

Minutes

Village Board of Trustees

January 10, 2008

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Howard Miller, Walter Herbst and George F. Koliwasky, Clerk-Treasurer Sharron Cunningham, Village Attorney John Groff, Comprehensive Planning Committee Co-Chairs Dave Radin and Mike Stenpeck, DPW Chris Lawrick, Fire Chief Arthur Sullivan, Police Chief Mike Barton, and Manager's Assistant Rachel Baer. Also present were: stant Rachel Baer. Also present were: Kristi Ferrara, 218 Weller Ave.; Doug Baker, 920 W. Broad St.; Martha Hauser, 607 W. Broad St.; Jean Quinn, 555 Gardner Rd.; George and Penny Kastenhuber, 519 John St.; Tom Mike, 732 Taylor Rd.; Elliott Blauvet, Jr., Ellen Along, 527 Watkins Rd., and the news media.

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of December 13th, 2007 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the audit of bills as listed below be received and approved for payment when in funds:

-	General	\$245,299.26
-	Water	\$ 56,865.77
-	Trust and Agency	\$ 1,411.72

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that the Clerk-Treasurer is authorized to transfer the funds indicated on the attached sheet.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Miller: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the Justice Reports for December 2007 be received and placed onfile in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Miller: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes from the Planning Board Meeting of December 18, 2007 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Miller: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that Douglas Baker of W. Broad St., Horseheads, is hereby appointed as an Alternate Member of the Village of Horseheads Planning Board, said appointment to expire on the first Monday in December, 2008.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Miller: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Discussion: Oil and Gas Exploration and Leasing Requests

Atty. Groff - you have received other inquiries with respect to development of oil and gas mineral rights under Village property. You've been asked periodically if you'll allow seismic testing, which is just sub-surface testing. If anyone wants to see proposals or go over them, I will review them with you. At this point we've taken a position of not leasing and also not participating for exploration of Village property. Your action doesn't preclude oil and gas development or exploration, they just can't use Village property. If there were minerals, you'd still receive royalty because they were

beneath your property. Your original reluctance was about the testing methods damaging Village infrastructure.

7:10pm - At this time, Atty. Groff declared open a Public Hearing on Proposed Local Law: Stormwater Management. As nobody came forward to speak. Atty. Groff declared the public hearing closed.

The Board reviewed and completed Part 2 of the Full SEQR from relative to the proposed local law, finding there to be no significant environmental impact and authorizing a Negative Declaration.

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, the Village is considering a local law establishing a new chapter in the Village Code entitled: Stormwater Management and Erosion and Sediment Control, and Amending Section 245-122(A), and

WHEREAS, this proposed law was presented to this Board on December 7, 2007 and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on this date, and

WHEREAS, this proposed law was forwarded to the Planning Boards of the Village of Horseheads, Town of Horseheads, and County of Chemung, all recommending approval of same or having declined to take action, and

WHEREAS, the action (adoption of the local law) is subject to SEQR, being an Unlisted Action, pursuant to SEQR regulations, and the Village has submitted a Full Environmental Assessment Form, and

WHEREAS, the Village of Horseheads Board of Trustees is informed and believes that the Village is the only involved agency with respect to the SEQR review of this action, and

WHEREAS, this Board of Trustees has conducted a thorough review of the local law, the Full Environmental Assessment Form and all of the environmental consequences of same as more specifically delineated on that portion of the form to be completed by the Board as Lead Agency, and finds that the Action will not have a significant environmental impact, and

WHEREAS, the Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Proposed Local Law establishing a new chapter in the Village Code entitled: Stormwater Management and Erosion and Sediment Control, and Amending Section 245-122(A) is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

7:15 p.m. - At this time Atty. Groff declared open a Public Hearing on Proposed Local Law: Illicit Discharge Detection.

Eleanor Along, Watkins Road - what things are being tested.

As nobody else came forward, Atty. Groff declared the public hearing closed.

Atty. Groff replied that the Village is not seeking to detect. There are connections that discharge water into the stormwater system. This legislation requires that if the Village becomes aware of an inner-connection, we test to see if it is just runoff, or whether it might be somebody having connected sewer lines to this water system. There is a review, permit, etc.

