



TOWN OF CAIRO

GENERAL/REGULAR MEETING AGENDA

April 10, 2013 @ 4:00PM

Location: Town Hall, Cairo

Call to Order

Pledge of Allegiance

Attendance

Reports: Delaware Engineering & Planning Board

Town Board Hearing: John Wernet Sr.

Approval of Minutes

Work Sessions with Departments as applicable: Code Enforcement

Appointments & Resolutions

Unfinished Business:

New Business:

- **Board of Appeals**
- **Board of Assessment Review**
- **SEQRA**
- **Mobile Home Parks/Trailer Camps**
- **Moratoriums: Junk Yard & Resorts**
- **July 4th Celebration**
- **Annex Building Parking Garage**

Correspondence

Adjournment



TOWN OF CAIRO PLANNING BOARD

PO Box 728, Cairo, NY 12413

Chairman-Daniel A. Benoit - phone: 518 701-4823

Email: planning@townofcairo.com

April 8, 2013

To: Town Board Members

From: Planning Board

Re: Report of Regular Meeting of March 12, 2013

The Planning Board held its regular monthly meeting at the town library on March 12. There were two scheduled public hearings for minor subdivisions that were held. The first concerned the Joseph Allen Inc. minor 4 lot subdivision on CR 67 in South Cairo. The second involved the Powazi minor two lot subdivision, also on CR 67 in Cairo. After the conclusion of the hearings and upon further consideration by the board, both projects were approved.

Four new projects came before the board, they were:

- Master Unit Retreat Speak
- Terrace Manor, LLC
- G-n-J Home Improvements
- Task 2011, LLC.

Mr. Albert Florez, the project proponent for Master Unit Retreat Speak indicated the group is a religious organization that purchased a roughly 50 acre parcel of land on Silver Spur Rd. (formerly the Miller property) and wishes to convert the property into a membership retreat and yoga/meditation center. The proponent was advised to complete and submit a site plan application.

Terrace Manor, LLC is an existing five (5) unit mobile home park located on Ross Ruland Road near the Rte 23 intersection. It is currently operating under a permit issued by the town pursuant to the town's existing "Ordinance for the Regulation of Mobile Homes and Mobile Home Parks and Travel Trailers and Trailer Camps" as adopted 12/22/70 and published 01/22/71. The applicant seeks to add an additional three (3) units to the site. The applicant was instructed to follow the "Supplemental License" procedure noted in § 4.3 of the ordinance. It should be noted that this ordinance provides that the planning board shall review the completed application and make its recommendation to the town board, which shall then approve or disapprove the application.

The request by Mr. Gerald Buckley to erect a sign, less than 50 square feet, on property he leases, for his construction business (G-n-J Home Improvements) was approved. Because the proposed sign was less than 50 square feet, no public hearing was necessary. Mr. Buckley was referred to the building dept. to pay for and obtain his sign permit.

Mr. Kevin Holdridge, representing Task 2011, LLC, doing business as the Cruisin' 50's Diner, Rt 23, Cairo (Acra) appeared and requested to put up a metal building that they could use as a video arcade when they are open for business and as storage during the off-season, winter months. Their original site plan was approved in September 2011 and they requested approval for the minor modification. The board approved their request and referred them to the building department for any necessary building permit.

The next regularly scheduled meeting is 7:00 p.m., April 9, 2013 at the library meeting room.

Respectfully Submitted,

Daniel A. Benoit

Daniel A. Benoit, Chairman, Planning Board.



Minutes

**Town of Cairo
Town Board Meeting @7pm
Location: Town Hall Meeting Room**

March 27, 2013

The Town Board of the Town of Cairo met for a Town Board meeting on Wednesday, March 27, 2013 at the Town Hall, Main Street, Cairo, New York.

Supervisor Ted Banta, called the meeting to order at 7:00 PM and then asked the attendees to Pledge Allegiance to the Flag. The following Board Members were in attendance: Councilpersons Ostrander, Councilperson Suttmeier, Councilperson Joyce. Councilperson Puorro was absent.

The Library Board had a meeting with the Town Board concerning a bill from a contractor that was not paid. The Library explained the work has been completed and they have signed off on the work completed. The Board has agreed to release payment to the contractor.

The minutes from the March 13, 2013 were accepted by Councilperson Suttmeier and seconded by Councilperson Joyce.

The minutes from the March 22, 2013 were accepted by Councilperson Joyce and seconded by Councilperson Ostrander.

The Town Board went over the Department Reports.

Superintendent of Highways Robert Hempstead reported on work being done in the Buildings and Grounds and Highway Dept. He also reported the locks in all the buildings will be changed and new keys will be given out. The keys cannot be duplicated.

Supervisor Banta went over the Supervisor's Report. (See Supervisor's Report)
Supervisor Banta reported that Earth Day Cleanup will be April 20th in Round Top.

Resolution No. 91-13 "Receipt of Monthly Supervisor's Report" offered by
Councilperson Ostrander and seconded by Councilperson Joyce:

WHEREAS, it has been recommended by the NYS Comptroller's Office in the Town of Cairo Report of Examination 2008M-175, that the Supervisor should present a Monthly Report to the Board Members consisting of cash receipts, cash disbursements, and a budget versus actual report for expenses and revenues, and it be documented in the minutes; therefore, be it,

RESOLVED, that the Town Board Members accept the monthly Supervisor's Report for February, 2013.

All members in favor – motion carried.

Resolution No. 92-13 "Payment of Bills on Abstract #305" offered by
Councilperson Suttmeier and seconded by Councilperson Ostrander:

WHEREAS, payment of bills should be properly authorized and documented in the minutes; therefore be it

RESOLVED, the Town Board does hereby authorize that Abstract #305, consisting of 2013 Vouchers #1262 through #1386 in the amount of \$198,305.83 is approved for payment.

