

JUNE 21, 2012

PUBLIC HEARING – A LOCAL LAW REPEALING
LOCAL LAW NO. 3 OF 2007 AND REPLACING IT IN
ITS ENTIRETY WITH LOCAL LAW NO. 3 OF 2012
WITH THE SAME TITLE: “SEWER USE LAW”.

The Town Board of the Town of Middletown, Delaware County, New York, held a Public Hearing on Thursday, June 21, 2012 at the Town Hall, located on #42339 State Route 28, Margaretville, NY.

The following Board Members were present:

Supervisor.....Marjorie Miller

Council Member..... Jake Rosa

Councilmen John Roucek, Brian Sweeney and Mike Finberg were not in attendance.

Also present were: Code Enforcement Officer Carl P. Davis and Len Utter.

Supervisor Miller called the meeting to order at 5:30 p.m. The Town Clerk read the ATTACHED legal notice advertising the Public Hearing.

Code Enforcement Officer Carl P. Davis read the ATTACHED letter from Kevin M. Young, Esq. and then made a presentation as to the “Sewer Use Law” and stated that there are five changes from the original Sewer Use Law, as follows: Page 6 - “Margaretville Sewer Service Area - The Margaretville Sewer Service Area is the area shown on the map attached hereto, entitled “Margaretville Wastewater Treatment Plant’s Sewer Collection System Service Area Map”, dated January, 2012, as may be amended from time to time, and incorporated herein as Appendix A.”; Page 14 - “Section 3.04A - Connection to Public Sewer Required Within The Margaretville Sewer Service Area - In the event there is inadequate capacity at the Margaretville WWTP to handle additional flows, the property owner(s) may apply for construction of an on-site septic system or other form of legal sewage management/disposal system pursuant to applicable law including the NYC Watershed Rules and Regulations”; Page 15 - “Section 3.07 - Moratorium - If the NYCDEP, after consultation with the Town determines that:”; Page 50 - “Section 9.11 - Civil Actions for Penalties - Such penalty may be recovered in an action brought by the Town’s attorney, or its designated attorney, at the request of the Building Inspector in the name of the Town in any court of competent jurisdiction giving preference to courts local to the Town.”; and Page 53 - There is no longer any Sunset Clause.

Len Utter addressed the Board and said that “He was concerned about the removal of the sunset clause. After 13 years with 3 different administrations that these sewer extensions have been promised, I wish you a lot of luck.”

There were no other questions or comments and Supervisor Miller closed the Hearing at 5:50 p.m.

DATED: July 2, 2012

PATRICIA F. KELLY
TOWN CLERK