

PUBLIC HEARING  
TOM MORRISON, MORRISON EXCAVATING, INC.  
CHANGE OF OPERATING HOURS  
GRAVEL PIT ON DIVISION STREET

The public hearing scheduled to be held on Thursday, April 22, 1999, at the East Palmyra Fire Hall, East Palmyra, New York, was called to order at 8:00 PM by Town Supervisor David C. Lyon.

CALL TO ORDER

Those present at this public hearing, in addition to the Town Board members, included the following:

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|------------------|---------------|
| Vicky Daly       | Robert Daly   |
| Robert K. Jagger | Roy C. Wilck  |
| Harry Wilkins    | Harlin Tyler  |
| James Milliman   | Frank Gorall  |
| Tom Morrison     | Carol Hanagan |
| Todd Hanagan     | Steve Hanagan |

The reading of the legal notice, as published in the Courier-Journal was waived.

Supervisor Lyon asked Tom Morrison to explain the changes he would like to have made. Mr. Morrison said that he would like to be able to haul from the gravel pit on Saturdays from 7AM thru 2PM. He does not intend to do any screening or separating and will use only small trucks.

Steve Hanagan – Main concern is the separator; it is very loud and annoying. He would rather they not start until 8AM and allow the neighbors to at least sleep in until then. There have been problems in the past with Morrison not operating properly and he has doubts about doing as he says now. Also understands that Morrison went two years without paying the Town.

Morrison – Has not worked out there on Sunday and thought he had permission to work on Saturday; however stopped Saturdays when he received a letter from the CEO.

Steve Hanagan – There are trucks other than yours in and out of there at night. Morrison – There shouldn't be any trucks at night.

Bob Leonard – This doesn't concern me; as long as he doesn't run that crusher.

Sue Leonard – That gravel mining will be moving towards us; for the record, I would like to have the opportunity to bring Morrison back for a public hearing if need be.

Dave Matthews – What are the operating hours now? Morrison – They are 7AM – 5 PM. Matthews – I would prefer 8AM – I would agree with Sue Leonard about having them come back if and when necessary.

Todd Hanagan – I am concerned about the trucks I have personally seen in and out of there on the weekends; both Saturday and Sunday.

Supervisor Lyon – It sounds like you had better police that pit for your own benefit.

Roy Wilck – Is there a plan regarding the banks? Supervisor Lyon – Yes there is.

Steve Hanagan – The kids are playing on the tops of the burms; this is very dangerous and there are no posted signs that he can see.

Bob Leonard – Those tall burms are sucking the kids in; they are too inviting.

Supervisor Lyon told the clerk to have Bob Grier call Division Street Partners regarding their property not being posted.

Lynne Green – You have the same liability on your gravel pit; you should check with your insurance company about signage.

Morrison stated that where there isn't a burm there is a fence.

Supervisor Lyon asked if there were any more questions or comments regarding this application. There being none, he declared this public hearing closed at 8:15 PM.

PUBLIC HEARING CLOSED

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REGULAR TOWN BOARD MEETING

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, April 22, 1999 at the East Palmyra Fire Hall, Whitbeck Road, Palmyra, was called to order at 8:15 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 ALLEGNC

Upon roll call, the following board members were present:

ROLL CALL

- Town Supervisor - David C. Lyon
- Town Board Members Lynne Green
- James Welch

(David Nussbaumer and Michael Lambrix were absent)

James Welch moved to approve the minutes of the March 25, 1999 Town Board Meeting as submitted.

MTN TO APPROVE MINUTES 3/25/99

Seconded by: Lynne Green Carried: Unanimously

COMMUNICATIONS

1. Letter from Catherine Contant withdrawing her resignation from the Board of Assessment Review per request from the Town Supervisor
2. Letter from the US Census Bureau – Canvassing of homes on a door-to-door basis
3. Letter from the Association of Towns – Lobby Day
4. Letter from the Wayne county Public Health Dept. – EMS Week 1999 w/resolution
5. Request to hold an outreach event at the Stillwood Study Center
6. Invitation from VFW Post #6778 to the dedication ceremony for the U.S. Army M60A Tank – May 15 at 2PM

- 7. Letter from Janice Quick RE: Homeowners Disability Property Tax Exemption (Referred to Lynne Green's Committee for report back in two months)

REPORTS OF STANDING COMMITTEES

ASSESSOR  
UPDATE

**Assessment Committee - Lynne Green, Chairman**

- 1. Assessor Update

Lynne Green read the written report submitted by Ann Vingee Taber Sole Assessor, Town of Palmyra. Said report can be found in the folder entitled "Assessor Update/Code Enforcement Officer Update" and kept with these minutes. (It was mentioned that Grievance Day will be June 2, 1999.) 2.