The total amount to be paid from the:

General Fund - \$92,002.20	Street Lighting -
Highway Fund - \$30,713.92	Sewer Fund - \$3,960.30
Cap. Library Fund - \$44,377.25	Water Fund - \$1,818.74
Cap. Sewer Fund - \$25,400.73	Trust & Agency – \$32.69
Hydrant Fund – Special Fire -	

All members in favor – motion carried.

Resolution No. 93-13 "Set Salary for Provisional Police Sergeant" offered by
Supervisor Banta and seconded by Councilperson Joyce:

WHEREAS, the current agreement between the Town of Cairo and the NYS Law Enforcement Officers Union, Council 82 stipulates that a Sergeant shall receive a 10% increase from the Patrolman's Base salary; and

WHEREAS, Richard Busch was appointed as Provisional Sergeant on March 22, 2013; therefore be it,

RESOLVED, the Town Board of the Town of Cairo does hereby set the hourly wage for Richard Busch at \$20.20 per hour.

All members in favor – motion carried.

Resolution No. 94-13 “Set Salary for Temporary Animal Control Officer” offered by Councilperson Ostrander and seconded by Councilperson Suttmeier:

WHEREAS, Richard Busch was appointed as temporary Animal Control Officer on March 22, 2013; therefore be it,

RESOLVED, the Town Board of the Town of Cairo does hereby set the salary to be a prorated bi-weekly wage based on an annual salary of \$1,200.00.

All members in favor – motion carried.

Resolution No. 95-13 “Appoint Building Department & Code Enforcement Clerk” offered by Councilperson Ostrander and seconded by Councilperson Suttmeier:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby appoint Debbie Litchko as the Clerk to the Building Department & Code Enforcement Officer as of the date of March 25, 2013 at a pay rate of \$10.75 per hour not to exceed 30 hours per pay period (an average of 15 hours per week) unless otherwise approved by the Code Enforcement Officer & Town Supervisor.

All members in favor – motion carried.

Resolution No. 96 -13 “Authorization for Highway Superintendent Robert F. Hempstead to Bid on One 1997 Ford L8000 Dump and Salter Truck Through Auctions International” offered by Councilperson Ostrander and seconded by Councilperson Joyce:

Be it resolved, that the Town Board of the Town of Cairo does hereby authorize the Highway Superintendent Robert F. Hempstead to bid on one 1997 Ford L8000 Dump and Salter Truck through Auctions International.

All members in favor – motion carried.

Resolution No. 97-13 “Board to Move into Executive Session” offered by Councilperson Ostrander and seconded by Councilperson Suttmeier:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby move into Executive Session at 8:20 PM to discuss medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation within the Town of Cairo.

All members in favor – motion carried.

Resolution No. 98-13 “Board to exit Executive Session” offered by Councilperson Suttmeier and seconded by Councilperson Ostrander:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby exit Executive Session at 8:55 PM.

All members in favor – motion carried.

Resolution No. 99 -13 “Accepting Sewer Use Penalties Dated March 18, 2013” offered by Councilperson Suttmeier and seconded by Councilperson Ostrander:

WHEREAS, it is necessary for the Sewer Use Penalties to be authorized by the Town Board and documented in the minutes; therefore, be it,

RESOLVED, that the Town Board of the Town of Cairo accepts the Sewer Use Penalties as presented from the Sewer Administrator in the amount of \$2,634.77, dated March 18, 2013.

All members in favor – motion carried.

Resolution No. 100-13 “Accepting Sewer EDU Billings Dated March 1, 2013” offered by Councilperson Ostrander and seconded by Councilperson Joyce:

WHEREAS, it is necessary for the Sewer EDU Billings to be authorized by the Town Board and documented in the minutes; therefore, be it,

RESOLVED, that the Town Board of the Town of Cairo accepts the Sewer EDU Billings as presented from the Sewer Administrator in the amount of \$57,850.00, dated March 1, 2013.

All members in favor – motion carried.

A motion was made by Councilperson Suttmeier and seconded by Councilperson Ostrander to adjourn the meeting at 8:55 PM.

Respectfully submitted,

Tara A. Rumph, RMC, CMC
Cairo Town Clerk

TOWN OF CAIRO

April 10, 2013

RESOLUTION NO. _____

“Appoint Chairman of the Board of Appeals”

Councilperson_____ offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby appoint Thomas Baldwin as Chairman of the Board of Appeals for 2013.

SECONDED BY COUNCILPERSON_____

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE _____ NAY _____ ABSENT _____ CARRIED _____ DEFEATED _____

TOWN OF CAIRO

April 10, 2013

RESOLUTION NO. _____-13

“Appointments for the Board of Assessment Review”

Councilperson_____ offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby re-appoint John Kargoe to the Board of Assessment Review for a term of 5 years ending September 30, 2017.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Cairo does hereby appoint Robert Fritze to the Board of Assessment Review to fill the position open as a result of Robert Carrey’s resignation for a term to end on September 30, 2013.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Cairo does hereby appoint John Kargoe as Chairperson to the Board of Assessment Review for 2013.

SECONDED BY COUNCILPERSON _____

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE _____ NAY _____ ABSENT _____ CARRIED _____ DEFEATED _____

TOWN OF CAIRO

April 10, 2013

RESOLUTION NO. _____-13

“Advertise for Bids for Seasonal Maintenance of Town Owned Cemeteries”

Councilperson _____ offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Cairo does hereby approve the advertisement for cleanup, mowing, and trimming of cemeteries owned by the Town of Cairo. Duties to be performed a minimum of five times during the season, May thru September 2013 to keep cemeteries maintained as necessary. Such bids should be returned to the Town Clerk’s Office by 3:00pm on April 25, 2013.