The Board reviewed and completed Part 2 of the Full SEQR from relative to the proposed local law, finding there to be no significant environmental impact and authorizing a Negative Declaration.

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, the Village is considering a local law establishing a new chapter in the Village Code entitled: Illicit Discharge Detection and Elimination, and

WHEREAS, this proposed law was presented to this Board on December 7, 2007 and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on this date, and

WHEREAS, this proposed law was forwarded to the Planning Boards of the Village of Horseheads, Town of Horseheads, and County of Chemung, all recommending approval of same or having declined to take action, and

WHEREAS, the action (adoption of the local law) is subject to SEQR, being an Unlisted Action, pursuant to SEQR regulations, and the Village has submitted a Full Environmental Assessment Form, and

WHEREAS, the Village of Horseheads Board of Trustees is informed and believes that the Village is the only involved agency with respect to the SEQR review of this action, and

WHEREAS, this Board of Trustees has conducted a thorough review of the local law, the Full Environmental Assessment Form and all of the environmental consequences of same as more specifically delineated on that portion of the form to be completed by the Board as Lead Agency, and finds that the Action will not have a significant environmental impact, and

WHEREAS, the Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Proposed Local Law establishing a new chapter in the Village Code entitled: Illicit Discharge Detection and Elimination is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, this Board has adopted local laws regarding stormwater management, illicit discharge detection, and anticipates adoption of other laws in connection with the implementation of rules and regulations pertaining to municipal separate storm sewer systems (MS4), and

WHEREAS, such laws provide for the designation of a Stormwater Management Officer, and

WHEREAS, the Village has a relationship with the Town of Horseheads for the provision of code enforcement officers, and

WHEREAS, the MS4 laws require particularized skills and training, and

WHEREAS, this Board is informed and believes that Thomas Skebey, Code Enforcement Officer for the Town of Horseheads has the required training, skills and knowledge to enforce the above-noted local laws.

NOW THEREFORE BE IT RESOLVED, that Thomas Skebey is hereby designated Stormwater Management Officer for the Village of Horseheads effective immediately.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Koliwasky, seconded by Herbst

WHEREAS, the subject of municipally shared services between various municipalities is increasingly explored and being formalized, and

WHEREAS, on February 8, 2007 this Board adopted a model highway shared services resolution which contained a model agreement, and

WHEREAS, Chemung County Soil and Water Conservation District has now adopted a similar resolution which warrants amendment of the February 8, 2007 resolution of this Board to be inclusive of Districts within Municipalities.

NOW THEREFORE BE IT RESOLVED, that the attached model agreement which was incorporated into this Board's resolution of February 8, 2007 is amended to reflect said changes.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads owns and operates a water system for commercial and domestic water consumption within the Village of Horseheads, the Village's Permissive Service Area, and various water districts, and

WHEREAS, the Village of Horseheads Board of Trustees sits and acts as Water Commissioners for such Department, and

WHEREAS, the Commissioners have enacted Rules and Regulations for the Department last revised September 2006, and

WHEREAS, Section 11.4 of said Rules provides that the Board may amend or change the Rules and Regulations from time to time without notice and without a hearing, and

WHEREAS, this Board/Commissioners have received a recommendation for proposed changes to such Rules and Regulations to establish a policy and procedure regarding regulation of cross connections, backflow prevention and contamination prevention.

NOW THEREFORE BE IT RESOLVED that the Village of Horseheads Board of Trustees acting as Water Commissioners hereby amends said Rules and Regulations as outlined and per the attached proposed policy and procedures on Backflow Prevention dated January 7, 2008.

Chris Lawrick - Chemung County Health Department requested this. We already have a program but they want a more formal description. We examine businesses for possible cross-connection, anyone that has waste material has to have backflow prevention devices.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, Mark Esposito of 152 Old Ithaca Road, Horseheads, NY has applied for a Peddler's Permit for the purpose of selling Financial Advisory Services door-to-door in the Village, and

WHEREAS, hawking and peddling is regulated pursuant to Chapter 171 of the Village Code, and

WHEREAS, it has been determined that the applicant has complied with all of the requirements necessary for the issuance of a permit under said Code.

