

Webster Town Board

May 18, 2023

A regular meeting of the Webster Town Board was called to order by Supervisor Flaherty at 7:30 p.m. at the Webster Town Board Meeting Room, 1002 Ridge Road, Webster, New York, with the following officials present:

- Supervisor Thomas J. Flaherty
- Councilman William G. Abbott
- Councilman John J. Cahill
- Councilwoman Patricia T. Cataldi
- Councilwoman Ginny L. Nguyen
- Town Attorney Charles J. Genese
- Town Clerk Dorothy M. Maguire

Department Heads Present

- Community Development Director..... Josh Artuso
- Deputy Commissioner of Public Works-Sewer Art Petrone
- Finance Director Paul Adams
- Highway Superintendent..... Pat Stephens

Supervisor Flaherty led the Pledge of Allegiance to the Flag.

Supervisor Flaherty announced that The Coca-Cola Company and their subsidiary, fairlife LLC, is planning to build their northeast plant in Webster.

David Mann, Senior Director of Supply Chain Strategy at The Coca-Cola Company, appeared before the Town Board. Also present were members of the Engineering Firm of Haskell Architects and Engineers.

Mr. Mann stated that they were excited to be standing in front of the Town Board after their announcement last week to build a new fairlife production facility in the Town of Webster off Tebor Road. The company, fairlife LLC, was founded in 2012. The company designed a line of products that are made through an ultra-filtered milk process that removes lactose and much of the sugar and leaves behind more of the protein and calcium. The company offers a wide range of products including fairlife ultra filtered milk, core power protein shakes and fairlife nutrition plan meal replacement shakes. The Coca-Cola Company has been a strategic partner to fairlife LLC since it was launched in 2012 and through the company’s acquisition in 2020. They anticipate the planned fairlife facility in Webster will bring about two hundred fifty jobs to the local area with the capital investment of about \$650 million. The production facility is expected to be about seven hundred forty-five thousand square feet, which includes the production warehousing office space. Once fully operational the facility will source about five million pounds of raw milk per day all from local farmers in the upstate New York area. They are very appreciative of the Town and their partnership through the extensive multi-state site selection search process. Webster was an ideal location due to the proximity to local farms, the workforce experience in food and beverage production and engineering, and the available utility infrastructure accessible to the property including the wastewater. They are excited to be putting roots in Webster, to be part of the vibrant community and to invest in the continued growth of the area and their business. They look forward to working with the Town alongside the residents of Webster throughout the development process to ensure they remain good neighbors and community partners.

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The Town Board was presented with a proposed Resolution to grant an Industrial Use Permit for the new fairlife production facility.

Supervisor Flaherty asked the Community Development Director to provide an explanation of what action the Town Board will be considering since this is the first formal action by either the Town Board, Planning Board or Zoning Board pertaining to the Coca-Cola fairlife plant.

Josh Artuso, Community Development Director, explained that the Webster Town Code requires, before the commencement of any use in the Town's Industrial District, an Industrial Use Permit by the Town Board. However, this is the first step of that process which is essentially a referral of the project to go through the site plan review process with the Planning and Zoning Boards. Upon going through that process, the project will be referred back to the Town Board for ultimate granting of an Industrial Use Permit.

The Town Board considered the following Resolution.

Resolution No. 178: MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to refer to the Planning Board an application for the granting of an Industrial Use Permit to fairlife, LLC, a subsidiary of The Coca-Cola Company.

WHEREAS, 239 RT 104 LLC own lands commonly known as Tax Account Numbers 066.03-1-28.111, 066.03-1-28.113, and 066.03-1-18.11, and Burrough Bros Inc. owns lands known as 066.03-1-20.1, and ERK Properties LLC owns lands known as 066.03-1-27.214, all of which lands are located on Tebor Road in the Town of Webster, comprising a total of 106.00± acres, upon which it is proposed to construct, inter alia, an approximate 745,000 square foot milk processing facility, warehouse and support services buildings; and

WHEREAS, fairlife, LLC a subsidiary of The Coca-Cola Company, proposes to develop the aforementioned lands by constructing an approximate 745,000 square foot milk processing area, warehouse, support services buildings, 121 trailer parking spaces, 202 auto parking spaces, a secured auto entrance, and secured truck entrance and various utility and stormwater management improvements; and