SECONDED BY COUNCILPERSON _____

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE _____ NAY _____ ABSENT _____ CARRIED _____ DEFEATED _____

TOWN OF CAIRO

April 10, 2013

RESOLUTION NO. _____

“Reserve Recycling Bottle Deposits for Park Improvements”

Councilperson _____ offered the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Cairo has partnered with Ulster-Greene ARC and the Catskill Bottle & Can Redemption Center to redeem bottle deposits from the recycling center; and

WHEREAS, the Town Board of the Town of Cairo intends to use the revenue generated from the bottle deposits for Park Improvements; therefore be it

RESOLVED, that a reserve fund shall be created to set the bottle redemption revenue aside for Park Improvements.

SECONDED BY COUNCILPERSON _____

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AY E	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE _____ NAY _____ ABSENT _____ CARRIED _____ DEFEATED _____

TOWN OF CAIRO

April 10, 2013

RESOLUTION NO. _____

“Attend Thruway Auction”

Councilperson _____ offered the following resolution and moved its adoption:

Be it resolved, that the Town Board of the Town of Cairo does hereby approve Robert F. Hempstead, Superintendent of Highways and Ronald Baitsholts to attend and to purchase equipment at the thruway auction on April 17, 2013.

SECONDED BY COUNCILPERSON _____

COUNCILPERSON JOYCE	AYE	NAY
COUNCILPERSON OSTRANDER	AYE	NAY
COUNCILPERSON PUORRO	AYE	NAY
COUNCILPERSON SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE _____ NAY _____ ABSENT _____ CARRIED _____ DEFEATED _____

TOWN OF CAIRO

April 10, 2013

RESOLUTION NO. _____

ACCEPTING LEAD AGENCY STATUS ON TOWN MUNICIPAL WATER SYSTEM WELL DRILLING PROJECT FOR THE TOWN OF CAIRO

Councilperson _____ offered the following resolution
and moved its adoption:

WHEREAS, the Town Board of Town of Cairo has previously determined it necessary and in the best interest of the residents of the Town to drill a second well for the municipal water system and had begun the process to do so, and

WHEREAS, the Town Board has caused the Lead Agency/Coordination Letter to be circulated to all interested and involved agencies and that a period of 30 days have elapsed with none of the said agencies having sought lead agency status for the project.

NOW THEREFORE IT IS HEREBY RESOLVED that the Town Board of the Town of Cairo hereby accepts the status of Lead Agency for the said project.

SECONDED BY COUNCILPERSON _____

COUNCILMAN OSTRANDER	AYE	NAY
COUNCILMAN JOYCE	AYE	NAY
COUNCILMAN PUORRO	AYE	NAY
COUNCILMAN SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE _____ NAY _____ ABSENT _____ CARRIED _____ DEFEATED _____

TOWN OF CAIRO

April 10, 2013

RESOLUTION NO. _____

MAKING A NEGATIVE DECLARATION WITH RESPECT TO THE SEQRA PROCESS IN CONNECTION WITH THE NEW DRINKING MUNICIPAL WATER WELL DRILLING PROJECT FOR THE TOWN OF CAIRO

Councilperson _____ offered the following resolution
and moved its adoption:

WHEREAS, the Town Board of Town of Cairo has previously accepted the
status as Lead Agency with respect to the above mentioned project and

WHEREAS, the Town Board of the Town of Cairo has carefully reviewed the
Long Environmental Impact Form prepared by the Town Engineer and has
taken the requisite “hard look” at the potential environmental impacts.

NOW, THEREFORE IT IS HEREBY RESOLVED that the Town Board of the
Town of Cairo hereby adopts a Negative Declaration with respect to the above-
mentioned project and has found that there will be no potential negative
environmental impacts as a result of the project.

SECONDED BY COUNCILPERSON _____

COUNCILMAN OSTRANDER	AYE	NAY
COUNCILMAN JOYCE	AYE	NAY
COUNCILMAN PUORRO	AYE	NAY
COUNCILMAN SUTTMEIER	AYE	NAY
SUPERVISOR BANTA	AYE	NAY

AYE _____ NAY _____ ABSENT _____ CARRIED _____ DEFEATED _____

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number New Well Drilling

Date: April 10, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Cairo as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

New Well Drilling for Municipal Drinking Water System

SEQR Status: Type 1 ☐
Unlisted ☒

Conditioned Negative Declaration: ☐ Yes
☒ No

Description of Action:

New Well Drilling for Municipal Drinking Water System

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Angelo Canna Park, Town of Cairo, Greene County New York

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Ted Banta, III

Address: Town Hall Town of Cairo, NY 12413

Telephone Number: (518) 622-2060

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)



Delaware Engineering, PC

28 Madison Avenue Extension
Albany, New York 12203

Tel: 518.452.1290
Fax: 518.452.1335

November 20, 2012

David Phillips, P.E.
NYS Department of Health
Bureau of Water Supply Protection
Corning Tower, Empire State Plaza, Room 1110
Albany, NY 12237

Subject: Town of Cairo, Greene County
DWSRF Project No's 15255 and 16963

Dear Mr. Phillips:

We spoke a few weeks ago about these two projects and the Town's interest in using unspent funds to complete an additional water supply well. In your October 25th e-mail you confirmed that it appears fund up to \$93,560 under Project No. 15255 and \$105,514 under Project No. 16963 likely could be used to fund development of the new well. Charlie Barrow was originally the Town's engineer for these projects and has since passed away, so we would be providing the engineering services.

Attached is a proposed plan which we prepared and the Town Board has endorsed for proceeding on the wells. Given how long the project was idle I am not sure what we need to do to reactivate it. Among the questions I have are:

1. I would imagine DOH needs to provide approval of the concept before we go forward. Perhaps the attached letter, amended if needed could serve as an addendum to the approved Preliminary Engineering Report.
2. An engineering contract will need to be executed. As I understand it the new MWBE requirements would apply to this future work.
3. Can we conclude that environmental review requirements have been satisfied or do we need to go through SEQR. If so do we need to use the long EAF and go through coordinated review? The proposed well in near the well installed at the Town Park as an earlier phase of the DWSRF project.
4. Will we need to involve a Bond Attorney or has the project already closed on the full amount of the funds.