Withdrawal of resignation

MTN TO  
ACCEPT  
WITHDRL OF  
RESIG.

Lynne Green moved to accept the withdrawal of the resignation from the Board of Assessment Review from Catherine Contant.

Seconded by: James Welch      Carried: Unanimously

MTN TO  
ADJOURN TO  
P H

At this time Supervisor Lyon adjourned this meeting of the Town Board to hold a Public Hearing scheduled for 8:30 PM.

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PUBLIC HEARING  
PROPOSED LOCAL LAW #1 OF 1999 ENTITLED  
"SEWER USE LAW OF THE TOWN OF PALMYRA, NEW YORK"

PUBLIC  
HEARING  
CALLED TO  
ORDER

The public hearing scheduled to be held on Thursday, April 22, 1999 at the East Palmyra Fire Hall, East Palmyra, NY, to consider proposed Local Law #1 of 1999 entitled "Sewer Use Law of the Town of Palmyra, New York" was called to order at 8:30 PM by Town Supervisor David C. Lyon.

Those in attendance were the same as the first public hearing.

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

Supervisor Lyon explained to those present that this local law will mean the Town will be in the sewer business for the first

time. He stated that this has been drafted along the lines of the sewer use law in the Town of Walworth. Theirs has been in effect for several years and has proven to be substantial.

Lynne Green asked if this will cover all sewer districts in the Town of Palmyra. Supervisor Lyon told her it would cover everything dealing with sewer districts.

Tom Morrison asked if this was exactly the same as Walworth's.

Supervisor Lyon told him it is about the same but not exactly.

Supervisor Lyon asked those present if there were any more comments or questions regarding this proposed local law; there were none. He then asked the Board Members if they had any comments or questions and again there were none.

Supervisor Lyon declared this public hearing closed at 8:34 PM.

PUBLIC HEARING CLOSED

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Supervisor Lyon immediately called the regular meeting of the Town Board back to order.

REG MTG CALLED BACK TO ORDER

**Highway Committee - David Nussbaumer, Chairman**

- 1. Approval for Mr. Cook to attend Highway Conference at Cornell – June 7, 8 &9 – Not to exceed \$250.00

Lynne Green moved to approve the Highway Superintendent, Nelson F. Cook, attend the annual conference at Cornell in June 1999 at a cost not to exceed \$250.00.

MTN TO APV HIWY SUPR ATTND CONFERNCE

Seconded by: James Welch Carried: Unanimously

- 2. Agreement – Mowing on County Roads 1999 Summer Season

Lynne Green moved to approve the agreement between the County of Wayne and the Town of Palmyra concerning mowing on County Roads for 1999 Summer Season.

MTN TO APV AGREEMENT TO MOW ON COUNTY ROADS

Seconded by: James Welch Carried: Unanimously

**Planning Committee - James Welch, Chairman**

1. CEO Update

CEO UPDATE

James Welch explained that the CEO, Robert Grier, was on vacation this week so there was no report. He added, however, that he knows that the proposed mobile home park on Rt. 31 is about to get some approvals and will begin to make some progress.

**Zoning Committee - Michael Lambrix, Chairman**

1. Morrison – change of Hours – Subject of Public Hearing

MTN TO APV  
CHNGS OF  
WORKING  
HRS  
MORRISON  
GRAVEL PIT

James Welch moved to approve the change of hours for Tom Morrison, Morrison Excavating, Inc., Division Street, Palmyra, NY, with the following conditions:

- a. Saturday hours will be limited to 8AM – 1PM only
- b. Work allowed on Saturday will be limited to HAULING ONLY
- c. The gravel pit will be “policed” by the owner, better than it presently is, so as not to have trucks in and out of there when the pit is closed
- d. The payments to the Town of Palmyra will be made on a timely basis
- e. Residents can review the project at any time
- f. This agreement will become effective immediately upon being signed and returned to the Town Clerk’s Office

Seconded by: Lynne Green                      Carried: Unanimously

**AGENDA ITEMS**

1. Awarding of bids on water tank project

MTN TO  
AWARD BID  
FOR WATER  
TANK  
PROJECT

Lynne Green moved to award the bid on the water tank project to the Natgun Corp., Wakefield, MA, in the amount of \$536,400.00 and for said project to be competed by the end of October 1999.

Seconded by: James Welch                      Carried: Unanimously

2. Approval for schooling for Catherine Contant

SCHOOL FOR  
CATHY  
CONTANT

The amount of \$1,000.00 was put into the 1999 budget to pay the tuition for Catherine Contant to take a computer class. Ms. Contant would like it noted that the cost of this class is actually \$1,052.00, therefore, she has written her personal check in the

amount of \$52.00 to the Town of Palmyra so that it will be necessary for only one check to be written to the school.

