

PUBLIC HEARING
PROPOSED LOCAL LAW #3 OF 1999
ENTITLED
"A LOCAL LAW REGULATING SEWER USE IN THE
TOWN OF PALMYRA, NEW YORK"

The public hearing scheduled to be held on Thursday,
July 22, 1999 at the Town Office, 201 East Main Street, Palmyra,
New York, to consider proposed Local Law #3 of 1999 entitled "A
Local Law Regulating Sewer Use in the Town of Palmyra, New
York, was called to order at 8:00 PM by Town Supervisor,
David C. Lyon.

CALL TO ORDER

Those in attendance at this public hearing included the
following:

- Robert K. Jagger, 4193 Hogback Hill Road
- L. Roat, 2886 Rt. 21 North
- Caroline Grasso, 2873 Rt. 21 North
- Donna Camblin, 3192 E. Foster Street
- Marv Garland, 1321 Hammond Road
- Gary Morell, 1862 Daansen Road
- Rhonda & Dan Ward, 1808 Walworth Road
- Lee & Tammy Hutter
- Roger & Pat Shaner, 879 Johnson Street Road
- James Porretta, 24 Drumlin Drive, Macedon
- Stephen Zadora, 7 Melbar Drive, Farmington
- Illegible, Address also illegible
- Kim M. Danier (?), 3785 Trolley Road
- Ellie Drake, 407 Vienna Street
- Kris Dreessen, Canandaigua Messenger
- Nelson F. Cook, Town Highway Superintendent

The following legal notice, as published in the Courier-
Journal, was read by the Town Clerk:

LEGAL NOTICE
READ

TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW NO. 3

PLEASE TAKE NOTICE, that the Town of Palmyra has enacted Local Law No. 3 for the year 1999, entitled "A Local Law regulating sewer use in the Town of Palmyra, New York", which establishes and limits the use of the sanitary sewer and creates standards for the waste that is transmitted to the sanitary sewer. It provides for costs for extra-strength waste, which is transported to the sewer and conditions governing connection payment and use of the sanitary sewers and penalties for a violation of the requirements in the local law.

PLEASE TAKE FURTHER NOTICE that a public hearing will be held on the aforesaid proposed Local Law before the Town Board of the Town of Palmyra at the Town Office, 201 East Main Street in the Town of Palmyra, at which time all interested persons will be heard.

*This notice must be published at least five (5) days before the date of public hearing.

Supervisor Lyon asked those present for any comments for or against this proposed local law. Marv Garland asked if the sewer line on Stafford Road belonged to the Town of Palmyra. Supervisor Lyon told him it will be dedicated to the Town after it is completed and inspected. He then asked for any more comments or questions. There were none.

He asked the Board members if they had any questions or comments. They did not.

PUBLIC HEARING
CLOSED

Supervisor Lyon declared this public hearing closed at 8:03 PM.

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PUBLIC HEARING
PROPOSED LOCAL LAW #4 OF 1999
ENTITLED
"A LOCAL LAW ESTABLISHING SEWER USE RENTS"

PUBLIC HEARING
CALL TO ORDR

The public hearing scheduled to be held on Thursday, July 22, 1999, at the Town Office, 201 E. Main Street, Palmyra, to consider the proposed Local Law #4 of 1999 entitled " A Local Law Establishing Sewer Use Rents" was called to order at 8:03 PM by Town Supervisor David C. Lyon.

Those in attendance were same as the previous hearing.

The following legal notice, as published in the Courier-Journal, was read by the Town Clerk:

**TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW NO. 4**

PLEASE TAKE NOTICE, that the Town of Palmyra has enacted Local Law No. 4 for the year 1999, entitled "A Local Law establishing Sewer Use Rents", which establishes the cost for each unit connecting to the sewer and furnishing waste of residential strength to the sewer. The sewer use rent is computed at \$3.50 per 1,000 gallons with a minimum charge each quarter of \$59.50. In addition, there is a service fee which totals \$240 per year with a fixed sum of \$60 payable quarterly. Connections to the sewer will cost \$1,250 per unit. Billing will be quarterly on March 1, June 1, Sept. 1 and December 1 in each year,

PLEASE TAKE FURTHER NOTICE that a public hearing will be held on the aforesaid proposed Local Law before the Town Board of the Town of Palmyra at the Town Office,

201 East Main Street in the Town of Palmyra, at which time all interested persons will be heard.

*This notice must be published at least five (5) days before the date of public hearing.

Supervisor Lyon then asked those present if there were any questions or comments regarding this proposed local law. He then asked the board members if they have any questions or comments. There being none, he declared this public hearing closed at 8:05 PM.

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REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, July 22, 1999, at the Town Office, 201 East Main Street, Palmyra, was called to order at 8:20 PM by Town Supervisor David C. Lyon.

CALL TO ORDER

Supervisor Lyon led those present in the Pledge of Allegiance to the Flag.

PLEDGE OF ALLEGIANCE

Upon roll call, the following board members were present:

ROLL CALL

- Town Supervisor - David C. Lyon
- Town Board Members - David Nussbaumer
- Michael Lambrix
- (Lynne Green & James Welch were absent)

Others in attendance at this Town Board meeting included the same people as those that attended the public hearings.

David Nussbaumer moved to approve the minutes of the June 24, 1999 Town Board Meeting as submitted.

