IT RESOLVED**, that the County Treasurer be and is hereby directed to convey to the respective parties listed in the attached schedule, the parcels described therein for the enumerated consideration representing the highest bid received under the terms and conditions of the public auction or former owner redemptions.

Sale price New owner Address	Parcel details	County title Deed date INST # Page
Sale Price: 32,500 SNYDER, JERRY 1994 VIDLER ROAD WEST EDMESTON NY 13485	Prior Owner:MADISON COUNTY (CHESE Parcel ID:252000;173.-1-3 Property loc:1995 Hibbard Rd Assessed value:40,800 acres: 34.3	Madison 08/01/2013 Book: 2013 Page: 5228
Sale Price: 500 KASPRZYK, OLIVIA 2564 STATE ROUTE 5 CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (OWNE Parcel ID:252000;202.-1-26.12 Property loc:Truck Trail 8 @ Giles Assessed value:700 acres: 6.8	Madison 08/01/2013 Book: 2013 Page: 5229
Sale Price: 1,000 REDMOND, GERARD REDMOND, GEORGEANN W 4735 RIDGE ROAD CAZENOVIA NY 13035	Prior Owner:MADISON CO (CATRANIS) Parcel ID:252289;85.84-1-7 Property loc:Ridge Rd Assessed value:10,000 acres: 1.13	Madison 08/01/2013 Book: 2013 Page: 5230

Sale price New owner Address	Parcel details	County title Deed date INST # Page
Sale Price: 28,000 BEAM, DAVID R 4514 RIDGE ROAD CAZENOVIA NY 13035	Prior Owner:MADISON COUNTY (CATRA) Parcel ID:252289;85.84-1-8 Property loc:Ridge Rd Assessed value:47,700 acres: 3.71	Madison 08/01/2013 Book: 2013 Page: 5231
Sale Price: 100 ENGELBRECHT, RICHARD 2727 ROUTE 26 ORISKANY FALLS NY 13425	Prior Owner:MADISON COUNTY (PALM) Parcel ID:252289;119.-3-62 Property loc:Off Coulter Rd Assessed value:500 acres: 1.26	Madison 08/01/2013 Book: 2013 Page: 5232
Sale Price: 19,000 LIMESTONE RIDGE LLC 5860 MCKINLEY ROAD BREWERTON NY 13029	Prior Owner:MADISON CO (KELLER) Parcel ID:252289;147.-1-4 Property loc:2552 Route 13 S Assessed value:65,000 acres: 1.14	Madison 08/01/2013 Book: 2013 Page: 5233
Sale Price: 2,000 ALDRICH, DALE R 1247 CAREY ROAD DERUYTER NY 13052	Prior Owner:MADISON COUNTY (CNC P) Parcel ID:252401;206.10-1-53 Property loc:1675 Cortland St Assessed value:45,000 acres: 0.13	Madison 08/01/2013 Book: 2013 Page: 5234
Sale Price: 19,000 COVERT, JASON 1284 MIDDLE LAKE ROAD DERUYTER NY 13052	Prior Owner:MADISON COUNTY (ALLEN) Parcel ID:252489;206.-1-29 Property loc:476 Lincklaen Rd Assessed value:38,000 acres: 0.83	Madison 08/01/2013 Book: 2013 Page: 5235
Sale Price: 7,665.58 RINALDO, JR JOSEPH V 122 DEPPOLITI AVENUE CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (RINALD) Parcel ID:252601;111.15-1-83 Property loc:21 North St Assessed value:52,000 acres: 0.18	Madison 08/01/2013 Book: 2013
Sale Price: 55,000 MOYER, JOHN PO BOX 591 CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (KEY BA) Parcel ID:252689;111.-1-33 Property loc:5459 Rocks Rd Assessed value:118,000 acres: 0.59	Madison 08/01/2013 Book: 2013 Page: 5237

Sale Price: 10,000	Prior Owner:MADISON CO (OLEY)	
MUSCARELLA, ANTHONY R	Parcel ID:252689;111.14-2-2	08/01/2013
MUSCARELLA, ELEANOR J	Property loc:5107 Route 20	Book: 2013
5472 SOUTH LEBANON ROAD	Assessed value:112,500	Page: 5238
EARLVILLE NY 13332	acres: 2.05	