NOW THEREFORE BE IT RESOLVED, that Mark Esposito is hereby granted a permit to peddle the aforementioned goods in the Village of Horseheads from the date hereof through December 31, 2008 subject to the condition that he shall pay to the Village Clerk-Treasurer the license fee of \$25.00 and shall comply with the regulations of said Code.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Trustee Herbst: Aye
Trustee Koliwasky: Aye

Audience Participation

Kristi Ferrera, 218 Weller Ave. - still have issues that were brought up last year. Need to work on penalties for code enforcement. We have a house in our neighborhood that had 3 owners in one year. For the past 3 fall seasons I have cleaned up over 150 bags of leaves from their property. Property maintenance should include picking up leaves. I had hip replacement. Ever since then I am not supposed to fall. Yesterday I learned that I need another surgery. I've ruined my hip. Please bring out the street sweeper. Please enact code penalties for not keeping up properties.

Mayor Zeigler - Code enforcement will be looked at for revisions. That is high on our list. We will not ignore this.

Ellen Along, Watkins Road - do we have a part time or full time Code Enf. officer?

John - contract with Town for code enf. Plus we have cso's that provide code enf. Svices. We have full time through town. Just call to town hall. 3 officers on staff.

Disc.....

Don - this whole issue is under review. I know what issue your talking about.

Tom Mike, Taylor Rd. - also here about code enf. People parking in yards, piles of tires, garbage. All within 1/2 block of me. Being concerns i've voiced my opinion. More resp. Put on homeowners. And more proactive approach to resident complaints. Should create a code enforcer. I've been asked to monitor and take pics. Also, crime is going up too. Talked to chief barton, he's listened very patiently. Seems to go together with decline in zoning. Neighborhood watch program. Seems to be a halt on that. But with change in govt., i'd like to say that i support as much resources towards neighborhood watch. Need a separate code enf officers, and support for neighborhood watch.

Don - great that the board hears from people. Chief barton is doing a great job. Very proactive on crime.

Put items in newsletter- parts of the code, etc.

Elliott Blauvelt, Jr. - improvements on han. Sq? Eliminatin of grass strips?

Don - we're looking into alternatives.

Don - will discuss at meeting with the merchants.

Kristi Ferrara - closed the pit. I have bags of leaves.

Chris - if the board wants i'll open it.

Walt -

- workshops, suggested agendas - walt distributed agenda to audience.
- conceptual draft for newsletter - distributed and discussed possible through email target is march 15th

George Kastenhuber - should put on website, then they can see other information.

Koliwasky - been on board for a month, talked to a lot of people. Looking for some good changes. Glad to see everybody here. Went to 911 center. Quite a facility.

Sharron - budget packets. Please review. Like to start scheduling budget workshops with department heads.

After brief disc., they schedule a budget workshop for Monday, January 14th at 4:00 p.m. Request to go into exec session to discuss collective bargaining nego. And employment history of

swartz, and koliwasky

include atty. Groff

At 8:15 p.m. the Board along with Atty. Groff moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:35 p.m., the Board reconvened back into its regular meeting.

As there was nothing further to come before the Board, the meeting was adjourned.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

January 10, 2008

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:15 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Howard Miller, Walter Herbst, and George F. Koliwasky, and Village Attorney John G. Groff, at which time they discussed collective bargaining negotiations, and the employment history of a particular person.

A lengthy discussion ensued between individuals present. No action was taken.

At 9:35 p.m., upon motion by Trustee Swartz, seconded by Trustee Miller, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst	Aye
Trustee Koliwasky:	Aye

CONTRACT FOR SHARED SERVICES
Adopted 2/6/07 - Amended 1/10/08

§1. For the purposes of this contract, the following terms shall be defined as follows:

"Designated Filing Agent" shall mean the central place where all similar contracts for Department of Public Works shared services are filed as agreed upon by all participating municipalities and Districts

"Municipality" shall mean any city, county, District, town or village which has agreed to be bound by a contract of shared services identical in terms and effect with this contract and has filed a certified copy of a resolution to that effect with the designated filing agent as defined herein.

"Contract" shall mean the text of this agreement which is identical in terms and effect with similar agreements, notwithstanding that each such contract is signed only by the Chief executive officer of each participating municipality and District filing the same, and upon such filing each filing municipality or District accepts the terms of the contract to the same degree and effect if each chief executive officer had signed each individual contract.

"Department of Public Works" shall mean the Village of Horseheads Department of Public Works or like department of any other Village.