MTN TO APV
MIN OF 6/24/99

Seconded by: Michael Lambrix Carried: Unanimously

COMMUNICATIONS

- 1. Letter from Kevin Carrier RE: Removal of tires on Trolley Road
- 2. NYS & Local Retirement Systems RE: Pre-Retirement Seminars

REPORTS OF STANDING COMMITTEES

Assessment Committee - Lynne Green, Chairman

1. Assessor Update

ASSEESSOR
UPDATE

Ann Vingee-Taber, Sole Assessor, is at school this week and a report was not received.

Highway Committee –David Nussbaumer, Chairman

1. Condemnation by NYS DOT for electric service to RR crossing on Hogback Hill Road

CONDEMNATION
OF HIWY BY
NYS DOT

Nelson Cook, Highway Superintendent, reported to the board that the NYS Department of Transportation has condemned a portion of the property at 4047 N. Creek Road, on the west side down to railroad crossing in order to tap into the electricity on N. Creek Road.

2. Approval for Highway Superintendent to attend fall conference in Neville on Sept. 28 – Oct. 1 – Cost not to exceed \$550.00

MTN TO APV
SCHOOL FOR
HIWY SUPER

David Nussbaumer moved to approve Nelson Cook, Highway Superintendent attend the fall conference in Neville on Sept. 28 – October 1, at a cost not to exceed \$550.00.

Seconded by: Michael Lambrix Carried: Unanimously

3. Town has received the checks from FEMA for the windstorm and the snow storm damage

CHECKS RECV'D
FOR LABOR DAY
STORM & SNOW
STORM

Mr. Cook reported to the board that the Town has received from FEMA a check for the 1998 Labor Day storm in the amount of \$14,028.00 and for the 1999 March snow storm a check in the amount of \$12,218.50.

HIWY UPDATE

Mr. Cook reported that the work on Rt. 21 (by the school) has been completed (with the help of the State and County Highway Departments) and Stafford Road and Jeffery Road shoulders are being completed now. In reply to a question from someone attending this meeting, Mr. Cook said he had nothing against the Mormons; that week was the only week the

Equipment could be rented and that the State and County Highway Departments were available to help with the work.

Planning Committee - James Welch, Chairman

1. CEO Update

Robert Grier, CEO, presented the board members with a calendar for the month of July with the jobs he had done on each day. He also reported that he has issued 111 building permits to date; the plans for Canalside Estates has been approved and permits have been issued (6 permits at a time in order to keep up with inspections); he has talked to Trooper Post regarding complaints on the Canalside Inn and to Tim Orbaker (owner of same) and told them there is no license for off-premises activities (outside of the building); he (the owner) will have to come to the Town Board for permission for any outside activities.

CEO UPDATE

Zoning Committee - Michael Lambrix, Chairman

1. Planning Board referral RE: Placement of mobile home on private property

The following recommendation from the Palmyra Planning Board was read into these minutes:

Dated: July 13, 1999
 To: Bev Hickman, Town Clerk
 From: Dan Wooden: Deputy CEO
 RE: Zadora Mobile Home Placement

PLACEMENT OF
 MOBILE HOME
 ON PRIVATE
 PROPERTY

On Monday, July 12th, the Planning Board recommended that the Town Board approve the request, from Stephen Zadora, to place a mobile home on a single building lot located on Archie Parrott Lane. According to the Town's Mobile Home Ordinance the Town Board has the authority to grant or deny the placement of a mobile home on a building lot not located within a mobile home park. As part of the recommendation, the Planning Board suggested that all mobile capabilities be removed from the structure and that the structure be placed on a permanent foundation over a crawl space or full basement.

Mr. Zadora showed the board pictures of the mobile home he would like to place on Archie Parrott Lane. Supervisor Lyon asked Bob Grier, CEO, if this particular mobile home meets our regulations. Mr. Grier told him it falls into the category of mobile

homes. He stated that it falls very close to the manufactured home specs and that is why the Planning Board approved it. He added that the state has a brochure of approved homes and this home is not on the list. Michael Lambrix then moved to deny the application of Stephen Zadora for a mobile home on a private lot on Archie Parrott Lane.

Seconded by: David Nussbaumer Carried: Unanimously

AGENDA ITEMS

- 1. Easement for water tank project

MTN TO APV
EASEMENT FOR
WATER TANK
PROJECT

Supervisor Lyon moved the following resolution:

WHEREAS, the Town of Palmyra has requested a 20 foot easement from Cleason Equipment, Inc. to install on its property a water pipeline running northerly from the intersection of Vienna Road and Route 31 to the Barge Canal lands; and

WHEREAS, Cleason Equipment Company, Inc. has agreed to grant the easement upon the condition that the 20 feet easement shall be within the confines of any right-of-way or dedicated street which would cross the property owned by Cleason Equipment company, Inc. from Route 31 to the Barge Canal.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby determine that the 20 feet wide waterline easement running from the intersection of Route 31 and Vienna Road will be included in the width of any dedicated street or right-of-way, not to exceed 60 feet in width, that may be dedicated running from the intersection of Route 31 and Vienna Road.

Seconded by: David Nussbaumer Carried: Unanimously

- 2. Proposed Local Law #3 of 1999 – Subject of Public Hearing

MTN TO APV
LL #3 OF 1999
“,,REGULATING
SEWER USE IN
THE TN OF PAL”

Michael Lambrix moved to approve Local Law #3 of 1999 as follows:

**TOWN OF PALMYRA
WAYNE COUNTY, NEW YORK STATE
LOCAL LAW NO. 3**

Section 1. A local law regulating sewer use in the Town of Palmyra, New York.