Sale Price: 3,135.26	Prior Owner:MADISON COUNTY (PARME	Madison
PARMETER, PATRICIA C	Parcel ID:252689;124.-1-15.11	08/01/2013
NOLAN, STEVEN J	Property loc:3210 Sanford Rd	Book: 2013
2271 BERNE AVENUE	Assessed value:45,000	Page: 5239
TERRE HAUTE IN 47805	acres: 6.56	

Sale Price: 30,000	Prior Owner:MADISON COUNTY (DEKIN	Madison
DELLEA, III A J	Parcel ID:252689;135.18-1-52	08/01/2013
6079 LONDON ROAD	Property loc:3292 Route 26	Book: 2013
EATON NY 13334	Assessed value:69,000	Page: 5240
	acres: 3.24	

Sale Price: 15,500	Prior Owner:MADISON COUNTY (SANDF	Madison
HYLAND PARTNER'S INC	Parcel ID:252800;68.1-1-15	08/01/2013
120 N PETERBORO STREET	Property loc:2462 Stables Rd	Book: 2013
CANASTOTA NY 13032	Assessed value:71,700	Page: 5241
	acres: 1.10	

Sale Price: 5,177.53	Prior Owner:MADISON COUNTY (PAFKA)	Madison
PAFKA, DONALD A	Parcel ID:252800;79.-1-25	08/01/2013
5253 SWAMP SCHOOL ROAD	Property loc:5253 Swamp School Rd	Book: 2013
CAZENOVIA NY 13035	Assessed value:47,400	Page: 5242
	acres: 3.61	

Sale Price: 2,937.63	Prior Owner:MADISON COUNTY (WILLIF	Madison
WILLIFORD, CYNTHIA K	Parcel ID:252800;88.-1-33.12	
10273 BLOSSOM LAKE ROAD	Property loc: Tower Rd	Book: 2013
SEMINOLE FL 33772	Assessed value:25,600	Page: 5243
	acres: 6.40	

Sale price New owner Address	Parcel details	County title Deed date INST # Page
Sale Price: 8,500 KUHN, KENNETH A HEMLER, GAIL L 1472 CHAPIN ROAD GEORGETOWN NY 13072	Prior Owner:MADISON CO (DELEMOS) Parcel ID:253000;193.-1-26.31 Property loc:Chapin Rd @ Chapman roa Assessed value:25,000 acres: 5.10	Madison 08/01/2013 Book: 2013 Page: 5244
Sale Price: 4,636.43 MILLS, STEVEN W 1039 STATE ROUTE 80 GEORGETOWN NY 13072	Prior Owner:MADISON COUNTY (MILLS) Parcel ID:253000;194.19-1-1 Property loc:1039 Route 80 W Assessed value:45,000 acres: 0.27	Madison 08/01/2013 Book: 2013 Page: 5245
Sale Price: 3,559.42 REUTER, EDWARD 56 MONTGOMERY STREET HAMILTON NY 13346	Prior Owner:MADISON COUNTY (REUTE) Parcel ID:253201;213.20-3-1 Property loc:68 N Main St Assessed value:31,000 acres: 1.03	Madison 08/01/2013 Book: 2013 Page: 5246
Sale Price: 19,000 DELLEA, III A J 6079 LANDON ROAD EATON NY 13334	Prior Owner:MADISON COUNTY (SHENK) Parcel ID:253201;213.20-3-51 Property loc:39 E Main St Assessed value:100,100 acres: 0.02	Madison 08/01/2013 Book: 2013 Page: 5247
Sale Price: 503.40 BAILEY, CARL J BAILEY, DONNA A 2703 BAILEY ROAD HUBBARDSVILLE NY 13355	Prior Owner:MADISON COUNTY (BAILEY) Parcel ID:253289;154.-3-26.5 Property loc:BONNEY HILL ROAD Assessed value:2,500 acres: 0.49	Madison 08/09/2012 Book: 2012 Page: 5343
Sale Price: 1,270.91 MEIER, DIANTHA L PO BOX 194 FULTONVILLE NY 12072	Prior Owner:MADISON COUNTY (MEIER) Parcel ID:253289;169.-1-21.1 Property loc:1811 Gorton Rd Assessed value:20,000 acres: 1.00	Madison 08/01/2013 Book: 2013 Page: 5248
Sale Price: 52,500 JENKINS, BRIAN A JENKINS, REBECCA A 3269 ROUTE 46 BOUCKVILLE NY 13310	Prior Owner:MADISON COUNTY (ORVIS) Parcel ID:253289;169.5-2-28 Property loc:2128 Spring St Assessed value:99,000 acres: 0.38	Madison 08/01/2013 Book: 2013 Page: 5249

