

The Theresa Town Board held a Public meeting to present and discuss the new proposed Town Law dealing with onsite waste water treatment systems (septic systems) June 3rd, 2016 at the Theresa Fire Hall, 400 Mill Street and the following were present:

Steven Marcinkowski	Supervisor
Timothy Busler	Councilmember
Charles Folsom - absent	Councilmember
Kevin McCarthy	Councilmember
Danielle Rajner	Councilmember
Kim Delles	Town Clerk
Tina Morrison	Account Clerk/Deputy Town Clerk

Others present: Ed Robertson, Eric Murdock, Clint Coolidge, Nancyanne Cutler, Ken Boyd, Sandy Zinninger, Vickie Staie, Melanie Curley, Lance Evans, Cortland Reff, Bethany Neuroth, Keith Lawrence, Nan Backus, Brian Backus, Donald McChesney, Janet McChesney, Rhada Decker, Al Decker, Jeff Frederick, Janet Hanschuh, Gerard Cole, Sonya Pearson, Charles Fram, Sally Wilcox, Jane Gillett, Anne Gillett, James R. Vock, Gerolz Burnett, George Ledger. Jan Jastrzab, John Weldon, Tim Reed, Joanne Thornton, Richard Nuijens, Anthony Hartle, Carl & Ann Halback, Arielle Morrison-Salisbury, Robert Folsom, Jim & Connie Gedamoske, Don Roberts, Alan Slate, Greg Parmes, Wallace Freeland, Francis Wood, Randy Raso, Daryl & Gail Marsh, Jan & Ken McCormick, Joe McChesney, Daren Morgan, Thomas Hoover, Thomas & Linda Briggs, Loretta Ledger, Mark Chant, Lorrie Guler, Beverly Willix, Roy Mero, Gary McAllister, Bob VanTassel, Amanda Burnard, Arthur Matukas, John P. Evans, Dale Felder, Alan LaClair, Lyle VanTassel, Gerard Kipp, Allen Drake, Pete Rajner, John & Amy Stenard, Tim Tanner, Rushell Chaltain, David Ebbrecht, Kelly Busler, Jeannine McKnight & Dawn P. Strawn.

The meeting was called to order by Supervisor Marcinkowski at 7:07 p.m.

Supervisor Marcinkowski thanked everyone for coming. He stated that (3) years ago there was a lot of subdivisions happening in the Town. At that time the Planning Board had a public meeting about a tree law and setback law. The DEC was present at the meeting and said that a major cause of lake pollution and algae blooms were because of the failing septic systems in Theresa. That was why the new proposed law was brought forth. He would like constructive criticism from the everyone.

Councilmember McCarthy spoke about the Model Lakes Law that was proposed (2) years ago. It was very comprehensive on setbacks and greenbelts. During the public meeting there was sharp criticism and the problem was determined to be more with the septic systems around the lakes. The soil depth in Theresa is not sufficient. Last summer a volunteer test was taken and a lot of septic systems were not properly working. The consensus was to concentrate on septic systems. A Water Quality Committee was set up and met monthly. The result of the Committee was not an aggressive plan but a gradual plan. No one would be knocking on doors to test systems and no new department or personnel would be hired.

Ed Robertson told the audience that algae blooms in the lakes limits swimming, kills pets and makes kids sick. He showed everyone a picture of Butterfield Lake showing an algae bloom. He stated that it would eventually lead to dropped assessments in the Town. The problems are phosphorus in the lakes, which acts as fertilizer for weeds. The lowland soil types which are too close to bedrock are unsuitable for septic systems. He showed everybody a map that shows almost all of Theresa in the red (which indicates poor soil conditions for septic systems). About 15 years ago he noticed more and more building on the lakes and people are staying longer on the lakes. The risk is the health safety of Theresa residents. It threatens property values and it could mean higher taxes on non-water landowners. Also, a threat to well water. The solution was to form a Water Quality Committee. The Indian River Lakes Conservancy was given a \$35,000.00 grant and used \$7,071.00 of Conservancy money to match, for a total of \$42,071.00 to work on the water project. They studied for a year and a half together with DOH, DEC, Federation of Lakes, Water Shed & Lake Associations. Onsite Engineering, Syracuse, was hired to help the Committee. The Committee held 6 1/2 day sessions. Mr. Robertson said that the Town was not fully enforcing the NY State Law (75-a). He said 410 systems around the lakes are functioning incorrectly. This new proposed law would have triggers for inspections: Change in title; sale of property; change of use; an addition to a house. In the case of a sale of property the new owner would be responsible for upgrading the system if needed. To determine if in compliance there would be a check off list: DOH - if system is relevant to Theresa; Engineer

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would select what is suitable; Code Officer would also check system. A flow chart would tell which system works best. Pre-designed systems would be used for what works in Theresa soils. It would cost a little more money to do the right thing.