Please look over the attached and call me at 518-452-1290 or email me with your comments and thoughts on the steps to proceed through the technical, environmental and program steps.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Tavenner".

Alan Tavenner, P.E.
Senior Engineer

C: Ted Banta, Cairo Town Supervisor

Enclosure



Delaware Engineering, PC

28 Madison Avenue Extension
Albany, New York 12203

Tel: 518.452.1290
Fax: 518.452.1335

November 13, 2012

Ted Banta
Cairo Town Supervisor
512 Main Street
P.O. Box 728
Cairo, New York 12413

Subject: Town of Cairo Water System
Source Capacity Development
Preliminary Engineering Report

Dear Supervisor Banta:

At the Town Boards request, we have prepared the following Preliminary Engineering Report to assist the Town in determining whether it should take advantage of funds remaining from two previous Drinking Water State Revolving Fund projects. These projects were largely completed several few years ago to improve water sources, provide storage and replace old mains. Delaware Engineering previously evaluated the overall water system capacity and conditions in 2009 and recommended that the most beneficial improvements would be to increase the flow capacity and develop better redundant capacity. Alpha Geoscience provided a hydrogeologic assessment and concluded that the approach most likely to yield success was to attempt development of a well at the Town Park.

There are other steps which could be taken to improve the water system and these will be addressed below as well. The following provides a description of the system and addresses a plan to move forward with development of new wells to supplement the system capacity.

WATER DISTRICT

The water service is concentrated in the central business area of Cairo along Main Street. Currently water service is provided to 782 customers in the water district. The District boundaries are shown on Figure 1. The water services by type are estimated to be as follow:

		<u>Usage (GPD)</u>
Residential	43%	51,600
Commercial	28%	33,600
School	13%	15,600
Plaza & Restaurants	16%	<u>19,200</u>
		120,000

SOURCE OF SUPPLY

The Town of Cairo relied for many years on surface water from a reservoir built in 1898 and located on land now owned by the Town west of the water district on the west side of NYS Route 23. In 1991 the Town acquired the Cairo Water Company, drilled Well No. 1 in the Town Park and ceased use of the reservoir. Well No. 1 is equipped with two pumps and is permitted for 216,000 gallons per day (GPD). To provide a back-up source of water two new wells were drilled on land owned by the Town at the old Reservoir. One of these wells (Well No. 2) was tested and permitted in 1998 for 144,000 GPD. The other well has not been thoroughly tested for flow capacity or water quality. The average day water usage is 120,000-GPD and the peak flow is 230,000-GPD.

WELL NO. 1 - PARK WELL

This well is (referred to as Well No. 1 and No. 2); has been flow tested and is permitted to produce 216,000-gallons per day (GPD) on a continuous basis and supplies essentially all the water used by the Water District. The water is free from iron, sulfur and other objectionable minerals and presently requires only chlorine for disinfection. The water is good quality mainly because it draws water from sand and gravel, near the Shingle Kill. The construction of this well is especially vulnerable to influence by surface water. At DOH direction, the operator began testing in January 2009 to evaluate the wells connection to the stream. Based on this testing DOH determined that the well was not under the influence of surface water and did not require additional treatment. The only recommended improvement for the well house is a stand-by generator to provide power in the event of an extended power outage.

TREATMENT

The Park Well requires only disinfection by sodium hypochlorite. The well at the reservoir has chlorination equipment in place and ready for use. However iron, manganese and are present at a level that requires treatment to meet DOH Standards. A treatment system for this well would range in cost from \$150-300,000, depending on the type of treatment used and the degree to which the filters are automated. In addition to the capital costs of a treatment system, the Town would have continuing maintenance costs. And disposal of waste filter backwash would also have to be addressed.

DISTRIBUTION SYSTEM

A significant upgrade was completed between 1991 and 2002 during which the water line from the old reservoir and on Main Street was replaced with new 12-inch PVC water main. Some side street water mains were also replaced. The lines on many side streets are old and undersized, with valves and hydrants which are not operational or in questionable condition. The water department should be budgeting annually to replace one or more hydrants and valves and attempting to accumulate funds to systematically upgrade these undersized lines. It is recommended that an inventory be developed of the water mains, valves and hydrants be developed and plan be made for gradual upgrades. NY Rural Water can be extremely helpful in this regard and recently completed a very good inventory of the water system in Cossack. If

their assistance has not been sought it should be. If needed Delaware Engineering could complete this; but Rural Water will do this for member communities at no charge.

STORAGE

Finished water storage is provided by a 370,000-gallon Standpipe located on Kligerman Road. The Standpipe was built in 1992 and is constructed of enamel coated bolted steel panels with gaskets sealing the panels and is 31-ft diameter with a height of 65.75-ft. The tank provides a hydraulic level of approximately 515-ft msl. The service area is relatively flat and virtually the entire area is at or near 350-ft msl, providing a static pressure of 60-70 psi in the water system. A leak developed in 2011 approximately 40-ft above ground; the leak was sealed by tightening the bolts. This tank has been in service 20-years and was recently inspected internally. The tank appears to have 10-20 years remaining before it needs to be repainted. Costs for this are estimated to be \$200-250,000. So the Town should also be building up a reserve to pay for this.

There has been discussion of possibly building another water tank. This would provide more storage in the event of a fire or if there were problems with the wells. It would also allow for cleaning and service of one tank while keeping the second tank in use. While these are valid benefits, we believe they are less important than the need for another water source. If easements and/or land were to become available at a reasonable price it would be beneficial for the water system to acquire such a site for future use. The site would ideally be at the east end of the District and be at the same elevation as the existing tank.

OTHER WATER SOURCES

There are a number of existing wells and alternative well sites which have been evaluated as potential water sources.

