

TOWN OF CLARKSON
TOWN BOARD MEETING
January 14, 2014

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, January 14, 2014 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

PRESENT:

Paul Kimball	Supervisor
Allan Hoy	Councilperson
Christa Filipowicz	Councilperson
Patrick Didas	Councilperson
Sharon Mattison	Town Clerk
Robert Viscardi	Highway Superintendent
Richard Olson	Attorney for the Town

ALSO:

Kristin Coon	Assistant to Supervisor
Christopher Lyon	Assessor
Chad Fabry	Bldg. Inspector/Code Enforcement Officer

**excused

Supervisor Kimball opened the meeting, and Sharon Mattison, Town Clerk, led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military.

OPEN FORUM

B. Andrews of the Brockport Village Board provided copies of Brockport's 4th edition of their walking/biking guide to be made available to residents.

PUBLIC HEARING LOCAL LAW #1-2014

Supervisor Kimball opened the public hearing at 6:05 P.M. No one spoke. Attorney Olson commented on improvement in the New York State environmental assessment form to include an area to check off whether or not there is a local law. Supervisor Kimball closed the public hearing at 6:08 P.M.

RESOLUTION ADOPTING NEGATIVE DECLARATION LOCAL LAW # 1-2014; THE TRANSFER STATION LAW OF THE TOWN OF CLARKSON

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Didas

ABSENT: None

RESOLUTION ADOPTING NEGATIVE DECLARATION

WHEREAS, the Town Board has before it the following local law:

LOCAL LAW #1-2014 "The Transfer Station Local Law of the Town of Clarkson"; and

WHEREAS, this Board is the only involved Agency and has determined that it is the Lead Agency; and

WHEREAS, this project is an Unlisted Action for the purposes of SEQRA; and

WHEREAS, the Supervisor has signed and submitted Part 1 "Project Information" of the Short Environmental Assessment Form; and

WHEREAS, this Board having thoroughly reviewed the Short Environmental Assessment Form and considered each and every impact in accordance with SEQRA

NOW, upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of Councilperson Filipowicz, seconded by Councilperson Didas.

01.14.14**BE IT RESOLVED**

1. That the adoption of this local law will not have a negative impact on the environment
2. That the Town Board adopts a Negative Declaration.
3. That this resolution shall take effect immediately.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Didas

NAYS: None

Whereupon the resolution was declared adopted

***See attached Narrative description and short environmental assessment form**

RESOLUTION ADOPTING LOCAL LAW 1-2014; THE TRANSFER STATION LAW OF THE TOWN OF CLARKSON

PRESENT: Supervisor Kimball, Councilpersons, Hoy, Filipowicz and Didas

ABSENT: None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Didas

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Town Board has before it a Local Law entitled Local Law #1-2014 “The Transfer Station Local Law of the Town of Clarkson” which, if adopted, will set forth the rules and regulations regarding the Town’s transfer station on Redman Road; and

Whereas, the Town Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Town Board has considered any public input; and

Whereas, this action is an unlisted action under the State Environmental Quality Review Act and the Town Board has adopted a Negative Declaration; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Town Board of the Town of Clarkson hereby enacts Local Law #1-2014 “The Transfer Station Local Law of the Town of Clarkson“.

Section 2. That the Town Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Didas

NAYS: None

***see attached Local Law documents**

HAMLET MIXED USE; PROPOSED ZONING CODE

Attorney Olson will prepare a proposed local law on hamlet mixed use to present at the next Board meeting.

01.14.14**MOTION TO APPROVE MERIT INCREASE FOR DEPUTY TOWN CLERK**

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To approve a 3% merit increase to step 8 for the Deputy Town Clerk.

Unanimously carried

Discussion: S. Mattison requested a 3% merit increase for the Deputy Town Clerk stating that upon review, performance has been very satisfactory. The increase is in line with the 2014 salary chart.