WHEREAS, the lands are in an I-N Industrial District; and

WHEREAS, pursuant to Webster Town Code, Section 350-22-A, the uses are permitted uses in an I-N Industrial District; and

WHEREAS, pursuant to Webster Town Code, Section 350-22-D(1), an Industrial Use Permit is required before the commencement of any use in an Industrial District; and

WHEREAS, the Concept Plan and application have been received by the Town Board; and

WHEREAS, Webster Town Code, Section 350-22-D requires referral of applications for Industrial Use Permits to the Town Planning Board; and

WHEREAS, Webster Town Code Section 350-22-E, requires site plan approval by the Planning Board under Webster Town Code Chapter 269; and

WHEREAS, an Environmental Assessment Form has been received and reviewed by the Town Board:

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NOW, THEREFORE, BE IT RESOLVED:

1. That the application, together with all supporting documents be referred to the Town of Webster Planning Board for its review and recommendation.
2. That the Planning Board as soon as practicable, after completion of site plan review procedure under Webster Town Code Chapter 269, shall submit a report of its findings with its recommendation for approval, conditional approval or disapproval of an Industrial Use Permit to the Town Board.
3. That the Town Board consents to any request of the Planning Board that the Town Board be designated as the lead agency for coordinated review procedures for the proposed action under the New York State Environmental Quality Review Act.

Vote on motion:

Supervisor Flaherty.....Aye	Councilman Abbott..... Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Supervisor Flaherty announced a Public Hearing to consider an addition to the Consolidated Sanitary Sewer District, specifically the Woodard Road Extension.

At 7:41 p.m. Supervisor Flaherty opened the Public Hearing.

With no comments being received, the Public Hearing was closed at 7:41 p.m.

The Town Board considered the following proposed Resolution.

Resolution No. 179: MOTION by Councilwoman Cataldi, seconded by Councilwoman Nguyen, to approve an addition to the Consolidated Sanitary Sewer District, specifically the Woodard Road Extension.

WHEREAS, Paul & Helen Sleeman, Papis Convenient, Inc, Andrew & Kara Foote, Jeremy & Mary Beth Covert, Alex & Stacy Szabo, Christopher Anschutz & Heather Horvath, the owners of certain parcels of land in an affected portion of Woodard Road in the Town of Webster, known as 1673, 1680, 1681, 1683, 1690, 1704 Woodard Road are desirous of extending sanitary sewer to their property, such parcels also identified as Tax ID Number 051.03-1-3.1, 050.02-1-30.1, 051.03-1-4, 051.03-1-6, 050.02-1-30.2, 050.02-1-29; and

WHEREAS, total costs for this extension to the existing sewer district is estimated not to exceed One Hundred Thirty-Six Thousand Seven Hundred Fifty Dollars (\$136,750.00); and

WHEREAS, once these parcels are added to the district it will also be added to the Consolidated Sanitary Sewer District and will be charged a capital fee (currently \$58.44 annually), and once connected an operation and maintenance fee (currently \$173.53 annually). A one-time entrance fee (currently \$1,000.00) will be charged at the time of connection; and

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WHEREAS, the owners of the affected parcels to be added will grant easements to the Town of Webster for the construction of said sanitary sewer improvements, which easements will be recorded and shown on a map to be prepared for the Town of Webster Consolidated Sanitary Sewer District; and

WHEREAS, the total estimated cost of adding these parcels to the Consolidated Sanitary Sewer District will be paid for by the residents whose property will be benefitted thereby; and

WHEREAS, if approved, the addition of this parcel and residence to the Woodard Road Extension to the Consolidated Sanitary Sewer District will result in the revision of the map, plan and report of that Extension and District; and

WHEREAS, it is both in the public interest and required by law that a Public Hearing be held to consider the proposed additions of these parcels and residences to the Woodard Road Extension of the Consolidated Sanitary Sewer District; and

WHEREAS, a Notice of Public Hearing was published in the *Webster Herald* on May 3, 2023, posted on the Town's Website and on the Town Clerk's Bulletin Board at 1000 Ridge Road, Webster, New York; and