RESERVOIR AND OTHER WELLS

Two wells were drilled at the site of the old reservoir as part of the water project. Well #3 was connected to the water system and is permitted for use. Well #4 was drilled but never tested or permitted by DOH for use. A third smaller shallow well pre-dates the water project and was not incorporated with that project.

Well #4 is an eight-inch well drilled in 2006 to a depth 540-feet and was hydraulically fractured due to the low yield. No further testing or construction was completed on that well to tie it into the water system. On March 24, 2009 Alpha Geoscience performed a preliminary test which suggests that Well #4 has the potential to yield 144,000-GPD. However, due to interference from Well #3, a comprehensive test on both wells would likely indicate that they have a *combined* yield of something less (e.g. 200,000-GPD). And, as with Well #3, it is anticipated that the more the well is pumped the worse the water quality will become.

The Windmill Well is a six-inch well drilled before 1990 to a depth of 90-feet at the Reservoir site. The history of this well is unclear beyond the fact that in one drought year it was pumped continually to feed the Reservoir. The water is free from iron, sulfur and other objectionable

minerals and reportedly remained that way when pumped all summer. On March 24, 2009 Alpha Geoscience performed a preliminary test which suggests that the Windmill Well has the potential to yield 43,000-GPD (Figure 3). Although the well is partially obstructed and the condition of the casing is unknown it may be possible to develop this well (or a replacement) as a supplemental source that can be used on a regular basis.

Cedar Terrace Wells – This resort has wells which it no longer uses and this was evaluated as a potential new source. The well locations are close to buildings, the capacity on a long-term basis is questionable. The owners in 2010 did not appear to be overly interested in selling a well or land to the water district. These wells were not further investigated.

ADDITIONAL WATER SUPPLIES

The *Groundwater Resource Study* (2009) by Rural Water was consulted for potential water supplies in the vicinity of the water district. In addition, Alpha Geoscience also reviewed published water resource maps for identified aquifers in the area. Unless a prolific source is available to justify costs of water main extension, the area available for locating new wells is typically limited to lands in or close to existing water mains. A further constraint to well siting is property ownership. Lands controlled by the Town are usually best as they avoid purchasing a new site with all the complications that may entail.

Groundwater pumped from bedrock wells in Cairo and the surrounding area is often of a poor quality due to sulfur, iron, manganese, methane gas, colloidal clay, arsenic and corrosivity. These problems tend to be worst in deeper wells and are often worsened by pumping. The best water tends to come from sand and gravel wells or shallow rock wells coupled to these aquifers, provided of course that the well isn't influenced by surface waters.

The Town Park meets most of the above criteria for siting a well. Geological maps report there are potential water bearing sand and gravel along the creek; the Town owns the property and can protect the well head area from uses that could contaminate the well and the existing chlorination facilities could be used for a second well. There is also an additional 136 acre parcel of County land, a portion of which could potentially be acquired depending on County plans and commitments for the property.

The only other area identified is along the Catskill Creek. However the development costs for a mile of pipeline and disinfection facility would be high and there does not appear to be any municipally owned land along the Creek.

WELL DEVELOPMENT CONSIDERATIONS

If a well can be developed in the Town Park, it will likely be most cost effective to pipe the well water to the existing well house for disinfection and pumping to the distribution system. If that is possible, the only construction at the well would be the well head itself, a power supply and starter panel, and the underground piping run to the well house. The cost of directionally drilled line has fallen to the point where it would be economical to bore the line from the well to the well house, thus avoiding restoration costs for the park and the negative perception this

often creates. The well cannot be located in the middle of an athletic field, since the well head must terminate above ground. There are a few potential uses of the park that could be incompatible with a well; livestock display near the well head is one example. But a water supply well is very compatible with most park uses, it allows for well head protection, and does not occupy two acres or more of land that can't be used for other purposes.

1. PRELIMINARY ENGINEERING

This report would be submitted to the Health Department for review. There are a number of other preliminary steps that will need to be completed prior to DOH approving funding for well exploration work. Among these are:

1. SEQR review of the proposed project. This could involve a field archeological survey which is not included in our cost proposal.
2. An engineering contract will need to be executed.
3. A Bond attorney may be required to review the financing; this is something we have not yet clarified with EFC.
4. Other environmental reviews and analysis may be required under SEQR to meet DOH or EFC requirements; however we do not anticipate any.

Our anticipated costs for this work would be \$8000.

2. WELL DEVELOPMENT AND EVALUATION

Once the above preliminary work has been completed we would proceed with a test well in the park and inspection of the Windmill well, as follows:

- a) Drill a test well in the Park, evaluating shallow sand and gravel deposits, testing these if found. If gravel does not yield water, continue to drill a shallow (300-ft or less) well in rock. Based on the findings, the well could either be developed, abandoned or another well site(s) chosen for exploration. Quotations were obtained from two drillers in 2009; the lower price was Smith Well Drilling with an estimated cost of \$8900 for the test well. Prior to drilling this well ample notice should be given to those involved with the park of where the well is going and what will be there if it is developed.
- b) The Reservoir Windmill well should be further evaluated by a driller having the proper tools to inspect the obstruction in the well and attempt to clear it. The casing should be inspected with a down-hole camera to determine the depth and apparent condition of the casing as well as the likely water producing zones. After inspection, a better decision can be made as to whether the well needs to be modified, re-drilled or tested as-is. If Smith Well Drilling were employed at the time they are drilling the test well the camera survey and initial evaluation would likely cost \$2000 or less.

In addition to drilling costs listed above, anticipated costs would be \$6000 for engineering services and \$12,000 for hydrogeological consulting services to locate and supervise drilling and preliminary testing of the well(s).

If the first well does not produce adequate water an assessment would be made and recommendations provided as to whether additional test well(s) should be drilled in the park or elsewhere.