FIRE DISTRICT TRANSFER

Attorney Olson reported on transfer of the fire district and shared maps prepared by Daryl Moser. Zoning currently is RS-20. A small square has been proposed along with some easements. The Planning Board along with the Zoning Board did not think this was a very good idea because if there comes a time when the fire district needs to sell this it would not be very marketable. An option would be to make the parcel larger. The fire district's attorney, Ray DiRaddo, wants the zoning variance and subdivision approval under our current code. If we do that, Attorney Olson would recommend that we do make the parcel larger so there is access on the frontal road. Alternatively, a suggestion from Mr. DiRaddo is to create a new zoning classification called public land and in that classification we provide that anything under public land is exempt from all other rules and regulations. This would not involve a change in the Comprehensive Plan. A detailed discussion ensued and the consensus was that there is a need to expand the size of the parcel. Attorney Olson will speak with the surveyor (Schultz – Daryl Moser).

BICENTENNIAL BUDGET

Supervisor Kimball stated that we are only five years away, not too soon to start preliminary planning especially in regards to the budget.

MAILBOX REPLACEMENT POLICY

Highway Superintendent Viscardi stated that the Town needs to establish a written policy regarding mailbox replacement. Discussion took place regarding past procedures, namely replacement with a standard mailbox, reimbursement of \$50 to residents wishing to repair/replace their own mailbox, or reimbursement on a case-by-case basis.

2014 AMENDATORY AGREEMENT-ALL SEASONS COUNTY/TOWN WORK AGREEMENT

Motion by Councilperson Hoy

Seconded by Councilperson Didas

Motion to authorize the Supervisor to sign the 2014 Amendatory Agreement for All Seasons County/Town Work with Monroe County 2014.

Unanimously carried

CREDIT CARD USE

Chase Bank stopped absorbing the monthly fees necessitating the Town Clerk to stop accepting credit/debit cards a few months ago. After a short discussion, it was felt that we need to find a way to resume this service, which may mean the residents will be charged a percentage of the bank fees. S. Mattison and K. Coon will further research this topic and report back to the Board.

HIGHWAY APPOINTMENTS

R. Viscardi reported that the Highway Forman, Michael Farrell, and the Working Foreman, Eric Wietz, have worked on an interim basis for the past ten months and have both done a very good job. He is requesting that these positions be made permanent. K. Coon will check to see if these positions involve Civil Service reporting.

MOTION TO APPOINT MICHAEL FARRELL, HIGHWAY FORMAN

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To appoint Michael Farrell, Highway Foreman, for the year 2014.

Unanimously carried

01.14.14**MOTION TO APPOINT ERIC WIETZ, WORKING FOREMAN**

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To appoint Eric Wietz, Working Foreman, for the year 2014.

Unanimously carried

Discussion: K. Coon will contact Civil Service regarding any necessary requirements.

NEW BUSINESS

Councilperson Didas would like to propose we adopt legislation or zoning banning any potential fracking in the Town of Clarkson. There are several dozen towns in NYS enacting this type of legislation. Councilperson Hoy said the same type of legislation or zoning may apply to gas land. Further education on this topic is required before any decisions can be made. Supervisor Kimball stated there is already a moratorium in place across the State. Attorney Olson will report back to the group after doing some research.

Councilperson Didas also proposed that with the 300+ multiple apartments coming into Town (that we deferred recreation fees for), that we consider looking at some holiday decorations for the lamp posts here in the four corners of Clarkson and Clarkson Corners to render some identity to our hamlets. Issues raised included whether or not the decorations would be left up year-round, what costs would be incurred putting them up and taking them down, and would we need approval from the utility companies. With the Board's permission, P. Didas volunteered to do further research on these issues.

TOWN CLERK REPORTS

S. Mattison reminded the Board that her office is open the first six Saturdays of 2014.

We have been very busy with lodge rentals, transfer station permits (approximately 215 sold so far, which is on target with sales in 2013), and collecting Town and County taxes.

BUILDING INSPECTOR REPORTS

C. Fabry stated that he is working on his NYS 1203 reports, which are due by the end of the month. He gave a building update on the progress at Autumn Woods.