Sale price New owner Address	Parcel details	County title Deed date INST # Page
Sale Price: 300 RANEY, PATRICK A 221 HARRIETTE AVENUE SYRACUSE NY 13210	Prior Owner:MADISON COUNTY (PALM) Parcel ID:253289;171.-1-5.5 Property loc:Off Wickwire Rd Assessed value:900 acres: 1.70	Madison 08/01/2013 Book: 2013 Page: 5250
Sale Price: 11,565.46 TAYLOR, MARGARET 4378 PAGE ROAD CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (TAYLO Parcel ID:253601;36.53-1-39 Property loc:207 S Park St Assessed value:63,000 acres: 0.27	Madison 08/01/2013 Book: 2013 Page: 5251
Sale Price: 1,500 PERRY, PAUL L 102 LENOX LANE CHITTENANGO NY 13037	Prior Owner:MADISON COUNTY (GRAY E Parcel ID:253601;36.56-1-9 Property loc:450 North East Canal St Assessed value:25,000 acres: 0.49	Madison 08/01/2013 Book: 2013 Page: 5252
Sale Price: 100 WHITE, PIERPONT H PO BOX 4401 ROME NY 13441	Prior Owner:Madison County (DENNY) Parcel ID:253601;36.61-1-70 Property loc:Chapman Pl Assessed value:4,600 acres: 0.07	Madison 08/01/2013 Book: 2011 Page: 4679
Sale Price: 3,000 WILKINSON, SCOTT 1066 PAVONE PLACE CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (BENNE Parcel ID:253601;36.64-1-2 Property loc:211 Ravine St Assessed value:25,000 acres: 0.41	Madison 08/01/2013 Book: 2013 Page: 5253
Sale Price: 16,000 FERREIRA, MARCELO S 5005 IRISH RIDGE ROAD CHITTENANGO NY 13037	Prior Owner:MADISON CO (BENNETT) Parcel ID:253601;36.71-1-36 Property loc:105 Tuttle Ave Assessed value:48,000 acres: 0.24	Madison 08/01/2013 Book: 2013 Page: 5254

Sale price New owner Address	Parcel details	County title Deed date INST # Page
Sale Price: 2,000 JOYCE, STEPHEN P 26 NORTH MAIN STREET SHERBURNE NY 13460	Prior Owner:MADISON COUNTY (PURDY Parcel ID:253689;6.74-1-7 Property loc:Old Orchard Ave Assessed value:7,800 acres: 0.23	Madison 08/01/2013 Book: 2013 Page: 5255
Sale Price: 500 HACK, ANDREW J 7191 OLD COUNTY ROAD CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (ROUND Parcel ID:253689;6.75-1-26 Property loc:Briggs Bay Ave Assessed value:4,600 acres: 0.09	Madison 08/01/2013 Book: 2013 Page: 5256
Sale Price: 900 HACK, ANDREW J 7191 OLD COUNTY ROAD CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (ROUND Parcel ID:253689;6.75-1-35 Property loc:Edward Ohara Ave Assessed value:100 acres: 0.18	Madison 08/01/2013 Book: 2013 Page: 5257
Sale Price: 900 HACK, ANDREW J 7191 OLD COUNTY ROAD CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (ROUND Parcel ID:253689;6.75-1-36 Property loc:Edward Ohara Ave Assessed value:100 acres: 0.14	Madison 08/01/2013 Book: 2013 Page: 5258
Sale Price: 5,446.59 RAPASADI, MICHEAL B 2106 LAKE ROAD ONEIDA NY 13421	Prior Owner:MADISON COUNTY (RAPAS Parcel ID:253689;27.-2-56 Property loc:8151 N Main St Assessed value:31,400 acres: 13.30	Madison 08/01/2013 Book: 2013 Page: 5260
Sale Price: 767.43 RAPASADI JEFF 7555 ROBERTS STREET CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (RAPAS Parcel ID:253689;27.-2-60 Property loc:Hardwood Island Rd Assessed value:4,000 acres: 3.52	Madison 08/01/2013 Book: 2013 Page: 5261
Sale Price: 1,268.34 STABB, THOMAS SHARWAY MOTEL APT 8 3669 SENECA TURNPIKE CANASTOTA NY 13032	Prior Owner:MADISON CO (STABB) Parcel ID:253689;28.-1-3 Property loc:Warner Rd Assessed value:7,800 acres: 6.80	Madison 08/01/2013 Book: 2013 Page: 5262