3. WELL TESTING AND PERMITTING

If preliminary testing of the wells suggest that they can be developed as a full scale supply well then further testing of each well would be needed. Wells are tested by pumping them continuously for 72-hours, collecting routine water quality samples throughout the test and collecting a sample for comprehensive analysis of all DOH regulated chemicals. The testing results need to be filed with DOH and DEC in a report demonstrating the well capacity and suitability. This would eventually result in issuance of a DEC Water Supply Permit adding the well as an acceptable source and increasing the District's water supply capacity.

4. DESIGN PLANS AND BIDDING

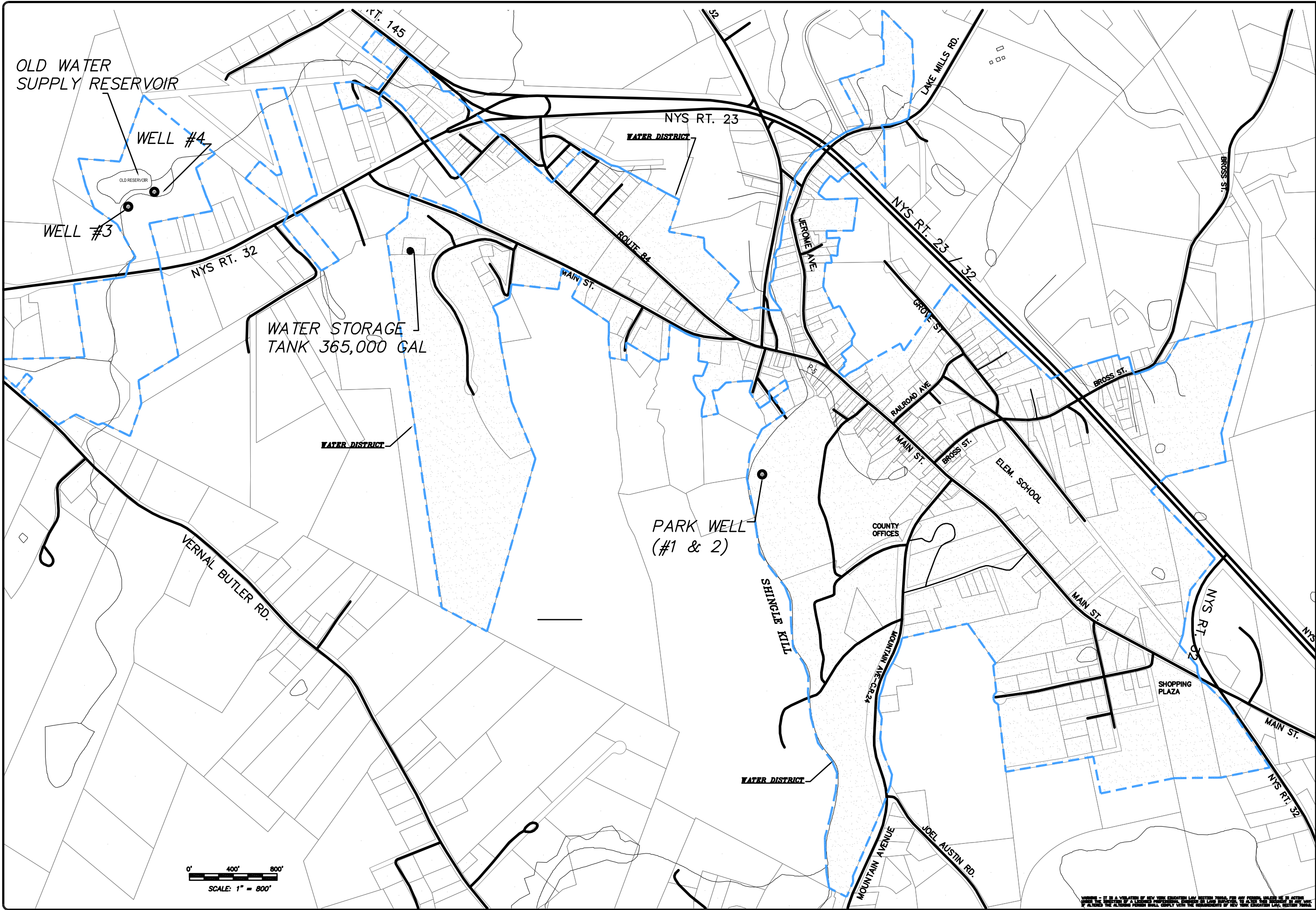
Plans for development of the well would include installation of pitless unit, pump, piping and connection to the existing well house or construction of a stand-alone disinfection system as well as associated electrical work. This work can proceed once positive results are obtained in a pump test and concurrent with DEC review. Once DEC issues a permit and DOH approves plans the work can be bid and constructed.

Please call me at 452-1290 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Tavenner".

Alan W. Tavenner, P.E.
Project Manager



DATE: XX/XX/XX


DRAWN BY: _____

SCALE: _____

REVIEWED BY: _____

PROJECT NO.: XXX-XXX

FILE: _____



**DELAWARE
ENGINEERING, P.C.**
CIVIL AND ENVIRONMENTAL ENGINEERING

28 MADISON AVENUE EXTENSION, ALBANY, NY 12203 • 518.452.1290
8-12 DIETZ STREET, SUITE 303, ONEONTA, NY 13820 • 607.432.8073

REVISIONS	
NO.	DESCRIPTION

WATER DISTRICT EXTENSION
TOWN OF CAIRO
GREENE COUNTY, NEW YORK

WATER DISTRICT No. 1

SHEET: 1

NOTES - IT IS A VIOLATION OF NEW YORK ELECTION LAW SECTION 7-000, FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER THIS RECORD IN ANY WAY. IF ALTERED THE ALTERNATE PERSON SHALL COMPLY WITH THE REQUIREMENTS OF NEW YORK ELECTION LAW, SECTION 7-000.