ASSESSOR REPORTS

C. Lyon reported that all exemption renewals have been sent out and legal notices have been posted. The deadline is not until March 1; about 30% have been returned thus far.

HIGHWAY SUPERINTENDENT REPORTS

R. Viscardi stated that staff is currently working on some drainage issues incurred from the ice storm. He presented facts and figures from the winter season to-date: The official snow amount from the airport is 47 inches, 62 inches in Clarkson; Town trucks have gone 8,415 miles compared to 2,215 miles last year; and 11,020 tons of salt have been used compared to 375 tons last year at this time. After some minor work, the newly acquired small bucket truck is now ready for use.

SUPERVISOR'S REPORT

Motion by Councilperson Didas

Seconded by Councilperson Filipowicz

Motion to approve Supervisor's financial report for December 31, 2013.

Unanimously carried

Supervisor Kimball stated that Judge Hammel has submitted a request to take a 12-hour mandatory training class in New York City, with costs not to exceed \$1,000. Judge Hammel would pay for any additional expenses personally. After discussion, it was decided that this goes against Town policy, and the request is denied.

MINUTES

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To approve December 10, 2013 minutes.

Unanimously carried

01.14.14**MINUTES**

Motion by Councilperson Didas
 Seconded by Councilperson Hoy
 To approve January 6, 2014 Organizational Meeting minutes.
 Unanimously carried

AUDIT—12-3-2013

Motion by Councilperson Hoy
 Seconded by Councilperson Filipowicz
 To authorize payment of audit 12-3-2013 to include the following:
 Vouchers 20131171-20131221; Total \$52,897.93; Gen. \$11,047.39; Hwy. \$41,850.54;
 SS \$328.15
 For distribution checks from 25841 to 25911
 Unanimously carried

AUDIT—1-01-2014

Motion by Councilperson Hoy
 Seconded by Councilperson Filipowicz
 To authorize payment of audit 1-01-2011 to include the following:
 Vouchers 20140001-20140032; Total \$62,526.41; Gen. \$51,418.90; Hwy. \$6,810.47;
 SL \$3,697.04; SS \$600.00
 For distribution checks from 25841 to 25911
 Unanimously carried

EXECUTIVE SESSION

Motion by Councilperson Hoy
 Seconded by Councilperson Filipowicz
 To enter executive session at 6:45 P.M. to discuss a personnel matter.
 Unanimously carried

RETURN TO REGULAR SESSION

Motion by Councilperson Didas
 Seconded by Councilperson Hoy
 To return to regular session at 7:30 P.M.
 Unanimously carried

MOTION TO ADJOURN

Motion to adjourn at 7:30 P.M. by Councilperson Filipowicz
 Seconded by Councilperson Hoy
 Unanimously carried

Respectfully submitted,
Sharon S. Mattison
 Town Clerk

Approved 01-28-2014

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Town of Clarkson, Monroe County			
Name of Action or Project: Local Law #1-2014 Transfer Station Local Law			
Project Location (describe, and attach a location map): Redman Road			
Brief Description of Proposed Action: Update and rename outdated law to codify the practices and procedures that have developed in the operation of the Town's Transfer Station. Also established fines and penalties for violation of the local laws and rules and regulations adopted thereunder.			
Name of Applicant or Sponsor: Town Board, town of Clarkson		Telephone: 585 637-1144	
Address: 3710 Lake Road, PO Box 858		E-Mail:	
City/PO: Clarkson, NY		State: NY	Zip Code: 14430
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Date: _____		
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Clarkson _____ January 14, 2013 _____
 Name of Lead Agency _____ Date _____

Paul M. Kimball _____ Supervisor _____
 Print or Type Name of Responsible Officer in Lead Agency _____ Title of Responsible Officer _____

 Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from Responsible Officer) _____

PRINT

Part I #1

Narrative Description of Proposed Action and the Environmental Resources that May be Affected

For several decades the Town of Clarkson has used property on Redman Road in the Town of Clarkson as a place for residents to dispose of waste. A first it was a landfill or “dump” as it is referred to in existing Chapter 59 of the Clarkson Code “Dumps and Dumping”. In the 1970’s the operation of the landfill ceased and the operation became that of a Transfer Station where household waste material was deposited in containers which were transported to the Monroe County Transfer Station. Recyclables were sorted and recycled and yard waste and debris was converted to mulch. Among the environmental benefits of the “new” operation are that it reduces burning of waste by citizens; it reduces the amount of trash and debris in yards and the mulch is used by both the Town and the citizens of the town resulting in the reduction of the usage of water used for gardening and landscaping. The Town charges a fee for this service. The fee is lower than what private waste haulers charge.