"District" or "Soil and Water Conservation District" means a county whose board of supervisors (County Legislature) has by resolution declared said county to be a soil and water conservation district.

"District Manager" shall mean, in the case of a county, the District Manager of the Soil and Water District, or the person having the power and authority to perform the duties generally performed by the District Manager of the county Soil and Water.

"Shared Services" shall mean any service provided by one municipality or District for another municipality or District that is consistent with the purposes and intent of this contract and shall include but shall not be limited to:

- the renting, exchanging, or lending of highway machinery, tools and equipment, with or without operators, conditioned on such other municipality or District providing a similar service, or a service of substantially equal or equal value, in exchange;
- the borrowing or lending of supplies between municipalities or Districts on a temporary basis conditioned upon the replacement of such supplies or conditioned upon the obtaining of substantially equal or equal value through the provision of a service by the borrower or by the lending of equipment by the borrower, the value of which is substantially equal or equal to the borrowed supplies;
- the providing of a specific service for another municipality or District, conditioned on such other municipality or District providing a similar service, or a service of substantially equal or equal value, in exchange.

"Superintendent" shall mean, the case of a county, the county superintendent of highways, or the person having the power and authority to perform the duties generally performed by county superintendents of highways; in the case of a town, "superintendent" shall mean the town superintendent of highways; in the case of a village, "superintendent" shall mean the director of public works.

"Village" shall mean the Village of Horseheads.

§ 2. The undersigned municipality or District has caused this agreement to be executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality or District which has filed a similar contract in the office of the designated filing agent and which has sent a notice of such filing to the officer signing this agreement and the Superintendent or District Manager as the case may be.

§ 3. The undersigned municipality or District by this agreement grants unto the Superintendent the authority to enter into any shared service agreement with any other municipality or other municipalities or Districts subject to the following terms and conditions.

- a. The Village of Horseheads agrees to rent or exchange or borrow from any municipality or District any and all materials, machinery and equipment, with or without operators, which it may need for the purposes of the Village. The determination as to whether such machinery, with or without operators, is needed by the Village shall be made by the Superintendent. The value of materials or supplies borrowed from another municipality or District under this agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of equal value, to be determined by mutual agreement of the respective Superintendents.
- b. The Village of Horseheads agrees to rent, exchange or lend to any municipality or District any and all materials, machinery, and equipment, with or without operators, which such municipality or District may need for its purposes. The determination as to whether such machinery or material is available for renting, exchanging or lending shall be made by the Superintendent or District Manager. In the event the Superintendent or District Manager determines that it will be in the interests of the Town/Village to lend to any other municipality or District, the Superintendent is hereby authorized to lend to another municipality or District. The value of supplies or materials loaned to another municipality or District may be returned to the Village of Horseheads by the borrowing municipality or District in the form of similar types and amounts of materials or supplies, or by the use of equipment or receipt of services of equal value, to be determined by mutual agreement of the respective Superintendents or District Manager.
- c. An operator of equipment rented or loaned to another municipality or District, when operating such equipment for the borrowing municipality or District, shall be subject to the direction and control of the Superintendent or District Manager of the borrowing municipality or District in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.
- d. When receiving the services of an operator with a machine or equipment, the receiving Superintendent or District Manager shall make no request of any operator

which would be inconsistent with any labor agreement that exists for the benefit of the operator in the municipality or District by which the operator is employed.

- e. The lending municipality or District shall be liable for any negligent acts resulting from the operation of its machinery or equipment by its own operator. In the event damages are caused as a result of directions given to perform work, then the lending municipality or District shall be held harmless by the borrowing municipality or District.
- f. Each municipality or District shall remain fully responsible for its own employees, including salary, benefits and workers compensation.

§ 4. The renting, borrowing or leasing of any particular piece of machinery or equipment, or the exchanging or borrowing of materials or supplies, or the providing of a specific service shall be evidenced by the signing of a memorandum by the Superintendent or District Manager. Such memorandum may be delivered to the other party via mail, personal delivery or by facsimile machine. In the event there is no written acceptance of the memorandum, the using of the machinery, the receipt of the materials or supplies or the acceptance of a service shall be evidence of the acceptance of the offer to rent, exchange or lend.