Section 2. The local law shall read as follows:

SEWER USE LAW OF THE TOWN OF PALMYRA, NEW YORK

ARTICLE 1-GENERAL PROVISIONS

A. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Law shall be as follows:

1. "Biochemical oxygen demand" (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
2. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipe is inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
4. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
5. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
6. "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
7. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
8. "Industrial user" shall mean any industrial or commercial establishment with a classification as designated in the "Standard Industrial Classification Manual", 1972 edition, as published by the Executive Office of the President and who utilizes the services of the Town's sewer system.
9. "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
10. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
11. "New York State department of Environmental Conservation" of "NYSDEC" shall mean the NYS Department of Environmental Conservation or other duly authorized official of said Department.
12. "May" is permissive (See "shall, paragraph 23).

13. "Person" shall mean any individual, firm, company, association, society, corporation or group.
14. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
15. "Pretreatment" shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW, as defined in Paragraph 18. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.
16. "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{2}$ inch (1.27 centimeters) in any dimension.
17. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.
18. "Publicly owned treatment works (POTW)" shall mean a treatment works as defined by Section 22 of the Act (33 USC 1292). Includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
19. "POTW Treatment Plan" shall mean that portion on the municipal system which is designed to provide treatment (including recycling and reclamation) wastes received by the municipal system.
20. "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from the residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
21. "Sewage" is the spent water of a community, The preferred term is "wastewater", Paragraph 30.
22. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
23. "Shall" is mandatory (See "may", Paragraph 12).
24. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation of the wastewater treatment works.

25. "SPDES" shall denote the State Pollution Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permits authorizing discharges to the waters of the State.
26. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
27. "Superintendent" shall mean the Town Engineer or Town wastewater treatment supervisor for the Town, or his or her employee, authorized deputy, agent, or representative.
28. "Suspended solid" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water,
29. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
30. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
31. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
32. "New York State Department of Health" shall mean the Department of Health of the State of New York or its duly authorized representative or agent.
33. "Health Officer" shall mean the Town or County Health Officer or his or her duly authorized agent or representative.
34. "Extra strength wastewater" shall mean a discharge into the system that is not equivalent to "domestic strength".
35. "Domestic strength discharge" shall be given the meaning as set forth from time to time in the Rules and Regulations of the New York State Department of Environmental Conservation.
36. "Domestic equivalent strength discharge" or " Domestic strength equivalent discharge" shall mean wastewaters containing pollutants in concentration less than BOD's of 250 milligrams per liter and total suspended solids of 250 milligrams per liter.

ARTICLE II-USE OF PUBLIC SEWERS

Section 1- Unsanitary disposal of wastes prohibited.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Palmyra, or in any area under the jurisdiction of the Town, garbage, any human or animal excrement, except in accordance with

the regulations established by the Department of Environmental Conservation or objectionable waste.

Section 2- Discharge of untreated sewage prohibited.

It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

Section 3- Uses of privies, septic tanks and other facilities restricted.

Except as hereinafter provided, it shall be unlawful to construct, maintain or use any privy, privy vault, septic tank, cesspool, leach field, dry well, or other facility intended or used for the disposal of wastewater, unless said facility complies with current State standards.

Section 4- Connection to available public sewer required.

A. The owner of all houses, buildings or other properties used for human occupancy, employment, recreation or other purposes erected or constructed after the effective date of this Local Law, situated within the Town, and/or abutting on any street, alley or right of way in which there is located a public sanitary or combined sewer of the Town, is hereby required at owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Local Law within 90 days after the date of official notice to do so, provided that the said public sewer is within 100 feet of the property line.

B. The owner of any house, buildings or other properties used for human occupancy, employment, recreation or other purposes, who septic system or wastewater treatment system fails, situated within the Town and/or abutting on any street, alley or right of way in which there is located a public sanitary sewer of the Town, is hereby required at their own expense to install suitable toilet facilities therein, and to connect such facilities directly with such public sewer in accordance with the provision of this Chapter within 90 days of the failure of the existing system or 90 days after notice to do so, whichever occurs first, provided that said public sewers is within 100 feet of the property line.

C. Any property located in a sewer district or whose property is within 100 feet of a public sewer on a street, alley or right of way in which there is located a public sanitary or combined sewer of the Town, may upon installation of the proper facilities and approval of the Town, connect to the public sewer. Any new construction within the area described in this paragraph shall connect to the public sanitary sewer system.

ARTICLE III-PRIVATE WASTEWATER DISPOSAL

Section 1 - Private wastewater disposal.

Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying the provisions of this Article.

Section 2- Permit required, fee.

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee will be charged as set forth from time to time on the Town's fee schedule. All permit fees shall be paid to the Building Department at the time the application is made for transmittal to the appropriate Town office.

Section 3- Inspection.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. If the wastewater disposal system has been designed by a licensed engineer and/or land surveyor, then the person designing the system shall certify to the Town and its representative that the system has been installed in accord with the design that meets all State requirements. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

Section 4 - Compliance with other departmental or agency requirements.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Health of the State of New York. No permit shall be issued for any private wastewater disposal system employing sub-surface soil absorption facilities where the area of the lot is less than 20,000 square feet, unless the lot is pre-existing and is at least 8,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 5- Connection with public sewer when available.