The intent of Local Law 1-2014 is to repeal the former law and to replace it with a new chapter “Transfer Station”. This new chapter codifies what has become the standard

operation for the past several years and provides a method of enforcement of violations including suspension of permits.

Because this codifies existing practices, the environmental impact resulting from the enactment of this law is negligible.

RE: Town of Clarkson Local Law #1-2014

LOCAL LAW # 1-2014
THE TRANSFER STATION LOCAL LAW OF THE TOWN OF
CLARKSON

Be it enacted by the Town Board of the Town of Clarkson:

Section 1. This local law is enacted pursuant to the authority granted to the Town Board in §64 of the New York State Town Law; Article 2 of the Statute of Local Governments, Article 2 of the Municipal Home Rule Law; and Article IX of the New York State Constitution.

Section 2. That the purpose of this Local Law is to provide for the operation of the transfer station operated by the town located on Redman Road.

Section 3. Chapter of the Clarkson Code “**DUMPS AND DUMPING**” is repealed in its entirety.

Section 4. That a new Chapter of the Clarkson Code “**TRANSFER STATION**” is enacted as follows:

Section 5. That this local law shall take effect immediately.

See attached

Chapter XXX

TRANSFER STATION

§ XXX-1. Title.

This law shall hereinafter be known and cited as “The Transfer Station Local Law of the Town of Clarkson.”

§ XXX-2. Purpose and intent.

The Town of Clarkson owns and operates a Transfer Station for the deposit of refuse, brush, rubbish and recyclables. Except for brush, these materials are collected at the Transfer Station and then transferred to the Monroe County for processing. Brush is recycled on site by shredding or similar processes. The purpose of this Chapter is to regulate the access to and use of said Transfer Station.

§ XXX-3. Legislative authority.

This local law is enacted pursuant to the authority granted to the Town Board in §64 of the New York State Town Law; Article 2 of the Statute of Local Governments, Article 2 of the Municipal Home Rule Law; and Article IX of the New York State Constitution

§ XXX-4. Definitions.

For the purpose of this chapter, the terms used are defined as follows:

OPERATOR – the individual employed by the Town of Clarkson who is present on the site during hours of operation.

PERMIT - The evidence of the fee being paid for permission to use the facility. The Permit is issued by the Town Clerk and can only be issued to a Clarkson resident.

PERMIT HOLDER – The resident of the Town of Clarkson holding the Permit.

TRANSFER STATION – That part of the premises owned by the Town of Clarkson located at 3078 Redman Road (tax account number 039.01-1-18) designated by the Highway Superintendent for deposit of refuse, brush, garbage, rubbish and recyclables by persons holding Permits.

XXX-5 Hours of Operation.

Hours of operation shall be established by resolution of the Town Board and shall be posted in the Town Hall, on the Town's Website and at the Transfer Station.

XXX-6 Prohibited Acts.

The following acts are prohibited:

- A. Using the Transfer Station when it is not open;
- B. Depositing material in front of, or in the vicinity of the gate or on the road leading to the Transfer Station.
- C. Disposing of material in an area other than where designated.
- D. Disposing of material without holding a valid permit.
- E. Disposing of material requiring a fee without paying the fee.
- F. Disposing of material not generated in the Town of Clarkson.
- G. Refusing to obey the directions of the Operator on duty.
- H. Disposing of prohibited material as specified in §XXX-7 below.
- I. Disposing of more than the volume Permitted in §XXX-8 below.
- J. Picking, sorting and/or removing any material at the site other than what is in the building designated and marked for that purpose.
- K. Hunting or trapping.
- L. Discharge of firearms.

