

12 MAY 2010

**TOWN BOARD SPECIAL MEETING
TOWN HALL, MAHOPAC, N.Y.**

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 12th day of May 2010 at 7:09 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Ravallo, Councilman Lombardi, Councilwoman McDonough, Councilman DiCarlo, and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business and a moment of silence was observed to honor those serving in the United States Armed Forces.

**PUBLIC HEARING HELD - PROPOSED LOCAL LAW TO AMEND THE TOWN
CODE OF THE TOWN OF CARMEL, CHAPTER 151, THEREOF ENTITLED
"WATER"**

With no one present in objection, the reading of the following Notice of Public Hearing as published in the Town's official newspapers was waived. Copies of the Notice of Public Hearing were available for public inspection.

**NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 Mc Alpin Avenue, Mahopac, New York 10541 on Wednesday, May 12, 2010 at 7:00 p.m. or as soon thereafter that evening as possible on a Local Law to Amend the Code of the Town of Carmel, Chapter 151, thereof, entitled "Water" as follows:

**TOWN OF CARMEL
PROPOSED LOCAL LAW
OF THE YEAR
2010**

A Local Law to Amend the Code of the Town of Carmel, Chapter 151, thereof, entitled "Water."

BE IT ENACTED by the Town Board of the Town of Carmel, County of Putnam, State of New York as follows:

SECTION 1. Chapter 151 of the Code of the Town of Carmel, is hereby amended by the addition of the following:

**ARTICLE IV
C R O S S -
CONNECTION CONTROL
§151-30. Purpose.**

The purpose of this Article is:

A.1 To protect the public drinkable water supply of the Town of Carmel from the possibility of contamination by isolating within its customers' internal distribution system(s) or its customer's private water system(s) such contaminations or pollutants which could backflow into the public water supply system; and

A.2 To comply with the requirements of the New York State Sanitary Code Subpart 5 and in particular 5-1.31 and other provisions of the New York State Department of Health (NYSDOH).

B. Responsibility. The Town of Carmel Engineering Department and/or Water Department

shall be responsible for the protection of all Town of Carmel Water distribution systems from contamination

due to the backflow of contaminants through the water service connection. If, in the judgment of said Water Department, an acceptable backflow prevention device is required at any Town water service connection to any customers' premises, for the safety of the water system, the Water Department or its designated agent shall give notice in writing to said customer to install such acceptable backflow prevention device at each service connection to their premises. The customer shall immediately install, such approved device or devices at his own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintained said device or devices shall immediately constitute a ground for discontinuing water service to the premises until such requirements have been met.

§151-31. Definitions.
**A C C E P T A B L E
BACKFLOW PREVENTION
DEVICE** - is an acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility. In order for the reduced pressure zone device or the double check valve assembly to be acceptable, it must be listed on the most current version of the New York State Department of Health List of Acceptable Devices (PWS-14).

APPROVED - means accepted by the Engineering Department and/or Water Department and/or Town Engineer as meeting an applicable specification stated or cited in this Article or as suitable for the proposed use.

**AUXILIARY WATER
SUPPLY** - means any water supply on or available to the

premises other than a Town of Carmel approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, stream, rainwater, etc., or used waters or industrial fluids. These waters may be contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

CROSS CONNECTION - means any connection or potential connection, which allows or potentially allows for the intermingling of water from any auxiliary water supply or any substance from any other unauthorized source with water from a Town of Carmel approved public water supply.

**CUSTOMER'S WATER
SYSTEM** - means the piping used to convey water supplied by Town of Carmel water supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Town Water Department. The control point is either the curb valve or the main valve located in the public right-of-way that isolated the customer's facilities from the Town or District distribution system.

HAZARDOUS FACILITY - is one in which substances may be present which, if introduced into the public water system, would or may endanger or have an adverse affect on the health of other water customers. Typical examples: laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries and commercial enterprises. This is also defined as any commercial or business enterprise as defined by zoning or by Business Use Permit.

**PUBLIC WATER SUPPLY
SYSTEM** - means the Town of Carmel water

supply system, including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This included the distribution system up to its connection with the customer's water system.

**REDUCED PRESSURE
ZONE(RPZ) DEVICE,
ACCEPTABLE** - means a device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow the pressure between these two checks shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure. The unit must include tightly closing 10 shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

Other terms All other terms are defined in the Department of Health and Town of Carmel Cross Control Manuals and policies as now in force or as amended from time to time.