3. Proposed Local Law #1 of 1999 – Subject of Public Hearing

Lynne Green moved to approve proposed Local Law #1 of 1999 as follows:

MTN TO APV  
LL#1 OF  
1999  
SEWER USE

**TOWN OF PALMYRA  
WAYNE COUNTY, NEW YORK STATE  
LOCAL LAW NO. 1 of 1999**

**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" or "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 articles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 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 of 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, whose 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 with 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 subsurface 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 are industrial users.
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 therefore, 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 plant.
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, tests 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 of 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 than 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.

Seconded by: James Welch      Carried: Unanimously

4. Budget Adjustments

APVL OF  
BUDGET  
ADJSTMNT

Supervisor Lyon moved to approve increasing the 1999 Budget for the following funds:

    North Water  
    FA9950.901/Interfund Trans-Cons Water  
\$76,355.76  
    South Water  
    FS9950.901/Interfund Trans-Cons Water  
\$89,626.52  
    East Water  
    FE9950.901/interfund Trans-Con Water  
\$28,348.28  
    Central Water  
    FC9950.901/Interfund Trans-Con Water  
\$27,725.97  
    CWD Extension #1  
    FX9950.901/Interfund Trans-Cons Water  
\$50,796.66  
    South Water Reserve  
    HA9901.904/Interfund Trans-Cons Water            \$  
231.48  
    Consolidated Water  
    FW8310.404/Misc Exp-CWD                            \$  
6.55  
    FW8310.405/Misc Exp-SWD Extension #1            \$  
1,289.01

Seconded by: Lynne Green      Carried: Unanimously



5. Change of deputy clerks working hours

Beverly Hickman, Town Clerk, explained to the Board that Catherine Contant, Deputy Clerk, has requested one day a week off in order to start a small computer business of her own. In order for her to have this day off without, compromising the work at the office, it would mean deducting a days pay from Cathy's salary in order to pay another deputy to fill in for her. Dorothy Bosje, who only works eleven hours per week, was asked if she would like four extra hours per week. She did not want these hours unless it was a emergency. Sue Regis, who works sixteen hours per week, was then asked and agreed to take these hours. According to the Town's Employee Policy, this would make Sue a full-time employee and therefore eligible for holiday pay and, one year from now, vacation pay. This can be done and still keep within the 1999 budget by using the \$185.76 to be deducted from Cathy's earnings each pay period to in turn cover the extra hours to be worked by Sue. The Board agreed that this was the way to handle this situation and for this decision to be effective immediately.

CHANGE OF WORKING HOURS FOR DEPTY CLERKS

6. Wayne County Update

Supervisor Lyon reported to the Board that he had attended a meeting regarding a fiber optic line that is being installed from Albany to Buffalo. This will mean that the County will have a travel trail through Palmyra at no cost to the Town. There is a map showing this line in the Town Clerk's Office.

WAYNE COUNTY UPDATE

7. Emergency Medical Services Week May 16-22, 1999

MTN TO DECLARE EMS WEEK

Lynne Green moved to declare the following proclamation:

PROCLAMATION TO DESIGNATE THE WEEK OF  
MAY 16-22, 1999 AS  
EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services is a vital public service, and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency medical technicians, paramedics, firefighters, educators, emergency physicians, emergency nurses, administrators, and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and

NOW, THEREFORE, I, David Lyon, Supervisor of the Town of Palmyra, in recognition of this event do hereby proclaim the week of May 16-22, 1999, as

EMERGENCY MEDICAL SERVICES WEEK

And encourage the community to observe this week with appropriate programs, ceremonies, and activities.

Seconded by: James Welch      Carried: Unanimously

8. Stillwood Study Center Approval

MTN TO APV  
EVENT AT  
STILLWD

Supervisor Lyon moved to approve the Stillwood Study Center hold their 2-hour outreach event "Identifying Wildflowers" on Saturday, July 24, from 10 to noon.

Seconded by: Lynne Green      Carried: Unanimously

Following a review of the claims and expenditures, Lynne Green moved to approve payment of the expenditures as shown on Abstract #4 with totals as follows:

	<u>Account</u>	<u>Invoice #</u>	<u>Amount</u>	
10,185.12	General	121-157	\$	MTN TO APV PAYMNT OF CLAIMS
1,477.76	Part Town	53-76	\$	
34,780.17	DA Highway	121-164	\$	
4,123.36	DB Highway	14-17	\$	
	Water Tank Project 41.20	6	\$	

Seconded by: James Welch  
Unanimously

Carried:

Lynne Green moved to adjourn this meeting of the Town Board.

Seconded by: James Welch

Carried: Unanimously

MTN TO  
ADJOURN

Respectfully submitted,

Beverly E. Hickman  
Town Clerk