At the time there is a connection to a public sewer by an existing property which had been serviced by a private wastewater disposal system, the private wastewater system shall be cleaned of sludge and filled with stone or other material as approved by the Superintendent.

Section 6- Operation at owner's expense.

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

Section 7- Health Officer may impose additional requirements.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town, or representative of the State of New York.

ARTICLE IV-BUILDING SEWERS AND CONNECTIONS

Section 1- Permit required to connect with public sewer.

No authorized person shall uncover, make any connections with or opening into, uses, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Section 2- Classes of permits.

There shall be two classes of building sewer permits:

1. For residential and commercial service, except those commercial users who by definition is an industrial user.
2. For service to establishments producing industrial wastes.

In either case, the owner or his or her agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee will be charged as set forth from time to time on the Town's fee schedule. All permit fees shall be paid to the Building Department at the time the application is made for transmittal to the appropriate Town office.

Section 3- Costs to be borne by owner.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4- Separate building sewers; exception.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 5- Old building sewers, when permitted.

Old building sewers may be used in connection with new buildings when they are found, on examination and tested by the Superintendent, to meet all requirements of this Chapter.

Section 6- Construction to conform to rules and regulations.

The size, slope, alignment, materials of construction or a building sewer and the methods to be used in excavating, placing of the pipe jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Section 7.- Required elevation of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 8- Standards for connection to public sewer.

A. Applicable rules and regulations. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

B. Superintendent to inspect connection. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his or her representative.

C. Guarding of excavations; restoration. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 10- Industrial users.

A permit issued pursuant to Article IV, Section 2 shall be subject to the following conditions:

A. Permit applications. A permit application for industrial users shall provide the following information:

1. Anticipated volume computed on a daily, weekly and monthly basis; and if seasonal or otherwise irregular, the anticipated peak periods.
2. Constituents.
3. Characteristics of wastewater.
4. Flow rates.
5. Each product produced by type.
6. Amount and rate of production; and
7. Description of activities, facilities and plant process on the premises including all materials processed and types of materials which are or could be discharged.

B. Terms and conditions.

1. Any permit issued under this Section shall contain such limits and restrictions on volume, constituents, characteristics of wastewater and flow rates as may be determined by the Superintendent as reasonably necessary to equitably allocate the capacity of the POTW and to safeguard the public health, safety and welfare; and such other requirements as may be determined by the Superintendent pursuant to Article V of this Chapter.
2. Permits shall contain specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
3. No permit will be issued if the proposed discharge would violate the rules of the Village of Palmyra for wastewater.

C. Modifications by Town.

1. The permit terms and conditions shall be subject to modification and change by the Superintendent. Except in case of emergency, the Superintendent shall notify the permit holder at least 30 days in advance in writing served either personally or by certified mail, return receipt required, at the permit holder's place of business within the town. Such notice shall specify the proposed changes or modifications, the reasons therefor, and the proposed effective date; a statement that the permit holder may submit in writing any objections, counter proposals or justification for continuation of any or all of the terms and conditions of the permit; and also the right to request a hearing before the Superintendent, if demanded within the 30 day period, and to be represented by counsel and to present proof and rebut any evidence produced at the hearing.
2. Compliance with any final order of the Superintendent under this subdivision shall not be required sooner than 30 days after service upon the permit holder, as above provided, except in case of emergency.

D. Modifications at request of permit holder. An industrial user shall apply for a permit modification if production or process is changed so that wastewater characteristics or flow is altered.

E. Assignment or transfer of permit. A permit issued pursuant to this Section shall not be assigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.

F. Maximum time period. A permit issued pursuant to this Section shall be a period not to exceed five years; provided, however, that a permit may be extended for additional periods not to exceed 5 years each upon payment of the required fee and submission of a new application as provided in Subdivision A of this Section. Such application shall be submitted within six months and not less than one month prior to expiration of a permit.

G. Revocation of permit. A permit may be revoked by the Superintendent for any of the following conditions:

1. Any false information submitted in the permit application.
2. Willfully exceeding the limits and restrictions as to volume, constituents, characteristics of wastewater and flow rates as specified in the permit.
3. Willfully failing to maintain monitoring programs as required by the Superintendent.
4. Failure to take corrective action as specified by the Superintendent within the time specified.
5. Failure to pay any charges, fees or sewer rents within three months after falling due.

H. Enforcement. Conditions of wastewater discharge permits shall be uniformly enforced by the Town in accordance with this Chapter and applicable State and Federal Regulations. Permits shall be expressly subject to all provisions of this Chapter and all other regulations, user charges and fees established by the town and applicable State and Federal regulations.

ARTICLE V-USE OF THE PUBLIC SEWERS**Section 1- Discharge of surface waters in sanitary sewer prohibited.**

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.

Section 2- Discharge of stormwater or unpolluted drainage*

Stormwater other than exempted under Article V, Section 1, and all other unpolluted drainage s hall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

*A SPDES permit must be applied for and is subject to Federal and State regulation.

Section 3- Prohibited waters or wastes.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW.
2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plan.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to: ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Section 4- Restrictions on discharge of certain wastes.

The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his or her opinion such more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject water in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval the Superintendent are as follows:

1. Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius) or in such quantities that the temperature at the treatment works influent exceeds 104° Fahrenheit (40° Celsius).
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat, or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials as shown in Appendix A or as set forth in a categorical pretreatment standard.
6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable local, State or Federal regulations.
8. Quantities of flow, concentrations, or both, which constitute a "slug" as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

11. Any substance which may cause the POTW effluent or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

Section 5- Authority of Superintendent over certain wastes.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Article V, Section 4, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section II.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent.