Eric Murdock, Onsite Engineering, said that the Theresa community is same as others in NY State. The Town of Inlet, Town of Huron, Lake George all had the same situation as Theresa. A lot of ideas for the Theresa's proposed law were from Keuka Lake. They all had limited vertical & horizontal land, so advanced treatment designs have been used in those areas.

Mr. Robertson said that the OTN inspection on a tank 25 years or older has since been taken out of the proposed law.

Lance Evans, Executive Officer of Jefferson/Lewis/St. Lawrence County Board of Realtors, thanked the Committee for their work. His concerns were with the inspections being on the back of a buyer new to the Town. The possibility with being hit with \$15,000 to change a system could possibly delay home sales and lower home prices in Theresa. He stated a loan for a house would not include a septic upgrade.

Randy Raso, President of the Jefferson/Lewis Board of Realtors, told the Committee that VA loans have no down payment or up front money. There would be no money for \$15,000.00 to \$30,000.00 extra for a septic system. The seller would have to sacrifice that amount to get rid of the home. He thought there would be vacant houses, skeleton houses and the value of homes would drop if the law passed the way it is now. He thought it was unfair to pass on to an inheritor who might not be able to afford. Also, if they know it is around the lakes then don't burden the other Town residents.

Eric Murdock replied that the surface water goes into streams that then goes to the river and lakes, therefore that is why all of Theresa is included.

Mr. Murdock said that what they have seen is that the seller and buyer typically share the cost.

Sally Wilcox said that businesses have to have mandatory testing done which cost thousands of dollars.

Thomas Briggs totally disagrees with the proposed law. He thinks buyers are not going to buy and that the property values will go down the toilet. He thought the onus is on the owner/seller. Mr. Briggs is concerned why the Town would take this on and not the County. The County should do the inspections. He agrees with the intent of the law but it is a much bigger problem than Theresa.

Supervisor Marcinkowski said that there are so many lakes in Theresa.

Councilmember McCarthy said that there is nothing in the law that states the seller can't get the inspection and fix.

Mr. Robertson said that Theresa is the Land of Lakes and it is being done here because we love the lakes.

Mr. Briggs thought the Board could petition the County to do the inspections.

Allen Drake, County Legislator, stated that the Town of Theresa does their own inspections and enforces their own laws. He said it is a Town issue and with (22) Towns in the County it won't ever happen.

Mr. Briggs thought that the \$250.00/day fine is too high.

Bob VanTassel said that he has talked to the State. He thought that the Town should petition the County to do the inspections. He said he commends the Conservancy for their work but the Conservancy has taken \$1,100,000.00 off the tax rolls. He thought that a simple solution would be to enforce the 75-a law already set by NY State. He thought a fund should be created and they could go after grant money. Mr. VanTassel thought that farmer's add to the problem with fertilizer going into the ground water.

Supervisor Marcinkowski said that liquid manure spread too close to homes/wells needs to be addressed.

Mr. VanTassel told the committee that he spoke to Brad Millett, Theresa Assessor, and he thought assessment would go down if passed. He thought that with the County/State/Town zoning laws he did not think this new law was needed. Just need to enforce the laws on the books now, not create new ones. Mr. VanTassel pointed out that the newest revisions to the law

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were not on the website so they could be reviewed before the meeting. Mr. VanTassel felt the County was more equipped to handle the problem. He said that all the lakes have improved over the last (20) years.

Mr. Robertson that the committee is still working on appendages for the proposed law. He said that there would be a large window to accommodate weather & other difficulties. Supervisor Marcinkowski said there would be no vote in the near future on the law and the Committee would use information from this evening to make changes. Mr. Drake stated that it will still cost money if the County takes over.

Dale Felder, Cottage Hill Road, praised the Town Board, the Enforcement Officer for cleaning up the Town and the Highway Department for keeping the roads great. He felt that an excellent job was done in the Town. He agreed with Mr. VanTassel about laws for septic systems. Mr. Felder said that alot of residents would not be able to afford these proposed systems. He said that Theresa is a very poor culture, but alot of the people on the lakes are fairly wealthy. He stated that he thought Indian River Lakes Conservancy had personal agendas with this law. Mr. Felder told how he lives on Butterfield Lake and that there are beaver dams on the lake, the Alexandria Bay septic system is nearby, the lake heavy with camps and half of the lake is in Alexandria Bay. He believed that this should start in the school systems and teach kids early about conservation. He said that he has up to (6) trailers near him that he knows could not afford this. He recommended that the Town Board meet with the State Governor and State Leaders.

Councilmember McCarthy said that alot of people cannot afford it and maybe they could narrow the district to near the lakes.

Tim Reed said he lives on the Indian River and questioned why he will need to do it but someone on the Schell Road won't. He stated he was not happy about that.