§ 5. In the event any shared agreement is made without the memorandum at the time of receipt of the shared service, the Superintendent or District Manager receiving the shared service shall, within five (5) days thereof, send to the provider a memorandum identifying the type, time and date of the acceptance of the shared service. In the event such shared service related to or included the receipt of any materials or supplies, such memorandum shall identify such materials or supplies and the time and place of delivery.

§6. In the event a municipality or District wishes to rent machinery or equipment from another municipality or District or in the event a municipality or District wishes to determine the value of such renting for purposes of exchanging shared services of a comparable value, it is agreed that the value of the shared service shall be as set forth in the memorandum.

§7. All machinery and the operator, for purposes of workers compensation, liability and any other relationship with third parties, except as provided in §3e of this agreement, shall be considered the machinery of and the employee of the municipality or District owning the machinery and equipment.

§8. In the event machinery or equipment being operated by an employee of the owning municipality or District is damaged or otherwise in need of repair while working for another municipality or District, the municipality or District owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event machinery or equipment is operated by an employee of the borrowing, receiving or renting municipality or District, such municipality or District shall be responsible for such repairs.

§9. Records shall be maintained by each municipality or District setting forth all machinery rentals, exchanges, borrowings or other shared services. Such records will be available for inspection by any municipality or District which has shared services with such municipality or District.

§10. In the event any dispute arises relating to any shared service, and in the event such dispute cannot be resolved between the parties, such dispute shall be subject to mediation, as may be promulgated.

§11. Any action taken by the Superintendent or District Manager pursuant to the provisions of this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amounts set forth in the Village budget for highway purposes.

§12. A record of all transactions that have taken place as a result of the Village participating in the services afforded by this contract shall be kept by the Superintendent or District Manager and a statement thereof, in a manner satisfactory to the Village Board, shall be submitted to the Village Board semi-annually on or before the first day of June and on or before the first day of December of each year following the filing of the contract with the designated filing agent, unless the Village Board requests the submission of records at different times and dates.

§13. If any provision of this agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid and operative, or if it cannot be so modified, then severed and the remainder of the contract shall continue in full force and effect as if the contract has been signed or filed with the designated filing agent with the invalid provision modified or eliminated.

§14. Any party to this contract may revoke such contract by sending a notice of such revocation to the designated filing agent and a copy thereof to each participating municipality or District filing as required by paragraph 1 of this contract, within the definition of "Municipality" or "District". Upon the revocation of such contract, any outstanding obligations shall be settled within thirty days of such revocation unless the parties with whom an obligation is due agree in writing to extend such date of settlement.

§15. This contract shall be reviewed each year by the Village Board and shall expire five (5) years from the date of its signing by the Chief Executive Officer. The Village Board may extend or renew this contract at the termination thereof for another five (5) year period.

Village of Horseheads Backflow Prevention Program - 1/7/08

Plans and Specifications

All applications for water service will be reviewed by the Department for a determination as to the need for a backflow prevention device using the New York State Health Department Cross Connection Control Manual.

All back flow prevention devices required by the Department are the responsibility of the customer and must be designed by a registered Professional Engineer (P.E.) of the State of New York or an architect licensed by New York State.

Exception: If the water customer is a "Municipality", and the total cost of the installation does not exceed \$5,000, a non-P.E. employee of the municipality may design the installation.

Approved Backflow Devices

Only three devices are applicable to the containment concept of cross-connection control. These devices are the DCV (Double check valve), the RPZ (Reduced pressure zone) and the Air gap separation.

The New York State Department of Health maintains a list of Backflow prevention devices, which have been approved for use in New York State. All backflow prevention devices, which are required, shall be of a model and size approved by the New York State Department of Health for each type of assembly.

Currently approved devices are posted at:

<http://www.health.state.ny.us/environmental/water/drinking/cross/cross.htm>

Submission and Approval of Plans

The Customer is responsible for submitting all plans and specifications for a backflow prevention device per the following procedure:

1) Applicant must complete the "Application for approval of backflow prevention device" (form Gen 236) and submit it with detailed plans and specifications as well as an engineering report to the Department for approval. All forms, plans and reports must be submitted in quadruplicate.

2) After review and approval by the Department, all documents will be forwarded to the Chemung County Health Department for approval.

