

Bedford Hills, New York  
April 5, 2011

A public hearing was held by the Town Board of the Town of Bedford on April 5, 2011 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider Local Law #3-2011 to create Chapter 100 of the Code of the Town of Bedford regarding Maintenance of Separate Sewage Disposal Systems. The meeting was called to order at 7:30 P.M. by Supervisor Roberts.

<b>Present:</b>	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	: Town Clerk
	Eric Gordon	: Town Attorney
	Jeffrey Osterman	: Director of Planning
	Amy Pectol	: Receiver of Taxes
	Ed Collins	: Lieutenant, Bedford Police
<b>Absent:</b>	Francis Corcoran	: Councilman

And approximately seven (7) residents/observers.

Proof of Publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on March 25, 2011.

Mr. Osterman presented an overview of the new legislation and discussed the new county ordinance that will go into effect on May 1, 2011.

Mrs. Roberts noted that at the previous meeting it had been pointed out that the staff at the Westchester County Sewer Dump was being reduced, which might be problematic with the enactment of the new regulations. Mr. Osterman responded that the County was aware of this.

A resident asked if septic pumping removed phosphates from the groundwater and Mr. Osterman answered that in theory it did.

On a motion by Mr. Gabrielson, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Gabrielson, Burdick  
Nays: None  
Absent: Corcoran

RESOLVED that the Town Board does hereby close the public hearing to consider Local Law #3-2011 to create Chapter 100 of the Code of the Town of Bedford regarding Maintenance of Separate Sewage Disposal Systems.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Gabrielson, Burdick  
Nays: None  
Absent: Corcoran

RESOLVED that the Town Board does hereby issue a negative declaration regarding Local Law #3-2011 to create Chapter 100 of the Code of the Town of Bedford regarding Maintenance of Separate Sewage Disposal Systems, as it is an unlisted action under the New York State Environmental Quality Review and will have no significant adverse environmental effects.

On a motion by Mrs. Roberts, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Gabrielson, Burdick  
Nays: None  
Absent: Corcoran

RESOLVED that the Town Board does hereby enact the following legislation:

**LOCAL LAW NO. 3 - 2011 TO CREATE CHAPTER 100 OF THE TOWN CODE**

BE IT RESOLVED, that the Town of Bedford creates Chapter 100 of the Code of the Town of Bedford regarding Maintenance of Separate Sewage Disposal Systems as follows:

**BE IT ENACTED** by the Town Board of the Town of Bedford as follows:

Section 1. Chapter 100 of the Code of the Town of Bedford entitled Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems is hereby created as follows:

**“Chapter 100 Maintenance of Separate Sewage Disposal Systems/On-site Wastewater Systems”**

**Section 100-1 Purpose and Intent.**

The Town of Bedford hereby finds that it is necessary to the health, safety and welfare of the residents of the Town of Bedford that separate sewage disposal systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health and to protect the drinking water supply of the Town of Bedford and drinking water supplies which pass through the Town of Bedford.

This local law is intended to implement the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General permit GP-0-08-002 (“Permit”) for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) effective May 1, 2008, which require that the Town implement and enforce a program to ensure that separate sewage disposal systems/on-site wastewater treatment systems are inspected and, where necessary, maintained or rehabilitated as required by Part IX.A.3.b of the Permit and/or similar provisions in successor Permits.

**Section 100-2 Definitions.**

**SEPARATE SEWAGE DISPOSAL SYSTEM/ON-SITE WASTEWATER TREATMENT SYSTEM** shall mean a system or facilities or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, regardless of location with respect to any building or structure or premises thereby served, including but not limited to septic tanks. Such system shall include, but shall not be limited to, facilities for the treatment or modification or required control of harmful or deleterious substance, as defined in §873.721 of the Westchester County Sanitary Code, before subsurface discharge.

**SEPTAGE COLLECTOR** shall mean an individual or entity licensed by the Westchester County Commissioner of Health who engages in the performance of any one (1) or more of the following services, or who offers to provide any one (1) or more of the following services for a fee, in Westchester County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.

**SEPTAGE** shall mean the contents of a septic tank or other Separate Sewage Disposal System/On-site Wastewater Treatment System which receives sanitary sewage waste.

**INSPECTION shall mean the evacuation and removal of septage from a Separate Sewage Disposal System/On-site Wastewater Treatment System and subsequent reporting by a Septage Collector that is licensed by the Westchester County Department of Health pursuant to §§873.722, 873.724 and 873.726 of the Westchester County Sanitary Code.**

**APPEALS AUTHORITY shall mean the Building Inspector.**

**Section 100-3 Inspection requirements.**

- 1. Beginning on May 1, 2011, the owner of any parcel located within the Town of Bedford which relies upon a Separate Sewage Disposal System/On-site Wastewater Treatment System for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, with respect to any building or structure thereon, shall cause an inspection to be performed on said Separate Sewage Disposal System/On-site Wastewater Treatment System at a minimum frequency of once every five (5) years.**
- 2. Upon the completion of any inspection, every owner shall maintain a copy of the record of such inspection as required by §873.724 of the Westchester County Sanitary Code, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.**

**Section 100-4 Waivers/Variances.**

**The Appeals Authority shall not grant a waiver or exemption from any of the requirements of this local law provided, however, that the Appeals Authority may vary the time requirements as referenced within this local law, upon the submission and consideration of evidence by owner which may necessitate an extension of time to comply with all aspects of this local law. Such extension shall not exceed one hundred eighty (180) days.**

**Section 100-5 Enforcement and penalties.**

**Any owner of a parcel which is located in the Town of Bedford and is served by a Separate Sewage Disposal System/On-site Wastewater Treatment System who violates the provision of this local law, shall be guilty of a violation, and shall be subject to a penalty as follows:**

- (1) The Building Inspector shall first issue a written notice of violation to the owner informing the owner of the anticipated imposition of penalties if the violation is not corrected within 30 days.**
- (2) If the violation is not remedied within 30 days, the owner shall be subject to a fine not to exceed \$200.00 for each violation. Thereafter, beginning on the 31<sup>st</sup> day of the continuing violation, the owner shall be subject to a fine in the amount of \$200.00 for each fourteen (14) day period until the violation is remedied and can be verified in writing by the Building Inspector.**

**Section 100-6 Compliance with Other Laws.**

**Compliance with this local law shall not be deemed compliance or approval of the municipality under any other rules, regulations, codes or laws including, but not limited to, Article VIII of the Westchester County Sanitary Code.**

**Section 100-7 Severability.**

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**In the event that any provision of this local law shall be held unconstitutional or unlawful, the remaining provisions in this local law shall remain in full force and effect.**

Section 2. This local law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.

[-----] – deleted material

**Bold - added material**

There being no further discussion the hearing was adjourned at 7:43 pm.

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Lisbeth Fumagalli, Town Clerk