Section 6- Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Article V, Section 4, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

Section 7- Facilities to be maintained by owner.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

Section 8- Access structure.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his or her expense and shall be maintained by him or here as to be safe and accessible at all times.

Section 9- Information to be furnished by user

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Section. These requirements may include:

1. Wastewaters discharge peak rate and volume over a specified time period.
2. Chemical analyses of wastewaters.
3. Information on raw materials, processes, and products affecting wastewater volume and quality.
4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
6. Details of wastewater pretreatment facilities.
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 10- Measurements, tests, analyses

All measurements, rests and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published in the American Public Health Association. Sampling methods, locations, times, duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

Section 11. Special agreements permitted

Special agreements and arrangements between the municipality and any persons or agencies may be established when in the opinion of the municipality, unusual or extraordinary circumstances compel special terms and conditions. Acceptance of such waste shall not cause the POTW to violate its SPDES permit or the receiving water quality standards or any pretreatment regulations promulgated by USEPA or NYSDEC in accordance with Section 307 of PL 95-217.

Section 12- Specific requirements

A. Accidental discharges. An industrial user shall notify the Town immediately upon accidentally discharging wastes in violation of this Section. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrences. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system,

treatment plan or treatment process, or for any fines imposed on the Town under applicable State and Federal regulations.

B. Required notice. A notice shall be furnished and permanently posted on the industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Section. Also copies of this Section are to be made available to user's employees.

C. Connecting to plumbing or drainage system. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall approximately label such entry points to warn against discharge of such wastes in violation of this Section.

D. Compliance with Federal or State pretreatment regulations, etc. When pretreatment regulations are adopted by USEPA for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA and NYSDEC in accordance with Section 307 of the PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Town.

E. Reservation by Town to enact additional requirements. The Town reserves the right to establish, by local law, more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Section.

F. Dilution of discharges. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitations developed by the Town, or State unless authorized by State or Federal regulation.

ARTICLE VI-PROTECTION FROM DAMAGE

Section 1- Damaging or tampering with sewer.

No authorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal wastewater facilities. Any person violating this provision shall be subject to immediate arrest and prosecution.

ARTICLE VII-POWERS AND AUTHORITY OF INSPECTORS

Section 1- Right to make inspections.

Persons or occupants of premises where wastewater is produced or discharged shall allow the Town, USEPA, NYSDEC, or their representative ready access at all times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The Town shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Town may at reasonable times have access to and copy any records, inspect any monitoring equipment, or method required by

the Town's wastewater discharge laws and sample any effluents which the owner or operator of such source is required to sample.

Section 2- Information that may be obtained; withholding of confidential information

The Superintendent, or other duly authorized employees, is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharges to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Section 3- Observation of safety rules; save harmless clause; exception

While performing the necessary work on private properties referred to in Article VII, Section 1, the Superintendent, or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

Section 4- Entry on easements.

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII-PENALTIES

Section 1- Penalties

- A. Violation of Article VI Any person who shall violate any provisions Article VI shall be guilty of violation and on conviction thereof shall be punished by a fine not exceeding \$250 or imprisonment for not more that 15 days, or both such fine and imprisonment.
- B. False statements, etc. Any person who knowingly makes any false statement, representation, record, report, plan or other documentation filed with the municipality or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Section, shall be punished by a fine not exceeding \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment.
- C. Written notice of violation. Any person found to be violating any provision of the foregoing Articles, except Article VI or as otherwise provided in subdivision B of this Section shall be served by the Town with written notice stating the nature of the violation and

providing a reasonable time limit for the satisfactory correction thereof, which time limit shall in no event be longer than 90 days. The offender shall, within the period of time stated in such notice, permanently cease all violations.

D. Continued violation. Any person who shall continue any violation beyond the time limit provided for in subdivision C herein, shall be guilty of a violation, and on conviction thereof shall be punished by a fine not exceeding \$250 for each violation.

E. Civil liability. Any person violating any of the foregoing provisions of this Article shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

**APPENDIX A
TOXIC SUBSTANCES**

The following list establishes limits for various toxic substances to regulate industrial discharges at the point of entry into the municipal collection system.

Parameter	Effluent Concentration Limits (mg/l)	
	30 Day Average	24 Hour Average
Cadmium	0.4	0.8
Hex. Chromium	0.2	0.4
Total Chromium	4.0	8.0
Copper	0.8	1.6
Lead	0.2	0.4
Mercury	0.2	0.4
Nickel	4.0	8.0
Zinc	1.2	2.4
Arsenic	0.2	0.4
Available Chlorine	50.0	50.0
Cyanide free	0.4	0.8
Cyanide complex	1.6	3.2
Selenium	0.2	0.4
Sulfide	6.0	12.0
Barium	4.0	8.0
Manganese	4.0	8.0
Gold	0.2	0.4
Silver	0.2	0.4
Fresh Water Fluorides	4.0*	8.0*
Saline Water Fluorides	36.0	72.0
Phenol	4.0	8.0

*May be multiplied by a factor of 1.5 if the municipal water supply is not fluoridated.

Section 3. Unconstitutionality or Illegality

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Effective date.

This local law shall take effect immediately upon filing in the office of the Secretary of State.