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231
www.dos.ny.gov/corps

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☐ Village

Of CAIRO

Local Law No. 1 of the year 2013

Imposing a Third Temporary Six Month Moratorium on Approvals Involving Resorts

A local law
(Insert Title)

TOWN BOARD

Be It enacted by the of the
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☐ Village

of CAIRO as follows:

PLEASE SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1.(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 1 _____ of 2013 of the ~~(County)(City)(Town)(Village)~~ of CAIRO was duly passed by the TOWN BOARD on May 8, 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 ____ and was ~~(approved)(not approved)(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ and was deemed duly adopted on _____ 20 _____,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

~~3. (Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 _____ and was ~~(approved)(not approved)(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ on _____ 20 ____ Such local law was submitted
(Elective Chief Executive Officer*)
to the people by reason of a ~~(mandatory)(permissive)~~ referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the ~~(general)(special)(annual)~~ election held on _____ 20 ____ in accordance with the applicable provisions of law.

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 _____, and was ~~(approved)(not approved)(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ on _____ 20 ____ Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 ____ in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: _____ May 8, 2013

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF GREENE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
ATTORNEY FOR THE TOWN

Title

County
City of CAIRO
Town
Village

Date: _____ May 8, 2013

TOWN OF CAIRO
LOCAL LAW # 1 OF 2013

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

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Third Temporary Six Month Moratorium on Approvals Involving Resorts.”

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Cairo by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary six (6) month moratorium on any new subdivision application, site plan review, building permits or other municipal approvals for any use involving the conversion of a resort, motel or bed and breakfast to some other use other than those relating to an agricultural use as that term is defined in the NYS Agriculture and Markets Law or one or two-family dwellings in the Town, or the issuance of any approvals or building permits therefore.

The Town Board has recently adopted a new Comprehensive Plan and is now in the process of implementing a new zoning law and other land use goals set forth therein which would address, among other things, subdivision of lands, site plan review, building permits or other municipal approvals of land relating to the preservation and rejuvenation of the Town’s tourism infrastructure and base attractions including but not limited to seasonal resorts, inns, hotels and similar uses and structures in the Town. The Town Board finds and determines that several former resort properties have recently been permanently lost to a change in use by new development. The Town Board further finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully complete the enactment of the necessary statutory and other tools to implement the same, including but not limited to, drafting proposed amendments to existing Town Local Laws, schedule and hold the required public hearing on either amendments to existing Local Laws or the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

Section 3. Scope of Controls.

A. During the effective period of this Local Law:

1. The Town Board and/or any other municipal body shall not grant any approvals which would have as the result the establishment or development of any new subdivision, site plan review, building permits or other municipal approvals within the Town related to or involving the conversion of or change of use of a resort, motel, inn or bed and breakfast to any other use except for use of such land and/or structures to an agricultural use as that term is defined in the NYS Agriculture and Markets Law or one or two-family dwellings in the Town.
2. The Building Inspector and/or Code Enforcement Officer of the Town shall not issue any building permit or other permit which would result in the establishment or development of any new subdivision, site plan review, building permits or other municipal approvals within the Town related to or involving the conversion of or change of use of a resort, motel, inn or bed and

breakfast to any other use except for use of such land and/or structures to an agricultural use as that term is defined in the NYS Agriculture and Markets Law or one or two-family dwellings in the Town..

B. The Town Board reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

C. Definitions. For the purposes of this local law the following terms shall mean:

- i) Resort or motel: any structure, building or group of structures or buildings, whether owner-occupied or otherwise, that contain more than five guest rooms where lodging, with or without meals, is provided for compensation;
- ii) Bed and Breakfast: an owner occupied dwelling unit that contains no more than five guest rooms where lodging, with or without meals, is provided for compensation;
- iii) Inn: any structure or building that contains no more than five guest rooms where lodging, with or without meals, is provided for compensation

Section 4. No Consideration of New Applications.

No applications for the conversion of any resort, inn, or motel to any other use in the Town. Additionally, no pending request for approval of a site plan, a site plan review, building permits or other municipal approvals, a variance, or other permits relating to same shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. The Town Board reserves the right to enact subsequent short-term periodic moratoria in the future, in the event it determines that such subsequent local laws or extensions are necessary and in the public's interest.

Section 6. Penalties.

Any person, firm or corporation that shall establish or develop any new subdivision, use that would require a site plan review, building permits or other municipal approvals for the conversion of any resort, inn, or motel to any other use in the Town in violation of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided for in the Town's Site Plan Review Law and by applicable local laws, ordinances, rules, regulations of the Town for violations; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law.

Section 7. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 8. Variances

Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Cairo in writing for a variance from the strict compliance with this Local Law upon the submission of proof of such unnecessary hardship. For the purpose of this Local Law, unnecessary hardship shall not be mere delay in being permitted to make application or waiting for a decision on the application for a subdivision, variance, special use permit, site plan, site plan review, building permits, other municipal approvals or permits during the period the moratorium imposed by this Local Law.

Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance of this Local law, the Town Board of the Town of Cairo shall, within sixty (60) days of receipt of such application, schedule a public hearing on said application upon five (5) days written in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have opportunity to be heard, and the Town Board shall, within thirty (30) days of the close of the Public Hearing, render its decision in writing, either granting or denying the application for a variance from the strict requirements of this Local Law. In the event that the Town Board determines that the property owner shall suffer an unnecessary hardship, the applicant shall then be referred to the Town Board, Planning Board, Building Inspector and/or Code Enforcement Officer for a full review of the proposed project in accordance with the then enacted subdivision, site plan review, building permits or other municipal approvals laws, rules and regulations in the Town of Cairo and the State of New York.