Sale price New owner Address	Parcel details	County title Deed date INST # Page
Sale Price: 15,320 RAPASADI, JEFF D RAPASADI, MARK A 7555 ROBERTS STREET CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (RAPAS Parcel ID:253689;36.-3-16 Property loc:7573 Roberts St Assessed value:118,600 acres: 2.03	Madison 08/01/2013 Book: 2013 Page: 5263
Sale Price: 5,859.49 STURDEVANT, JR ROBERT B STURDEVANT, SHARON S 6513 BUYEA ROAD CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (STURD Parcel ID:253800;62.-1-7 Property loc:6513 Buyea Rd Assessed value:89,000 acres: 0.32	Madison 08/01/2013 Book: 2013 Page: 5264
Sale Price: 5,273.96 STURDEVANT, JR ROBERT B STURDEVANT, SHARON S 6513 BUYEA ROAD CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (STURD Parcel ID:253800;62.-1-8.1 Property loc:Buyea Rd Assessed value:64,800 acres: 63.04	Madison 08/01/2013 Book: 2013 Page: 5265
Sale Price: 5,000 VALENSON, ROBERT 16 VOLNEY STREET PHOENIX NY 13135	Prior Owner:MADISON COUNTY (HYNES Parcel ID:254001;114.15-1-44 Property loc:7387 Route 20 Assessed value:65,000 acres: 0.75	Madison 08/01/2013 Book: 2013 Page: 5266
Sale Price: 7,750 ENGELBRECHT, RICHARD 2727 ROUTE 26 ORISKANY FALLS NY 13425	Prior Owner:MADISON CO (CARUSO) Parcel ID:254089;103.-1-9 Property loc:8174 Valley Rd Assessed value:25,000 acres: 1.03	Madison 08/01/2013 Book: 2013 Page: 5267
Sale Price: 7,761.51 FITZGERALD, THOMAS 1 CHENANGO AVENUE CLINTON NY 13323	Prior Owner:MADISON COUNTY (FITZGE Parcel ID:254089;154.6-1-1.-13 Property loc:284 Big Island Assessed value:51,500 acres: 0.00	Madison 08/01/2013 Book: 2013 Page: 5268

Sale price New owner Address	Parcel details	County title Deed date INST # Page
Sale Price: 76,000 ONONDAGA ROAD LLC 171 ROUTE 5 WEEDSPORT NY 13166	Prior Owner:MADISON COUNTY (ROBER Parcel ID:254200;108.-2-12 Property loc:3250 Route 20 Assessed value:379,900 acres: 3.00	Madison 08/01/2013 Book: 2013 Page: 5269
Sale Price: 2,000 WHITE, PIERPONT H PO BOX 4401 ROME NY 13441	Prior Owner:Madison County (Pynn) Parcel ID:254200;148.-1-10.2 Property loc:Dugway Rd Assessed value:3,200 acres: 4.08	Madison 08/01/2013 Book: 1381 Page: 279
Sale Price: 70,000 BARBER, WESLEY BARBER, MIRIAM 3341 BAYER ROAD MORRISVILLE NY 13408	Prior Owner:MADISON COUNTY (EDWA Parcel ID:254400;72.-1-11.13 Property loc:4935 Goff Rd Assessed value:131,000 acres: 2.21	Madison 08/01/2013 Book: 2013 Page: 5270
Sale Price: 3,306.62 COLLINS, BILLY G 5866 COOK ROAD MUNNSVILLE NY 13409	Prior Owner:MADISON COUNTY (COLLIN Parcel ID:254689;65.-1-9.2 Property loc:5866 Cook Rd Assessed value:32,000 acres: 0.92	Madison 08/01/2013 Book: 2013 Page: 5271
Sale Price: 1,640.71 KAISER, DANA M 115 JASPER STREET SYRACUSE NY 13203	Prior Owner:MADISON COUNTY (KAISER Parcel ID:254889;3.41-1-7.1 Property loc:487 Damon Point Rd Assessed value:4,500 acres: 0.09	Madison 08/01/2013 Book: 2013 Page: 5272
Sale Price: 21,500 MERCURIO, JOHN A 6047 JERUSALEM DRIVE CICERO NY 13039	Prior Owner:MADISON CO (COMMISSO) Parcel ID:254889;8.6-1-68.1 Property loc:434 Route 31 Assessed value:92,100 acres: 0.43	Madison 08/01/2013 Book: 2013 Page: 5273
Sale Price: 27,232.23 BKRE PROPERTIES LLC 1218 ROUTE 31 BRIDGEPORT NY 13030	Prior Owner:MADISON COUNTY (BKRE P Parcel ID:254889;9.10-1-7 Property loc:1218 Route 31 Assessed value:158,900 acres: 2.34	Madison 08/01/2013 Book: 2013 Page: 5274