WHEREAS, the Public Hearing on the addition of these parcels and residences to the Woodard Road Extension to the Consolidated Sanitary Sewer District was held by the Webster Town Board on May 18, 2023 at 7:30 p.m., and all interested persons having had an opportunity to be heard at the Public Hearing; and

WHEREAS, a short form Environmental Assessment Form (EAF) for the proposed action has been prepared, and has been submitted to the Town Board and reviewed by the Town Board:

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board of the Town of Webster does hereby authorize and approve the construction of certain sewer improvements along a portion of Woodard Road in the Town of Webster, servicing the above parcels and residences located on Woodard Road in the Town of Webster.
2. The maximum estimated total costs for this extension to the existing sewer district is estimated not to exceed One Hundred Thirty-Six Thousand Seven Hundred Fifty Dollars (\$136,750.00).
3. The maximum amount to be financed by the issuance of bonds pursuant to the Local Finance Law shall be One Hundred Thirty-Six Thousand Seven Hundred Fifty Dollars (\$136,750.00).
4. The maximum annual cost of the improvements to each of the affected parcels and properties is estimated to be One Thousand Forty-One Dollars and Sixteen Cents (\$1,041.16).
5. The estimated cost for each of these parcels will be a capital fee (currently \$58.44 annually), and once connected an operation and maintenance fee (currently \$173.53). A one-time entrance fee (currently \$1,000.00) will be charged at the time of connection.

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- 6. The Town Board is hereby authorized and directed to obtain definite plans and specifications and, with the assistance of counsel as required by Town Law, to enter into any contract or contracts needed for such improvements, provided the price of such contract or contracts in the aggregate does not exceed the maximum costs estimated above.
- 7. Any costs of publication and recording of any documents, including easements, necessary to affect these additions will be paid by and/or reimbursed to the Town by the property owners.
- 8. The Town Board hereby determines that based upon the information in the Environmental Assessment Form and other available information, the proposed project will not have a significant effect on the environment within the meaning of SEQRA and does not require the preparation of an environmental impact statement.

Vote on motion:

Supervisor Flaherty	Aye	Councilman Abbott	Aye
Councilman Cahill	Aye	Councilwoman Cataldi	Aye
Councilwoman Nguyen	Aye	Motion carried	5-0

The meeting was open to the floor.

Several Webster Residents spoke in regard to the Town Board’s consideration of taking the pledge to register with the New York State Department of Environmental Conservation as a Climate Smart Community. In favor were Jon Randall, Jacqueline Lense and Steve Gaudioso. Not in favor were Jen Fonseca, Michele Anderson, Greg Cummings, Rick Storace, David Bancoro and Robert Schlegel. Penfield resident Brenda Lincoln also spoke and was not in favor.

The following people spoke regarding operational matters at Northeast Quadrant Advanced Life Support (NEQALS), the recent failed New York State Department of Health field inspection of two of their ambulances and the funding of the organization.

Matt Lloyd, NEQALS Deputy Chief of Operations, stated he is responsible for ensuring that they are properly staffed and equipped to provide emergency medical service coverage to the Town of Webster. They have five lieutenants reporting directly to him and are responsible for community education, vehicle maintenance, supplies, vehicle checks and quality assurance. As soon as they knew the results of the field inspection of their ambulances, a corrective action plan was immediately established and executed, and they thoroughly went through three of their remaining vehicles. They ensured the ambulances were up to par and were replaced immediately into service within a few hours. Mr. Lloyd also addressed the matter of misinformation and attacks coming from former employees.

Nate Hinman, NEQALS, Lieutenant, spoke on the recent vehicle inspection, the perceptions of leadership within the organization and the overall culture at NEQALS.

Sue Garbacik, NEQALS, Office Manager, spoke on behalf of two Emergency Medical Technician (EMT) employees unable to be present and shared their experience and pleasure working for the organization. They both asked the Town Board to support the organization.

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Liam Hill, NEQALS EMT, shared why he feels NEQALS is an essential part of the Webster community and why it should continue to be supported. He asked the Town Board to continue to support the agency in the future as they have done in the past.