§151.32 Requirements.
A. The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Town of Carmel.

B. The Town of Carmel shall rate a customer's water system according to its degree of hazard to the public water supply system. Some of the factors to be considered are the use and availability of contaminants, the availability of an auxiliary water supply, and the type of fire fighting system in use.

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C. An acceptable backflow prevention device shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served but, in all cases, before the first branch line leaking off the service line, as follows:

(1) Whenever a customer's water system is rated hazardous, an acceptable reduced pressure zone device or air gap shall be installed.

(2) Whenever a customer's water system is rated aesthetically objectionable, as a minimum, an acceptable double check valve assembly shall be installed. Unless otherwise determined by Engineering Department and/or Water Department and/or Town Engineer, one and two family residential water systems shall be deemed to have a non-hazardous classification.

D. The design of the installation of an acceptable backflow prevention device must be prepared in accordance with New York State laws and regulations. The design must be approved by the Superintendent and/or its agent and all agencies required by the applicable New York State and town of Carmel Laws and Regulations. It shall be the duty of the customer at any premises classified as hazardous pursuant to C(1) and C(2) above where a reduced pressure zone device, and/or a double check valve assembly is required, to have certified inspections and operational tests done on every containment device, at least once a year. In those instances where the Engineering Department and/or Water Department and/or Town Engineer deems the hazard to be great enough, it may require certified inspections at more frequent intervals.

Certified inspections and operational tests must also be made when any reduced pressure zone device is to be installed, repaired,

overhauled or replaced, in addition to the requirement of an annual certified inspection and operational test. All inspections and tests shall be at the expense of the customer and shall be performed, by a New York State Department of Health (NYSDOH) certified tester approved by the Engineering Department and/or Water Department and/or Town Engineer. The Engineering Department and/or Water Department and/or Town Engineer shall make available the names, addresses and telephone numbers of those persons who are certified as testers for such backflow prevention devices. It shall be the responsibility of the water customer per NYS Sanitary Code

5.1.31 a, b, and c to see that such certified inspections and operational tests are to be undertaken so that he or his representative may witness the tests if the Engineering Department and/or Water Department and/or Town Engineer so desires. These devices shall be repaired, overhauled, or replaced at the expense of the customer whenever said devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Engineering Department and/or Water Department and/or Town Engineer immediately after the work is performed. Protection of the public water supply and the customer's water system must be in full force at all times. Note: There is no "Grace Period" for non-compliance or repairs, etc. under any section of this Article. Nothing contained in this chapter grants a license for non-compliance.

E. No water service connection to any customer's water system shall be installed or maintained by the Engineering Department and/or Water Department and/or Town Engineer unless the water supply is protected as required by State laws and regulations and this Article. Service of water to any premises shall be discontinued by the Engineering Department and/or Water Department and/or Town Engineer if a backflow prevention device has been removed or by-passed or otherwise compromised. Service will not be restored until such conditions or defects are corrected.

F. No customer shall allow any water or other substance from an auxiliary water supply or other source to enter any portion of the customer's internal distribution system, which is connected directly or indirectly, to any Town of Carmel public water supply.

§151.33 Enforcement and Penalties.

A. No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this Article and such other local, state and federal laws, rules and regulations.

B. If any facility served by a water system denies a water department person access to their premises for the purpose of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.

C. The following penalties shall be applicable for a violation of this Chapter:

(1) Failure to obtain approval for the appropriate backflow prevention device installation within sixty (60)

days after the first notice: \$250.00 fine.

(2) Failure to install the appropriate backflow prevention device installation within thirty (30) days after the second notice: Termination of Service.

(3) Failure to at least annually test and certify that backflow device installation meets the criteria to comply as an acceptable containment device within 10 days of Notice: \$300.00 and/or Termination of Service.

(4) Failure to correct, replace or repair a backflow prevention device or the installation as required: \$300.00 and/or Termination of Service.

(5) Any water service terminated under this Article shall be subject to the fees of Termination for Nonpayment in effect at the time of violation.

(6) Any penalties under this section shall be treated as though it is for water services and may be placed on tax roll as a lien if unpaid.

(7) The provisions of this Chapter shall be enforceable by the Town of Carmel Engineering Department, and/or Town Engineer and/or Water Department and/or Director of Codes Enforcement.

(8) Every day that the customer is in violation of this Article represents a separate distinct violation punishable as set forth herein.