Sale price New owner Address	Parcel details	County title Deed date INST # Page
Sale Price: 25,000 MITCHELL, JEFFREY S 717 FORBES ROAD CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (SCHLIE Parcel ID:254889;10.57-1-44 Property loc:113 East Ave Assessed value:59,700 acres: 0.18	Madison 08/01/2013 Book: 2013 Page: 5275
Sale Price: 600 SALAY, GORDON 2480 ROUTE 31 CANASTOTA NY 13032	Prior Owner:MADISON CO (LUST) Parcel ID:254889;11.-2-41 Property loc:Eddy Rd Assessed value:2,500 acres: 0.45	Madison 08/01/2013 Book: 2013 Page: 5276
Sale Price: 12,754.28 HUBBS, DENNIS 742 MARSH MILL ROAD KIRKVILLE NY 13082	Prior Owner:MADISON COUNTY (HUBBS Parcel ID:254889;15.-1-47 Property loc:Marsh Mills Rd Assessed value:75,700 acres: 186.11	Madison 08/01/2013 Book: 2013 Page: 5277
Sale Price: 1,468.23 MELLOR, RICHARD D MELLOR, PAMELA J 848 MARSH MILL ROAD KIRKVILLE NY 13082	Prior Owner:MADISON COUNTY (MELLO Parcel ID:254889;15.-1-50.22 Property loc:Marsh Mills Rd Assessed value:1,800 acres: 6.25	Madison 08/01/2013 Book: 2013 Page: 5278
Sale Price: 381.49 ESTATE OF JOSEPH & MARY TASSONE C/O RICHARD TASSONE 2344 ROUTE 31 CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (TASSO Parcel ID:254889;18.-1-3 Property loc:Whitelaw Rd Assessed value:700 acres: 0.21	Madison 08/01/2013 Book: 2013 Page: 5279
Sale Price: 2,989.05 ESTATE OF JOSEPH & MARY TASSONE C/O RICHARD TASSONE 2344 ROUTE 31 CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (TASSO Parcel ID:254889;18.-1-4 Property loc:8700 Whitelaw Rd Assessed value:38,500 acres: 1.21	Madison 08/01/2013 Book: 2013 Page: 5280

Sale price New owner Address	Parcel details	County title Deed date INST # Page
Sale Price: 939.85 TASSONE, RICHARD 2344 ROUTE 31 CANASTOTA NY 13032	Prior Owner:MADISON COUNTY (TASSO) Parcel ID:254889;18.-1-5.1 Property loc:Whitelaw Rd Assessed value:2,300 acres: 4.23	Madison 08/01/2013 Book: 2013 Page: 5281
Sale Price: 5,746.91 DARLING MATTHEW C/O MICHAEL & JENNIFER DARLING 220 OAKWOOD AVENUE TROY NY 12182	Prior Owner:MADISON COUNTY (DARLIN) Parcel ID:254889;18.-1-11.42 Property loc:8458 Gee Rd Assessed value:36,000 acres: 1.46	Madison 08/01/2013 Book: 2013 Page: 5282
Sale Price: 17,000 KELLER, KEVIN J DENCE, JAMES B PO BOX 516 SYLVAN BEACH NY 13157	Prior Owner:MADISON COUNTY (TORNA) Parcel ID:254889;18.-2-35 Property loc:2646 Pine Ridge Rd Assessed value:39,200 acres: 3.76	Madison 08/01/2013 Book: 2013 Page: 5283
Sale Price: 51,984.47 MADISON CONCRETE PRODUCTS 7377 CEDARPOST ROAD LIVERPOOL NY 13088	Prior Owner:MADISON COUNTY(MADISO) Parcel ID:254889;41.-2-60 Property loc:2211 Route 5 E Assessed value:243,300 acres: 12.49	Madison 08/01/2013 Book: 2013 Page: 5284
Sale Price: 30,701 SEMIAN, MICHAEL S SEMIAN, GAIL R 6261 DYKE ROAD CHITTENANGO NY 13037	Prior Owner:MADISON COUNTY (SEMIA) Parcel ID:254889;58.-2-4 Property loc:6261 Dyke Rd Assessed value:210,100 acres: 53.04	Madison 08/01/2013 Book: 2013 Page: 5285