Rick Nuijens said that all ground water ends up in the streams and then to the lakes.

Mr. Robertson said that the Town has not been enforcing the NY State Law.

Mr. Felder said he was talking about the past. Terry McKeever needs more time to make up for the past.

Eric Murdock said that replacement of septic systems are not controlled by the State law.

John Stenard said that it was a good discussion, but it had not been established why it is needed. He pointed out that the Realtors have said it will be harder to sell house. He thought Bob VanTassel idea to enforce existing laws was a good idea. He said he had a basic question...has anyone gotten sick because of the problem?

Mr. Robertson stated that several people do not swim in Butterfield Lake.

Jan Jastrzab asked if a permit is needed to replace a system? Can property owners put in for an upgrade and could there be an ordinance to notify an adjoining neighbor.

Mr. Robertson said that you have to be 100' from a well, which is up to the Engineer and the Code Officer to inspect.

Carl Halbak, Sixberry Lake, said he was a transplant here and he comes from an area where the lakes were polluted. A septic system and sewer lines were put around the whole lake. He feels that the Town cannot allow the problem to perpetrate. He thought some of the people were being shortsighted about the problem. He said that it has taken 40 to 50 years to get here and it will take 40 to 50 to 60 years to correct. He stated that the phosphorus in Sixberry Lake is up. He thinks if nothing is done the property on the lakes will be worth nothing in (40) years. He thought that this law is small potatoes and wondered why anyone would want to pass on a white elephant to their kids.

Randy Raso said that when there is property transaction, Realtors are required to do a property disclosure form. This law will go above and beyond that requirement. He suggested that the Town adopt the State Code for replacing and repairing a septic.

Supervisor Marcinkowski said that not everyone is getting permits to repair and replace septics.

Bob Folsom asked if the Town Lawyer has looked at the proposed law? He thought that the lake water is better than the well water. He stated that the Town of Inlet and Lake George are in the Park Agency.

Supervisor Marcinkowski said the Mark Gebo, Town Lawyer had (3) pages of comments about the law.

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Rick Nuijens said that existing systems are the problem and 75-a is needed on existing systems.

Dave Ebbrecht asked if the septic is fine but the leach field is bad can he replace without a permit.

Mr. Robertson said that now he can but that is what this law is trying to do. He said there is a solution to every existing system, even on 50' grandfathered lots. Holding tanks are illegal because there is no pumping capability.

Eric Murdock said that there is a big difference between working and actual treating the water. People assume if there is no septic water on the ground the system is working. That is not always the case, treatment has to occur. It could cost up to \$15,000 with the cost of installation. With the mechanism that would trigger an inspection, the Town would look in the opening and compare to current standards. If the distribution box needed to be pumped out, it could be determined immediately if it was working correctly.

Tim Reed pointed out that according to the map showing all of Theresa in the red, there are no areas in Theresa for a standard system.

Eric Murdock said that the map shows conventional systems won't work. Raised beds are used to create vertical separation. There would be visual evidence showing they are not working. If they are not working, they will need to be fixed. If they are working they don't.

Janet Handschuh asked who would do the inspections? Also, how would the systems be tested in the winter?

Mr. Robertson said that Industry Professionals that have been trained would do the inspections. It would cost \$150.00 to \$200.00 for an inspection. There is a provision in the law to delay testing in the winter.

Ms. Handschuh asked if there is a plan to treat the phosphorus in the lakes? She thinks that Redwood sewer system is a big factor on Butterfield Lake. Water is distributed from Redwood and it has been since 1991 when the system was started. She said that there are middle class people on the lakes and this would be too costly. The average income in Theresa is a lot lower than Lake George, Sodus and the other areas that have these laws.

Al Decker said that Theresa is a poor district and it would be another burden put on homeowners and family members (if house is willed to them).

Daren Morgan stated that there is no reason the Town can't adopt the State Law provision 75-a for a system that fails or needs repairs.

Mr. Robertson said it would be impossible on lots not big enough.

Lance Evans asked how long does an inspection last?

Councilmember McCarthy stated that it is good for 1 1/2 years.

Ken Boyd, Lake of the Woods, said that his land was passed down generations and now he is selling parcels. He had a concern that if a parcel can not comply with the law it would not sell and it would be worthless. As of now people are assessed for lake footage. Would people get a break on taxes if their land didn't comply with the law?

Nancy Girard wondered why the Town didn't make the minimum frontage on the lakes 300' instead of 100'. It would have cut down on the population on the lakes and there would not be a problem now. She feels the Town would be lacking if they don't increase the minimum frontage on the lakes.

Dave Ebbrecht asked how long do the systems the new laws are proposing last?

Mr. Robertson said 50 years.

Supervisor Marcinkowski closed the meeting at 9:24 p.m. and thanked everyone for coming.