XXX-7 Prohibited Material.

The following materials are prohibited:

- A. Any material containing asbestos.
- B. Roofing material.

- C. Paint unless it is latex type paint prepared for disposal under Monroe County Guidelines. Paint not allowed to be disposed of at the Clarkson Transfer station can be disposed of through Monroe County.
- D. Anti-freeze.
- E. Hazardous chemicals.
- F. Flammables, unless permitted elsewhere in this Chapter.
- G. Hot ashes.
- H. Lead/acid batteries.
- I. Large animal carcasses.
- J. Wire, unless approved by the Operator.
- K. Material not generated in the Town of Clarkson.
- L. Any material that, in the opinion of the Operator, has the potential to be dangerous.

§XXX-8 Volume of Material Permitted.

- A. Each Permit hold shall be allowed to dispose of a maximum of six (6) thirty (gallon) bags of household garbage a week.
- B. Unlimited recyclables as Permitted by Monroe County Recycling Regulations, providing that the material is sorted and placed in the containers provided.
- C. Unlimited brush and tree cuttings, Christmas trees, lawn clippings, stone and concrete, used motor oil, electronics, metal and glass provided that the material is sorted and place in the containers provided.

§XXX-9. Fees.

The following fees are imposed for use of the Transfer Station:

- A. An annual Permit fee established by resolution of the Town Board.
- B. Fees for the following specific items established from time to time by resolution of the Town Board:
 - 1. Any item containing, or designed to contain, Freon.
 - 2. Tires.
 - 3. Propane Tanks.
 - 4. A fee for junk items such as wood, furniture, metal up to 64 cubic feet in volume. By way of example at pickup truck load measuring 4 feet wide, 8 feet long and 2 feet in height. The Operator shall have a chart giving other dimensions.
- C. The time, place and method of payment of said fees shall be determined from time to time by resolution of the Town Board.

§XXX-10. Revocation of Permit.

- A. The Highway Superintendent shall have the authority to revoke the Permit of anyone who violates the provisions of this Chapter.
- B. The notice of revocation shall be in writing stating the reasons for the revocation.
- C. The notice of revocation shall be filed in the Office of the Town Clerk within two (2) business days. The Town Clerk shall, within two(2) business days, send the Permit Holder a notice of the revocation by first class US Mail, addressed to the address of the Permit Holder shown on the Permit application, or any change of address which the Permit Holder has filed with the Town Clerk.
- D. The Permit Holder shall have fifteen (15) days to appeal the decision in writing to the Town Board.
- E. The Town Board shall hear the appeal within 32 days of the receipt of the appeal. The Town Clerk shall notify the Permit Holder of the time, date and place of the hearing at which hearing the Permit Holder shall be given the opportunity to testify, cross examine any witnesses presented by the Town and submit evidence on his or her behalf.
- F. After the conclusion of the hearing the Town Board shall render a decision by majority vote within 14 days. If the Town Board rules on behalf of the Permit Holder, a prorated fee refund for the period from the initial revocation to the favorable ruling shall be given to the Permit Holder.
- G. Should the Permit Holder fail to appeal as provided herein, or should the Permit Holder's appeal be denied there shall be no return of the Permit fee.
- H. A Permit Holder who has had a Permit revoked shall not be eligible to reapply for two years and shall not be allowed at the Transfer Station until his or her Permit shall be restored.

XXX- 11 Enforcement.

Except for the Revocation in Section 10 of this Chapter, this Chapter shall be enforced by the Monroe County Sheriff's Department, New York State Police or other peace officers.

XXX-12 Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed \$250 for each such offense or by imprisonment for not more than 15 days, or by both such fine and imprisonment. These penalties shall be in addition to any Permit revocation imposed herein.

XXX-13 Severability.

If any clause, sentence, phrase, paragraph or any part of this chapter shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this chapter would have been adopted had any such provisions been excluded.