Seconded by: David Nussbaumer Carried: Unanimously

3. Proposed Local Law #4 of 1999 – Subject of Public Hearing

The following resolution was moved by David Nussbaumer:

MTN TO APV
LL #4 OF 1999

**TOWN OF PALMYRA
WAYNE COUNTY, NEW YORK STATE
LOCAL LAW 1999 NO. 4**

Section 1. This shall be entitled “A Local Law Establishing Sewer Use Rents”

This law is enacted pursuant to Article 14-F of the General Municipal Law as there is hereby established and imposed sewer rents as a means of producing revenue for the sewer system of the Town of Palmyra and its sewer districts.

Section 2 The local law shall read as follows:

**SANITARY SEWER RENT LAW OF THE TOWN OF
PALMYRA, NEW YORK**

Section 1. Definitions.

“Sewer Rents” A scale of annual charges established and imposed in the Town of Palmyra for service to a property by the sewer system or any part thereof.

Section 2. Charges. The sewer use rent for each property will be computed on the water consumed on that property as determined by metered flow into the property. The rate established from the effective date of this local law shall be as follows:

- A. The rate shall be Three & 50/100 Dollars (\$3.50) per 1,000 gallons or part thereof used in each quarter up to seventeen thousand (17,000) gallons. Use above the seventeen thousand (17,000) gallons in any quarter shall be at the rate of Three Dollars (\$3.00) per one thousand (1,000) gallons.
- B. The minimum rate charged for any quarter shall be Fifty-nine & 50/100 Dollars (\$59.50) for seventeen thousand (17,000) gallons of water consumed or part thereof.
- C. Each residential unit in the district or out of the district shall pay as additional sewer rent a unit charge of Two Hundred Forty Dollars (\$240.00) per single unit each year. The charge shall be divided into four equal payments of Sixty Dollars (\$60.00) and said sum will be added to the quarterly bill and paid with the quarterly bill.

- D. Commercial and industrial users and large residential users shall be charged a unit charge pursuant to a contract which considers the amount and strength of the waste discharged and the original capital contributions made by the commercial or industrial user or large residential user to the construction of the sewer improvements that are dedicated to the Town.
- E. Billing quarters will be on March 1, June 1, September 1 and December 1 in each year.

Section 3. Change of Status. Every property owner or occupant shall notify in writing the Building Inspector within 30 days of any change of status of property which requires a change in the number of units or fraction thereof to be used in determining the amount of sewer rents to be charged. The Building Inspector shall report any and all changes of status to the Town Board. Failure to notify shall be a violation of this Section.

Section 4. Right of entry. The Superintendent or other authorized representative of the Town shall have the right of access at any reasonable time to any premises served by the sewer system for the purposes of inspection in order to carry out the provisions of this Section in an equitable manner.

Section 5. New connections. Any premises upon which a new building is constructed or being constructed and which is connected to the sewer system shall be liable for the sewer rent charge 120 days from the date of issuance of the building permit or the date of occupancy, whichever occurs first.

Section 6. Collection and enforcement of charges. All unpaid delinquent sewer rent charges and penalties shall constitute a first lien on the real property served by the sewer system and on the first day of November of each year, the Supervisor shall present to the Town Board a statement setting forth the amount of each lien for sewer rents in arrears, the real property affected thereby and the name of the person in whose name the real property is assessed.

Section 7. Connection Fees.

Connection fees are established at \$1,250 per unit.

Section 8. Reservation of powers by Town.

- A. The Town reserves the right to change the basis for determining sewer use charges. The determination of the property owner classification as industrial or domestic shall be as determined by the Town.
- B. The Town reserves the right, from time to time; to change sewer use charges originally or previously assigned.
- C. The Town may require additional charges and/or penalties from a user to cover the added cost of handling and treating special wastes.

Section 9. Use of revenues. Revenues derived from sewer rents shall be credited to a special fund to be known as the "Sewer Fund". Moneys I such fund shall be used only in the manner and for the purposes specified and in the order required by Sewer Rent Law of the State of New York.

Section 3. Unconstitutionality or Illegality.

If any cause, sentence, paragraph, word section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy inn which such judgment shall have been rendered.

Section 4. Effective date.

This local law shall take effect immediately upon filing in the office of the Secretary of State.

Seconded by: Michael Lambrix Carried: Unanimously

4. Resolution to declare negative declaration –
Proposed Road

The following resolution was moved by Michael Lambrix:

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS
PROPOSED TEMPLE ROAD
TOWN OF PALMYRA, WAYNE COUNTY

WHEREAS, the Town of Palmyra has previously declared its intent to serve as Lead Agency for the Proposed Temple Road Project; and

WHEREAS, this project has been determined to be an Unlisted Action requiring a coordinated review by all agencies in accordance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Palmyra has duly notified All involved agencies of its intent to serve as Lead Agency For this project, and

WHEREAS, all the involved agencies have either Responded in support of the Town of Palmyra as Lead Agency, or have failed to respond within the required 30 day comment period and have thereby forfeited the right to object to the Town of Palmyra assuming Lead Agency status; and

WHEREAS, the Town of Palmyra has duly reviewed the long EAF, and other related documents with respect to the above captioned improvement project and has duly considered the impacts which may be expected to result from the proposed action in accordance with the criteria set forth in Article 8,6NYCRR, Section 617.7 of the State Environmental Quality Review Act (SEQRA); now

THEREFORE, be it resolved that the Town of Palmyra hereby declares itself Lead Agency for the Church of Jesus Christ of Latter-Day Saints Proposed Temple Road project; and