Michael Pope, NEQALS Board Vice President, stated he was speaking on behalf of the NEQALS Board of Directors and their fifty EMTs and paramedics. Two weeks ago, Town Supervisor, Councilman Cahill and Attorney Genese met with the NEQALS Board and presented several short-term and long-term funding options. They have reviewed those options and presented their proposal to Supervisor Flaherty. He stated the Town Board has proudly talked about EMS in Webster and how it owns the Certificate of Need (CON). The Webster EMS CON was obtained by former Town Supervisor Nesbitt, Town Attorney Genese and NEQALS CEO, Ahmed Mustafa. Many hours were spent laying out the groundwork for the CON. Former Supervisor Nesbitt stood with NEQALS and helped develop and supported Webster EMS. The members of NEQALS are confused as to why the former Supervisor no longer supports the organization. He continues to supply false or misleading information against NEQALS members on social media platforms. They do not understand why he would bash and harass an amazing entity that he so proudly built. NEQALS' management of finances has been questioned by the former Supervisor as well as members of the Town Board. NEQALS has had outside financial audits for three consecutive years, and the results have not indicated any concerns. The current EMS reimbursement model, which relies solely on third party billing, can no longer sustain any EMS agency. NEQALS is asking for meaningful funding from the Town to close the funding gap and allow them to invest in much needed equipment and supplies. NEQALS looks forward to the Town's support in ensuring EMS in Webster is provided by a Webster based EMS agency.

Supervisor Flaherty announced that next Thursday, May 25, 2023 at 5:30 p.m. there will be a presentation on nine months of due diligence on ambulance coverage in Webster with short-term and long-term options being provided. By June 30th the Town Board will make a decision.

Ronald Nesbitt, Webster resident and former Town Supervisor, stated he respects NEQALS employees, and he feels the issues at their facility are management issues. The information he receives is obtained through Freedom of Information requests submitted to the Town of Webster, Monroe County and the Department of Health. He also obtains information from informed people in the ambulance industry, not former employees. He is concerned with the recent NEQALS ambulance inspection report performed by NYSDOH and that it was not made public to the Webster community. He feels there should have been an inspection policy already in place before the ambulances were utilized. He also feels it is time for a new NEQALS Chief Operating Officer, Board of Trustees and a new updated contract that lays out the do's and don'ts expected from an ambulance organization along with metrics showing what the Town of Webster will receive. In addition, he feels the Town Board should seek proposals for a new ambulance service. He is not in favor of an ambulance tax district.

George Glessner, NEQALS Board Member, stated that management takes full responsibility for their two ambulances failing inspection. The issues have been corrected and steps have been taken to prevent them from happening again. He acknowledged that they have ambulances that are old and not as nice as other EMS services. He feels their organization needs enough funding to be able to purchase a new ambulance as they can only afford to buy used vehicles. Years ago, third party billing made a difference but no longer. Healthcare right now is in dire straits and

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their costs have substantially grown. NEQALS is asking for the Town of Webster to work with the service that has been here for thirty-five years providing for the lives of the people of Webster. They want to do what is best for the citizens, that is their goal, belief and promise.

Resolution No. 180: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to approve the May 4, 2023 Town Board Workshop Minutes as submitted by the Town Clerk.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Resolution No. 181: MOTION by Councilwoman Cataldi, seconded by Councilman Abbott, to approve the bills as submitted in Warrant #0523A by the Director of Finance.

Fund	Inside	Outside	Total
General (A,B) CL #6455-6631	103,972.50	397,278.62	501,251.12
Highway (C,D)	37,065.60	1,045.85	38,111.45
Sewer (G)	30,920.33	53,476.48	84,396.81
Library (L)	77,063.05	978.67	78,041.72
Drainage Districts (M)	2,145.86	0.00	2,145.86
Parkland (E)	0.00	61,554.75	61,554.75
Water Districts (R/SW)	0.00	5,312.25	5,312.25
Sewer Districts (J)	0.00	26,870.50	26,870.50
Trust & Agency (T/A,TP,XM,XD)	0.00	282,887.43	282,887.43
Capital Projects (H) #51-60			
H213 SB Waterfront Park Design	9,771.37	0.00	9,771.37
H220 WWTP Improvement	0.00	22,773.57	22,773.57
H223 Lake Rd WE Drain MO.56	15,701.56	0.00	15,701.56
H224 Sandbar Shore Protect MO.59	10,507.22	0.00	10,507.22
H226 Lake Rd Pump Station MO.65	235,581.00	0.00	235,581.00
H230 Sandbar Flood Wall MO.78	3,893.57	0.00	3,893.57
H232 Highway Garage Building	<u>10,949.45</u>	<u>0.00</u>	<u>10,949.45</u>
TOTAL	537,571.51	852,178.12	1,389,749.63