Section 9. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231
www.dos.ny.gov/corps

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ ~~County~~ ☐ ~~City~~ ☐ Town ☐ ~~Village~~

Of _____ CAIRO _____

Local Law No. 2 of the year 2013

Establishing A Further Temporary Six Month Moratorium on Junk Yard Approvals

A local law -----
(Insert Title)

TOWN BOARD

Be It enacted by the ----- of the
(Name of Legislative Body)

☐ ~~County~~ ☐ ~~City~~ ☐ Town ☐ ~~Village~~

of _____ CAIRO _____ as follows:

PLEASE SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1.(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 2 _____ of 2012 of the ~~(County)(City)(Town)(Village)~~ of CAIRO was duly passed by the TOWN BOARD on May 8, 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 ____ and was ~~(approved)(not approved)(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ and was deemed duly adopted on _____ 20 _____,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

~~3. (Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 _____ and was ~~(approved)(not approved)(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ on _____ 20 ____ Such local law was submitted
(Elective Chief Executive Officer*)
to the people by reason of a ~~(mandatory)(permissive)~~ referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the ~~(general)(special)(annual)~~ election held on _____ 20 ____ in accordance with the applicable provisions of law.

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 _____, and was ~~(approved)(not approved)(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ on _____ 20 ____ Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 ____ in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: _____ May 13, 2013

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF GREENE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
ATTORNEY FOR THE TOWN

Title

County
City of _____ CAIRO
Town
Village

Date: _____ May 13, 2013

**TOWN OF CAIRO
LOCAL LAW # 2 OF 2013
JUNK YARD MORATORIUM**

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

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Further Temporary Six Month Moratorium on the Establishment of New Junk Yards.”

Section 2. Definitions

GARBAGE – All animal and vegetable waste resulting from the growing, processing, marketing and preparation of food items, including the container in which packaged.

JUNK APPLIANCE – Any abandoned, wrecked, discarded, dismantled or partly dismantled household appliance, including but not limited to stoves, washing machines, dryers, dishwashers, freezers, refrigerators, air conditioners, water heaters, computers or televisions, that is stored or placed outside of any residence or structure.

JUNK FURNITURE – Any abandoned, wrecked, discarded, dismantled or partly dismantled furniture, including but not limited to sofas, mattresses, bed frames, desks, tables, lawn furniture, chairs and chests of drawers, that is stored or placed outside of any residence or structure.

JUNK MATERIAL – Any abandoned, wrecked, discarded, dismantled or partly dismantled material including but not limited to a junk appliance, junk furniture, a junk vehicle, or garbage, rubbish, clutter and debris.

JUNK VEHICLE - Any vehicle, or used parts or waste materials from vehicles, that is a) Uninspected or unregistered; or b) Abandoned, wrecked, discarded, dismantled or partly dismantled; or c) Not in condition for legal use upon the public highways.

JUNK YARD – The use of any land for the temporary or permanent storage of garbage, rubbish, clutter, litter, debris, junk appliance(s), junk furniture, junk material, or more than one junk vehicle regardless of the intended future use of materials. Junk yard shall also mean those activities defined in Local Law #6 of 1985 of the Town of Cairo entitled “Salvage and Junk Yards”.

RUBBISH, CLUTTER, LITTER AND DEBRIS – Household or commercial trash, including, but not limited to, paper and paper products, barrels, cartons, boxes, cardboard, cans, glass, metals, machinery, plastics, rubber, crates, furniture, rags, mattresses, blankets, cigarettes, tires, lumber, brick, stone and other building materials, no longer intended for in condition for customary use, and any and all tangible personal property no longer intended or in condition for customary use.

UNINSPECTED VEHICLES – A vehicle that has not been currently inspected for the State of New York and approved for safe and regular operation on roads and highways in the State of New York or does not bear an appropriate or valid inspection sticker by regulating agencies of any state or other governmental entity.

UNREGISTERED VEHICLE – A vehicle that has not been currently registered for the State of New York or does not bear an appropriate or valid registration sticker by regulating agencies of any state or other governmental entity.

VEHICLE – A device or conveyance used for the purpose of carrying or transporting passengers or goods or equipment or any combination of the above purposes, including but not limited to automobiles, buses, trailers, trucks, tractors, motor homes, mobile homes, campers, motorcycles, mini bikes, recreational vehicles, boats, all-terrain vehicles or snowmobiles.

Section 3. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Cairo to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary six month moratorium on the establishment or development of new junk yards or similar business activities in the Town, or the issuance of any approvals or permits therefore.

The Town Board is now in the process of considering various options relating to this issue and is nearing completion of a proposed zoning law that will address the issue. The Town Board finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully study the issue, draft proposed amendments to the Town local laws, including a new zoning document, make appropriate changes to the draft of the proposed new Local Laws, schedule and hold the required public hearing on the Local Laws, comply with applicable provisions of law, adopt the Local Law, and file a copy of the Local Laws (as adopted) with the Secretary of State of the State of New York.

Section 4. Scope of Controls.

A. During the effective period of this Local Law:

1. The Town Board shall not grant any approvals which would have as the result the establishment or development of any new junk yard or related business activity within the Town whether in accordance with Local Law #6 of 1985, Entitled “Salvage and Junk Yards” or otherwise.
2. The Town Planning Board shall not approve any site plan, approve any special use permit or other permit which would have as a result the establishment or development of any new junk yard or related business activity within the Town.
3. The Code Enforcement Officer/Building Inspector of the Town shall not issue any building permit or other permit which would result in the establishment or development of any new junk yard or related business activity within the Town.
4. The Town Board reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 5. No Consideration of New Applications.

No applications for any junk yard or related business activity affected by this Local Law or for approval for a site plan, a variance, a special use permit or other permits relating to junk yards shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 6. Term.

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. In the event that a local law relating to junk yard or related business activities is adopted prior to the date that the moratorium imposed by this Local Law expires, then in that event the moratorium imposed by this Local Law shall expire immediately on the date that the Local Law relating to junk yard or related business activities takes effect in accordance with section 27 of the Municipal Home Rule Law.

Section 7. Penalties.

Any person, firm or corporation that shall establish or develop any new junk yard or related business activity in violation of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town violations; and
- B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law.

Section 8. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 9. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.