**ADOPTED: AYES–1500 NAYS–0**

**At 2:15 p.m. Chairman Becker announced the scheduled public hearing on Local Law No. 6 for the year 2013–A Local Law Overriding Tax Levy Limit Established in General Municipal Law §3-c. Supervisor Suits made the motion to open the hearing, seconded by Supervisor Stepanski and carried. Chairman Becker asked for speakers to this resolution and no one wished to speak.**

**Supervisor Stepanski then made a motion to close the hearing, seconded by Supervisor Reinhardt and carried.**

**By Supervisor Reinhardt:**

**RESOLUTION NO. 319-13**

**ADOPTING LOCAL LAW NO. 6 FOR THE YEAR 2013**

**WHEREAS**, there has been duly introduced Local Law No. 6 for the year 2013 entitled “A LOCAL LAW OVERRIDING TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c”; and

**WHEREAS**, a public hearing on said local law was duly held by the Board of Supervisors of the County of Madison on October 8, 2013;

**NOW, THEREFORE BE IT RESOLVED**, that Local Law No.6 for the year 2013 be and the same is hereby adopted.

**(Note: 3/5s vote)**

**On motion by Supervisor Degear, seconded by Supervisor Monforte, this resolution was TABLED and will be brought up under ‘unfinished business’ at the next scheduled meeting on November 12, 2013.**

**RESOLUTION NO. 320-13**

**AUTHORIZING THE CANCELLATION OF A 2013 TOWN AND COUNTY TAX**

**WHEREAS**, there are outstanding 2013 Town and County taxes in the amount of \$2,256.47 for a parcel in the Town of Lenox assessed to Morgan and Linda Farley and known as tax map number 13.-2-19.33; and

**WHEREAS**, the referenced parcel does not exist on the Madison County tax map and is in fact an exact duplicate of parcel 13.-2-19.2 also assessed to Morgan and Linda Farley; and

**WHEREAS**, under Section 550;2(f) of the New York State Real Property Tax Law this is a “clerical error”, a duplicate entry on a tax roll of the assessed value of an entire single parcel; and

**WHEREAS**, the 2013 Town and County taxes are not enforceable due to this error,

**NOW, THEREFORE, BE IT RESOLVED** that the Madison County Treasurer be and is hereby directed to cancel the 2013 Town and County taxes, including interest and penalties, in the amount of \$2,256.47.

**ADOPTED: AYES–1500 NAYS–0**

**RESOLUTION NO. 321-13**

**APPROVAL OF APPLICATION FOR REFUND AND CREDIT OF REAL PROPERTY TAXES UNDER SECTION 556 OF THE REAL PROPERTY TAX LAW**

**WHEREAS**, Town and County taxes were paid on January 28, 2013 in the amount of \$1,115.71 to the Town of Stockbridge, on property owned by Michael R. Seufert, and also known as tax map number 63.-1-8.121; and

**WHEREAS**, these taxes were extended on an assessed value of \$94,000; and

**WHEREAS**, the assessed value of this property was reduced to \$83,000 by the Town of Stockbridge Board of Assessment Review on June 6, 2012; and

**WHEREAS**, under Section 550;2(a) of the New York State Real Property Tax Law this is a “clerical error”, an entry of assessed value on the tax roll which differs from the entry for the same parcel on the final verified statement of the board of assessment review due to an error in transcription,

**NOW, THEREFORE, BE IT RESOLVED** that the Madison County Treasurer be and is hereby directed to refund the 2013 Town and County taxes in the amount of \$123.45.