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Resolution No. 182: MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to approve the prepaid vouchers included in Warrant #0523A by the Director of Finance in the amount of \$852,178.12. [Included in the summary of vouchers approved in Resolution #181]

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Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Resolution No. 183: MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to approve purchase orders as submitted by the Director of Finance.

Vote on motion:

Supervisor FlahertyAye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Resolution No. 184: MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to schedule a Public Hearing to consider enacting a Local Law adding a new chapter to the Code of the Town of Webster, to be known as the Property Maintenance Code.

WHEREAS, the Town Board has the authority pursuant to Articles 2 and 3 of the New York State Municipal Home Rule Law and § 64 of the New York State Town Law to adopt and amend local laws, consistent with the New York State Constitution and General State Laws, in relation to the property, affairs and government of the Town; and

WHEREAS, the Town Board has the authority pursuant to Articles 4 of the New York State Town Law to regulate the use of land within the Town of Webster, and to generally promote the health, safety, morals, or general welfare of the community; and

WHEREAS, the Town Board from time to time must, of necessity, common sense, and in the interest of its constituents and the residents of the Town of Webster, review the laws pertaining to uses, building and structures permitted within residential districts within the Town; and

WHEREAS, it is both in the public interest and required by law that a Public Hearing be held to consider this new proposed additional Chapter to the Code of the Town of Webster:

NOW, THEREFORE, BE IT RESOLVED:

1. That a Public Hearing shall be scheduled and conducted at a regular meeting of the Town Board of the Town of Webster to be held at the Town Board Meeting Room, 1002 Ridge Road, in the Town of Webster on Thursday, June 1, 2023, at 7:30 p.m., to consider a Local Law adding a new Chapter to the Code of the Town of Webster in regard to, among other things, the maintenance, structure, construction, fire prevention, to effect the safety and health and habitability of the properties located within the Town of Webster, to be known as the “Property Maintenance Code”.
2. Such Local Law will be designated as:

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LOCAL LAW NO. 1 OF 2023

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WEBSTER AS FOLLOWS:

Chapter 243

PROPERTY MAINTENANCE

Article 1 General Provisions

§ 243-1. Title.

This chapter shall be known and cited as the "Town of Webster Property Maintenance Code" and will be referred to herein as "this chapter".

§ 243-2. Purpose.

The purpose of this chapter is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Town of Webster are maintained in a manner that, in the discretion of the Director of Community Planning and Development or his/her representative, will assure the safety, health, and welfare of the general public.

§ 243-3. Definitions.

BUILDING INSPECTOR - The Town officer appointed by the Town Board to be in charge of the Office of the Building Inspector of the Town of Webster in the County of Monroe and State of New York designated by the Town Board to enforce Chapter 119, Building Construction, Chapter 165, Fire Prevention, and Chapter 350, Zoning, and such other similar and related ordinances and local laws as may be determined by the Town Board.

CARPORT - A temporary freestanding covered structure used to offer limited protection to the items stored within. Most commonly used to store vehicles.

CODE COMPLIANCE COORDINATOR - The Town officer appointed by the Town Board to be in charge of the Office of Code Compliance of the Town of Webster in the County of Monroe and State of New York designated by the Town Board to enforce Chapter 119, Building Construction, Chapter 243 Property Maintenance, and Chapter 350, Zoning, and such other similar and related state and local ordinances and laws as may be determined by the Town Board.

CODE ENFORCEMENT OFFICIAL - The officer or employee designated by appropriate authority to be in charge of and responsible for the enforcement of the provisions of a local law, ordinance or parts thereof for which he or she is so designated, including the Town of Webster Code Compliance Coordinator, Code Enforcement Officer, Building Inspector, Assistant Building Inspector, Fire Marshal, and Deputy Fire Marshal.

COURTYARD - An open space surrounded by buildings, sometimes privately owned or a part of public property.