3) The County Health Department will forward the application and all documents to the State Health department - Bureau of Public Water Supply for final approval. Upon final approval by the State, a "Certificate of Approval" (form Gen 237) will be returned to the Department, and the Customer.

Note: If Plans are disapproved at any step, they will be returned to the customer for modification and resubmitted to the Department.

Engineering reports submitted with plans must meet NYS criteria as posted at:

<http://www.health.state.ny.us/environmental/water/drinking/cross/cross.htm>

Installation and Initial Testing

An approved backflow prevention device shall be installed on each service line as well as any by-pass line to a Customers' property at or near the property line or immediately inside the facility being served as determined by the Department. In all cases, the backflow prevention device will be installed before the first branch line leading off the service and will be fully accessible for maintenance and testing.

In the case of premises that have more than one service line, all service lines to the premise will be equipped with the appropriate backflow prevention devices dependent on the degree of hazard, which has been assigned to the facility.

All backflow prevention devices must be installed so that they are not subject to flooding or freezing. In no case will the installation of a backflow prevention device include unprotected bypass piping.

After installation of an approved backflow prevention device, the Customer is responsible for certifying that the installation was done in accordance with the approved plans. The initial device test results must also be documented and certified by an approved backflow device tester. Certification of installation and initial test results shall be submitted to the Department and the Chemung County Health Department within 30 days of installation. (NYSDOH form 1013 has been designed for both the designers' certification of installation and the certified test results).

Testing and Maintenance of Backflow Prevention Devices

Testing

The Customer is responsible for the certified testing of all backflow prevention devices at least once each year. In those situations where the Department or the Chemung County Health Department deems the hazard to be great enough, certified tests may be required at more frequent intervals. All backflow prevention devices shall also be tested upon initial installation and after each repair.

Only individuals that are New York State certified backflow device testers will conduct the testing of backflow prevention devices. All certified backflow device testers must register with the Village of Horseheads Water Department and provide current proof of insurance in a form acceptable to Corporation Counsel.

Results of all certified testing will be documented on form Gen 215 and forwarded to the Department and the Chemung County Health Department within 30 days of the test. The Customer shall keep all testing and maintenance records for each backflow prevention device a minimum of 10 years.

Maintenance

The Customer is responsible for conducting general maintenance, repair and replacement of all backflow prevention along with ensuring protection against freezing, flooding and continued accessibility. Piping checks shall also be conducted frequently to ensure that all backflow prevention devices have not been bypassed or otherwise rendered ineffective.

The Customer is responsible for the disassembly and re-building of all DCV and RPZ backflow prevention devices every five years and a copy of form Gen 215 documenting the work performed shall be provided to the Department and the Chemung County Health Department.

Customer Compliance and Enforcement

Facility Access/Inspections

In conjunction with an application for water service or request for inspection of an existing service the Customer shall allow the Department or its' authorized representative access to its' facilities for the purpose of inspections and assessment of the degree of hazard. Failure to provide access within 30 days of receiving written notice from the Department will be cause for the denial of water service or the discontinuance of water service to the facility.

Installation of Backflow Prevention Devices

Subsequent to the facility inspection, the Department or the Chemung County Health Department will make a determination as to the degree of risk that the facility poses for cross connection contamination of the public water system. Based upon the assigned risk, the Department will send written notice to the Customer advising that an approved backflow prevention device be installed.

If the required backflow prevention device is 2 inches in size or smaller, the water customer will be required to install an approved device within 90 days of notification.

If the required backflow prevention device is over 2 inches in size, the Customer will be require to install an approved device within 180 days of notification.

Failure to install an approved backflow prevention device within the compliance deadlines will be cause for the discontinuance of water service to the facility.

Certified Testing

An individual certified by New York State at least once each year will test all backflow prevention devices. If the potential for hazards are deemed great enough, the Customer shall test these devices on a more frequent basis as determined by the Department or the Chemung County Health Department. The results of the certified testing shall be sent to the Department and the Chemung County Health Department within 30 days of the test.

The Department will send a written notice to each Customer who has not submitted certified test results in a timely manner. The water customer shall have 30 days after notification to comply with the testing requirements.

Failure to comply with the requirements for testing backflow prevention devices will be cause for discontinuance of water service to the facility.