§151.34 Fee Schedule

A. Fees for plan review by the Engineering Department and/or Water Department and/or Town Engineer

(1) ¾ to 1 ½ inch pipe \$100.00;

(2) Over 1 ½ inch pipe \$200.00.

B. Fees for Inspections for each device shall be required at cost of \$75.00.

All other inspections for determination for the need for RPZ shall be at a cost of \$75.00

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C. Additional Reviews and Inspections. Additional reviews and inspections may be charged to the water customer one-half the Review or Inspection Fee for each additional review or inspection as deemed appropriate by the Engineering Department and/or Water Department and/or Town Engineer.

§151.35 Installation and Maintenance.

A. Backflow Prevention Devices, their Vaults, Protective Enclosures, Appurtenances and other Structures, to include those installations and plumbing inside of buildings: It shall be the sole responsibility of the water customer to install and maintain said items at an acceptable level of condition as determined by the Carmel Water Department and shall be in continuous conformity with governing laws,

ordinances, regulations and specifications of the Carmel Water Department and the State of New York as now in force or amended.

B. It shall be the policy of the Engineering Department and/or Water Department and/or Town Engineer to follow the general regulations and standards regarding water distribution systems, and especially those covering Cross Connection Control as adopted by the New York State Department of Health, notwithstanding the right of the Carmel Water Department to amend and/or modify those regulations and standards to be more detailed or restrictive at its sole election.

§151.37 Required Testing and Certification.

The test reports (form DOH 1013) for each device shall be submitted to the Health Department and also to the Carmel Water

Department at least annually or more frequently at the discretion of the water supplier. Unacceptable completion of the test report forms submitted by a tester may result in the Engineering Department and/or Water Department and/or Town Engineer barring future testing by that particular certified tester in the Town of Carmel at the sole discretion of the Engineering Department and/or Water Department and/or Town Engineer.

§151.38. New Systems.

All containment device installation design plans must be approved by both the health department and the Town of Carmel and the New York State Department of Health. The Engineers report must be accompanied by the Engineering Department and/or Water Department and/or Town Engineer Design Approval Criteria as amended from time to time.

§151.39 Entrance to Premises.

For the purpose of inspection, installation, maintenance, repair, turning on or shutting off water, authorized personnel of the Water Department will have free and full access, at all reasonable times, to all parts of any premises supplied with water from the Carmel Water District or upon which application has been made to the Water Department or to which water is reasonably believed to be supplied. Filing of an application shall in addition to the provisions of this Article be deemed consistent to such access.

§151.40 Experts.

The Town of Carmel Engineering Department and/or Water Department and/or Town Engineer may engage the services of an expert to manage the cross

connection control program and transfer this cost to the customer for the review of said property.

§151.41 Plumbing.

All internal plumbing must conform to and be maintained in continued conformity with the N.Y.S. Uniform Fire Prevention and Building Codes and the N.Y.S. Sanitary Code or any amendments made from time to time as well as any local codes, and may be inspected by the Engineering Department and/or Water Department and/or Town Engineer to qualify its conformity.

SECTION 2. This Local Law shall take effect immediately in accordance with the law.

At said Public Hearing, all interested residents shall be heard on the subject thereof.

By Order of the Town Board

of the Town of Carmel
Ann Garriss, Town Clerk

Supervisor Schmitt called upon John Karell, Jr., Engineering Consultant to explain the purpose of the proposed Local Law.

Mr. Karell stated that the Health Department has required the enactment of this Local Law to allow local municipalities the authority to police cross connections so that the installation of backflow prevention devices may be required on industrial type facilities that may be considered hazardous or objectionable. This is to ensure that no unsafe water from inside a premise can enter into the public water supply system.

Councilman Lombardi inquired if a vacuum breaker would be a backflow prevention device.

Mr. Karell stated that a vacuum breaker would be one example.

Supervisor Schmitt opened the Public Hearing for public comment at 7:10 p.m. Twelve (12) people were in attendance.

Councilman Ravallo stated that the Local Law will protect the public water supply and expressed his support thereof.

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With no one else present wishing to be heard on the subject of the Public Hearing, on motion by Councilman Ravallo, seconded by Councilman DiCarlo, with all members of the Town Board present and in agreement, the Public Hearing was closed at 7:10 p.m.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman DiCarlo, seconded by Councilman Lombardi, with all members present and in agreement, the meeting was adjourned at 7:10 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Garris, Town Clerk