**ADOPTED: AYES–1500 NAYS–0**

**RESOLUTION NO. 322-13**

**AUTHORIZING THE MODIFICATION OF THE 2013 ADOPTED COUNTY BUDGET**

**RESOLVED**, that the 2013 Adopted County Budget be modified as follows:

**Modification No. 1**

**General Fund**

**1420 County Attorney**

Expense

	<u>From</u>	<u>To</u>
A1420.4208 Professional Legal Counsel	\$ 159,138	\$ 184,138

**1990 Contingent Fund**

Expense

A1990.4444 Contingent Fund	<u>456,408</u>	<u>431,408</u>
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Control Totals:	<u>\$ 615,546</u>	<u>\$ 615,546</u>
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**Modification No. 2**

**General Fund**

**1110 Municipal Court**

Expense

	<u>From</u>	<u>To</u>
A1110.4250 Transcript Services	\$ -0-	\$ 80

**1990 Contingent Fund**

Expense

A1990.4444 Contingent Fund	<u>431,408</u>	<u>431,328</u>
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Control Total	<u>\$ 431,408</u>	<u>\$ 431,408</u>
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**Modification No. 3**

**General Fund**

**1010–Legislative Board**

Expense

	<u>From</u>	<u>To</u>
A1010.41 Travel Expense	\$ 11,100	\$ 17,100

**1990 Contingent Fund**

Expense

A1990.4444 Contingent Fund	<u>431,328</u>	<u>425,328</u>
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Control Totals	\$ <u>442,428</u>	\$ <u>442,428</u>
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**Modification No. 4**

**General Fund**

**3110 Sheriff Department**

<u>Expense</u>	<u>From</u>	<u>To</u>
A3110.2806 New Hand Guns	\$ 0	\$ 2,347
A3110.2104 OnBase Scanner	3,000	3,600
A3110.4425 Personnel Uniforms & Equipment	18,500	17,853
A3110.463 Polygraph/Psychological Exams	<u>2,500</u>	<u>1,900</u>

**3150 Sheriff-Correctional Facility**

**Expense**

A3150.4425 Personnel Uniforms & Equipment	<u>22,000</u>	<u>20,300</u>
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Control Total	<u>\$ 46,000</u>	<u>\$ 46,000</u>
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**Modification No. 5**

**General Fund**

**6010 Social Services Administration**

**Expense**

<u>Expense</u>	<u>From</u>	<u>To</u>
A6010.1 Personal Services	\$4,927,309	\$4,885,507
A6010.2106 Task Management System	-0-	45,000
A6010.8130 Social Security Expense	<u>376,939</u>	<u>373,741</u>

Control Total	<u>\$5,304,248</u>	<u>\$5,304,248</u>
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**Modification No. 6**

**General Fund**

**6119 - Child Care**

**Expense**

A6119.41088 Foster Care Expense	\$1,968,837	\$1,693,837
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**6123 - Juvenile Delinquency**

**Expense**

A6123.41090 Juvenile Delinquent Expense	<u>\$ 403,543</u>	<u>\$ 678,543</u>
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Control Total	<u>\$2,372,380</u>	<u>\$2,372,380</u>
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**Modification No. 7**

**County Road Fund**

**5110 Maintenance of Roads & Bridges**

**Expense**

<u>Expense</u>	<u>From</u>	<u>To</u>
D5110.1 Personal Services	\$1,192,518	\$1,189,650
D5110.4650 Flood Damage Repairs & Expenses	100,000	110,000
D5110.46003 Asphalt, Tar & Stone	40,000	39,561

**5142 County Snow Removal**

**Expense**

D5142.1 Personal Services	900,758	897,890
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**5199 County Road Employee Benefits**

Expense

D5199.8130 Social Security Expense 257,982 254,157

Control Total \$2,491,258 \$2,491,258

**Modification No. 8**

**Enterprise Environmental Landfill Fund**

**8164 Environmental Control (Landfill)**

Expense

	<u>From</u>	<u>To</u>
EE8164.2960 Res. Transfer Station Improvements	\$ 70,453	\$ 30,453
EE8164.403 Misc. Bldg. Expense & Site Maint.	110,000	130,000
EE8164.4046 Leachate Treatment Transportation	100,000	90,000
EE8164.40461 Leachate Disposal	20,000	10,000
EE8164.4208 Professional Legal Counsel	120,000	140,000
EE8164.4820 Repair Parts	<u>110,000</u>	<u>130,000</u>