BE IT FURTHER RESOLVED, that after review of the Environmental Assessment Form, the Palmyra Town

RESO TO DECLR
NEGATIVE
DECLARATION
TMEPLE ROAD

Board, acting as Lead Agency, has determined that the proposed action will not have significant environmental impact, and that a Negative Declaration of Environmental Significance shall be prepared; and

BE IT FURTHER RESOLVED, that based on this Environmental review and determination of environmental significance, the Palmyra Town Board, acting as Lead Agency for the above action, hereby authorizes the Supervisor to sign the Negative Declaration of Environmental Significance for the proposed action know as the Church of Jesus Christ of Latter-Day Saints Proposed Temple Road Project, and

BE IT FURTHER RESOLVED, that the Palmyra Town Board hereby authorizes the Town Supervisor to file said Negative Declaration of Environmental Significance with the appropriate agencies, and to conclude the SEQRA process for the proposed action.

Seconded by: David Nussbaumer Carried: Unanimously

5. Intermunicipal Agreement – Highway Department

Approval for the following resolution was moved by David Nussbaumer:

APVL OF
INTERMUNICIPAL
AGREEMENT
HIGHWAY DEPT

**INTERMUNICIPAL AGREEMENT
FOR ADMINISTRATION, MAINTENANCE, AND REPAIR
OF VILLAGE HIGHWAY SYSTEM**

THIS AGREEMENT made this 22nd day of July, 1999, by and between:

The **Village Board of the Village of Palmyra**, a municipal corporation with principal address at 144 East Main Street, Palmyra, New York 14522, hereinafter referred to as the "Village," and

The **Town Board of the Town of Palmyra**, a municipal corporation with principal address at 201 East Main Street, Palmyra, New York 14522, hereinafter referred to as the "Town."

W I T N E S S E T H

WHEREAS, on or about May 27, 1996, the Town and the Village entered into a cooperative agreement pursuant to article 5-G of the General Municipal Law, wherein the Town and Village entered into an intermunicipal effort to provide highway services to the residents of the Village, and

WHEREAS, the term of said agreement was for a period of three years, expiring May 31, 1999, and

WHEREAS, the Town and Village have found the economies and efficiencies resulting from such intermunicipal

agreement in the best interests of both the Town and Village and mutually advantageous, and desire to enter into another intermunicipal agreement for the same purposes, and

WHEREAS, the Town and Village are authorized to enter into a cooperative agreement pursuant to article 5-G of the General Municipal Law of the State of New York for the Town to provide highway department superintendence and related services to the Village, and

WHEREAS, the Town and Village have reached agreement as to the terms and conditions of such intermunicipal contract and are desirous of memorializing their understandings, expectations, and representations as to their agreement, and

WHEREAS, the respective governing boards of the Town and Village have, by a majority vote, approved the actions set forth in this agreement and approved the execution thereof by its appropriate executive officer;

NOW, THEREFORE, in consideration of the premises and the covenants hereinafter set forth, the Town and Village agree as follows:

1. General Agreement:

(A) During the term of this agreement, the Town Highway Superintendent shall manage and supervise the village highway department utilizing existing village forces, machinery, and equipment, and incurring such expenditures as authorized by the Village Board and consistent with the village budget adopted pursuant to Village Law, to the extent funds and manpower are made available. The Town Highway Superintendent's performance of these duties shall not interfere with the Town Highway Superintendent's obligations to the Town.

(B) The Town Highway Superintendent shall be responsible for (i) managing and scheduling the use and maintenance of all village vehicles and equipment deployed for village highway department use and (ii) managing and supervising the village employees deployed to the village highway department.

(C) The Town Highway Superintendent shall be responsible for the costs of maintenance and repair in good operational order of the village vehicles and equipment deployed for highway department purposes, except that the Village shall be responsible for the cost of replacement of engines and transmissions in such village vehicles where such engines and transmissions cannot be reasonably repaired.

(D) The Village shall retain financial and operational responsibility for scheduling deployment and maintenance of equipment used primarily by the Village Parks Department, including lawn mowers and similar types of small equipment.

(E) The Town and Village shall remain responsible for their own equipment purchases, and any funds realized from the sale of such equipment shall be retained by the municipality owning such equipment.

(F) It is contemplated that there may be times when equipment and/or personnel of one municipality may be used in performance of services to the other municipality. To the extent such services are not required under the contract, or otherwise included in the town's customary services to the village, the parties agree that a record of hours and expenses involved in performing such services shall be kept and the municipality that performed such services shall be reimbursed for the actual labor costs and expenses incurred by the municipality in performing such services. A quarterly accounting shall be rendered by each

municipality to the other on a schedule to be agreed upon, with any payment to be made in the form of in-kind services to be agreed upon by the parties. At the end of the contract period all accounts, unless renewed, shall be balanced and any outstanding obligations paid in cash.

2. Duration:

This agreement shall be for a term of five years, said term to commence June 1, 1999 and to end on May 31, 2004.

3. Operational Planning and Budget:

The Town Highway Superintendent shall develop, in cooperation with village officials, long-term plans for street/sidewalk improvements, maintenance, and repairs of infrastructure, as well as preparing a budget submission for highway purposes in time for adoption in each village budget year covering the terms of this agreement.