Control Total \$ 530,453 \$ 530,453

**ADOPTED: AYES–1500 NAYS–0**

**By Supervisor Suits:**

**RESOLUTION NO. 323-13**

**REQUESTING THE WAIVER OF RULE NO. 24 AND NO. 24-A**

**WHEREAS**, Rule No. 24 requires that all resolutions intended to be moved for adoption at a regular meeting shall be filed with the Clerk not less than seven (7) calendar days prior to the meeting; and

**WHEREAS**, Rule No 24-A requires that all such resolutions be introduced by the Chairman of the Legislative Board having jurisdiction after having been filed with the Chairman at least ten (10) days prior to the meeting at which time it is to be introduced;

**NOW, THEREFORE BE IT RESOLVED**, that Rule No. 24 and 24-A are hereby waived only for the purpose of a contingency plan as a result of the Federal shut-down, pertaining to the Employment & Training/Workforce Development Office.

**ADOPTED: AYES – 1500 NAYS – 0**

**By Supervisor Degear:**

**RESOLUTION NO. 324-13**

**ABOLISHING FOUR FEDERALLY FUNDED POSITIONS  
IN THE PLANNING DEPARTMENT**

**WHEREAS**, the United States Congress is responsible for passing spending bills that fund the Federal Government; and

**WHEREAS**, the aforementioned spending bills to continue the Federal Government's normal operations were not passed by September 30, 2013 causing certain "non-essential" federally funded programs to be "shutdown" effective on or about October 1, 2013; and

**WHEREAS**, the impact of a temporary suspension of Federal Government services will directly impact the United States Department of Labor's Employment and Training Administration funded programs and activities; and

**WHEREAS**, the Employment and Training Division of the Madison County Planning Department is 100% funded by federal Workforce Investment Act (WIA) funds which funds are presently impacted by the "shutdown"; and

**WHEREAS**, the Planning Director estimates that the Employment and Training Division can continue to meet current payroll obligations but only through November 1, 2013 if the "shutdown" continues; and

**WHEREAS**, the elimination of positions within the Employment and Training Division will be necessary or advisable if the Federal Government "shutdown" continues and the federal monies which fund said positions continue to be withheld; and

**WHEREAS**, the following contingent action has been reviewed and approved by the Government Operations Committee:

**NOW, THEREFORE BE IT RESOLVED** that in the event that the at-issue federal funding is not restored on or before November 1, 2013, then the four (4) existing Workforce Development Counselor positions shall be abolished at the close of business on November 1, 2013; and

**BE IT FURTHER RESOLVED** that, in such event, the incumbents in these positions shall be laid off from their positions of employment effective at the close of business on November 1, 2013, with such layoffs to be implemented in accordance with the New York State Civil Service Law and Rule and the applicable collective bargaining agreement; and

**BE IT FURTHER RESOLVED** that it is this Board's intention that in the event of the abolishment of said positions and resulting layoffs, then the four (4) Workforce Development Counselor positions shall be reestablished upon the availability of federal WIA monies to fund said positions and the affected employees shall be recalled from layoff.

**ADOPTED: AYES – 1500 NAYS – 0**

**By Supervisor Reinhardt:**

**RESOLUTION NO. 325-13**

**APPROVING THE PAYMENT OF CLAIMS**

**RESOLVED**, that the claims presented to this Board by the Clerk, having been duly audited, be and the same hereby are authorized to be paid by the Treasurer upon receipt of a copy of the abstract of audited claims attested by the Clerk.

**ADOPTED: AYES–1500 NAYS–0**

**Fire Coordinator, Joe DeFrancisco announced that there will be a disaster training session held on November 15, 2013, and urges all Supervisors to attend. A formal**

**invitation with all of the details will be forthcoming. Town officials are also invited to attend.**

### **PUBLIC COMMENT PERIOD**

Gary Padula of Canastota, New York spoke on the Oneida Indian Nation agreement spearheaded by Governor Cuomo and had several handouts for the Supervisors to review regarding this issue.

It was also mentioned that the next scheduled Board meeting November 12, 2013 will be the 1<sup>st</sup> day of Annual Session, with the budget for 2014 being presented.

There being no further business, Supervisor Rafte made a motion to adjourn the meeting, seconded by Supervisor Carinci and carried.