4. Joint Board:

The activities set forth in this agreement shall be monitored on a day to day basis by a joint board made up of the village trustee in charge of highway and his/her elected counterpart from the town, which shall meet with the Town Highway Department Superintendent at least monthly. However, no change may be made to the terms of this agreement, except by majority vote of the governing body of each participating municipality followed by the execution of a written addendum to this agreement.

5. Payment for Services:

(A) The Village hereby agrees to pay the Town for services provided for under section 1 (A) and (B) of this agreement the sum of \$16,500 for each year this contract is in effect, and pay to the Town for services provided for under section 1 (C) of this agreement the sum of \$13,000 for each year this contract is in effect, for the total annual payment of \$29,500, payable in equal monthly installments of \$2,458.33.

(B) Each year this contract is in effect, the Village shall pay to the Town the sum of \$2,000 for the incremental costs resulting from the contemplated combining of town and village highway facilities. The Village will make this payment prior to July 1 of each year this contract is in effect and the Town will deposit said sum into a capital reserve account created or to be created for the improvement of the town highway facility used for common purposes pursuant to this agreement.

6. Indemnification and Insurance:

(A) The Village agrees to indemnify, defend, and hold harmless the Town and its Highway Superintendent from any and all actions, claims, losses, and expenses (including reasonable attorneys' fees and expenses) for the acts, omissions, or decisions of the Town, its agents, employees, under this agreement. The Town shall add the Village as an additional insured on its liability policy, which shall remain in full force and effect during the term of this agreement.

(B) The Town agrees to indemnify, defend, and hold harmless the Village from any and all actions, claims, losses, and expenses (including reasonable attorneys' fees and expenses) for the acts, omissions, or decisions of the Village, its agents, employees, invitees, and those under its control with respect to all matters covered under this agreement. The Village shall add the Town and its Highway Superintendent as additional insureds on its liability policy, which shall remain in full force and effect during the term of this agreement.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their respective duly authorized officers on the day and year first above written.

VILLAGE OF PALMYRA, Peter K. Wilson, Mayor
TOWN OF PALMYRA, David C. Lyon, Supervisor

Seconded by: Michael Lambrix Carried: Unanimously

6. Approval of Town & Village of Palmyra Public Works Requirements

Michael Lambrix moved to approve the Town & Village of Palmyra Public Works Requirements as adopted by the Village of Palmyra on July 6, 1999 and to become effective July 22, 1999.

Seconded by: David Nussbaumer Carried: Unanimously

7. Resolution of Ownership & Maintenance of 12" Watermain

The following resolution was moved by Michael Lambrix:

WHEREAS, the Town of Palmyra proposes to Construct 2500 LF of 12" watermain and appurtenances with connections located at NYS Route 31 and North Creek Road in the Town of Palmyra, and

WHEREAS, these watermain improvements will be constructed upon State owned lands, and

WHEREAS, these watermain improvements will be owned and maintained by the Town of Palmyra upon completion of the project:

NOW THEREFORE BE IT RESOLVED: That the town of Palmyra approves the installation of the watermain improvements and that the Town of Palmyra will own and maintain or cause to be maintained the aforementioned watermain improvements.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit five (5) certified copies of the foregoing resolution to the Department of Transportation.

Seconded by: David Nussbaumer Carried: Unanimously

8. Authorize the Town Clerk to work w/MRB to bid on canal crossing project (Rt. 31 and N. Creek Road)

David Nussbaumer moved to authorize the Town Clerk to work with MRB Group to advertise for bids on the canal crossing project.

Seconded by: Michael Lambrix Carried: Unanimously

Marty Aman informed the Board that the water tank project would be ready to start the first part of August and the tank itself would be ready to fill by the end of October.

MTN TO APV TN & VILLAGE OF PALMYRA PUBLIC WORKS REQUIREMENTS

RESO TO AUTH OWNERSHIP & MNTENANCE OF 12" WATERMAIN

MTN TO AUTH TN CLK TO WORK WITH MRB GROUP

WATER TANK PROJECT UPDATE

RE: Letter from Kevin Carrier that was read into communications: Robert Grier, CEO, stated that he has a copy of the letter Carrier received from the DEC stating that the tires have to be removed from the Trolley Road property by August 15, 1999. Mr. Grier requested that if this Board goes along with the tire removal, the resolution needs to be very specific regarding hours of operation, days of operation, etc. Michael Lambrix said that he is not willing to say he will sign anything without seeing it in writing. Supervisor Lyon suggested that the board meet again next Thursday, July 29th at the Town Office at 7:00 PM to discuss any progress that may have been made. The Board agreed to meet next Thursday.

K. CARRIER -
DISCUSSION
OF TIRE
REMOVAL REQ
BY NYSDEC

Following a review of the claims and expenditures, David Nussbaumer moved to approve payment of the expenditures as shown on Abstract #7 with totals as follows:

MTN TO
APPROVE
PAYMENT OF
EXPENSES

<u>Account</u>	<u>Invoice #</u>	<u>Amount</u>
General	232-259	\$15,527.48
Part Town	119-131	\$1 2364.34
DA Highway	216-235	\$6,427.68
DB Highway	41- 52	\$155,154.92
Water Tank Project	8-11	\$13,610.00
Trust & Agency	4-5	\$ 3,981.24

Seconded by: Michael Lambrix Carried: Unanimously

Michael Lambrix moved to adjourn this meeting of the Town Board.

MTN TO
ADJOURN

Seconded by: David Nussbaumer Carried: Unanimously

Respectfully submitted,

Beverly E. Hickman
Town Clerk