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DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT - The department consisting of, but not limited to, the Office of the Fire Marshal, the Office of the Building Inspector, the Office of Code Compliance, and the Division of Planning and Zoning, headed by the Director.

DEPARTMENT OF STATE - The Department of State of the State of New York.

DIRECTOR OF COMMUNITY PLANNING AND DEVELOPMENT - The Town officer who is chief executive officer of the Department of Community Planning Development of the Town of Webster in the County of Monroe and State of New York.

FIRE DEPARTMENT - Any of the fire companies under contract to render services in the Town of Webster, in the County of Monroe, and State of New York.

FIRE MARSHAL - A Town official designating to be in charge of the Office of the Fire Marshal of the Town of Webster in the County of Monroe and State of New York, designated by the Town Board to enforce jointly with the Town's other employed Code Enforcement Officials, Chapter 165, Fire Prevention, and such other similar and related ordinances and local laws as may be determined by the Town Board.

SECRETARY OF STATE - The Secretary of State of the State of New York.

TEMPORARY SHED - A structure which is not permanently secured to the ground and is no larger than 200 sq/ft. Commonly constructed of plastic, fabric, or a combination of both. Commonly used for storing residential lawn equipment and household items.

TEMPORARY FENCE - A fence constructed of materials not commonly used in the construction of a fence that would require a Building Permit by the Town of Webster. Fencing such as, but not limited to, snow fencing, screen fencing, netting, chicken wire, and silt screen are examples of temporary fencing.

UNIFORM CODE - The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time, including the Building Code of New York State, the Residential Code of New York State, the Fire Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Fuel Gas Code of New York State, and the Property Maintenance Code of New York State. "Uniform Code" shall also include the New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

NOTICE AND ORDER - An order issued by a Code Enforcement Official pursuant to § 243-7 of this article. The Town of Webster Notice and Order fulfills the order to remedy as defined by and referenced in Executive Law § 382 of New York State.

YARD - An open space on the same lot with a main building and unoccupied except for those structures specifically permitted.

YARD TRIMMINGS - Discarded grass clippings, sticks, branches, or mulch.

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§ 243-4. Scope; applicability.

- A. The provisions of this chapter shall apply to all buildings and premises within the Town of Webster as follows:
- (1) Lots, plots or parcels of land which are vacant, or upon which are occupied or vacant buildings or portions of buildings.
 - (2) Buildings intended for residential use or occupancy, including one- and two-family dwellings and multiple dwellings, mixed-occupancy buildings and accessory structures.
 - (3) Buildings intended for use as commercial, industrial, institutional or storage, and related accessory structures.
 - (4) Any and all buildings or parcels which are under construction or demolition, including buildings not completed, to the extent that a nuisance or practice exists, or is being carried out, which, in the opinion of the Code Enforcement Official, is a disturbance to the public health, safety or welfare.
- B. Public land owned or under the control of local, state or federal governments or their political subdivisions is exempt from the provisions of this chapter.

§ 243-5 Construal of provisions.

- A. The provisions of this chapter shall supplement state and local laws, ordinances, codes and regulations. Where a provision of this chapter is found to be in conflict with any provision of a state law, local law, ordinance, code or regulation, the provision which is more restrictive, or which establishes the higher standard shall prevail when legally permissible.
- B. Nothing in this chapter shall be deemed to abolish or impair existing ordinances or remedies of the Town of Webster or its officers or agencies relating to the repair, removal or demolition of any building deemed to be dangerous, unsafe or unsanitary.
- C. For reference purposes, this chapter includes sections of and references Chapter 350, Zoning, of the Code of the Town of Webster, codes of the Town of Webster and to the New York State "Uniform Code". References to local or state laws, ordinances, codes, rules or regulations or sections thereof shall be construed to include the addendum "as from time to time amended". Any sections of this chapter which are contained in any laws, codes or ordinances having provision for variances and appeals shall not prohibit the seeking of variances and appeals under such laws, codes or ordinances.
- D. All words in this chapter which are not hereinafter defined shall carry the meanings set forth in the laws referred, and if no such definition exists, the meaning shall be derived from the customary use of the English language. If a dispute should arise, the Director of Community Planning and Development or his/her representative shall be responsible for determining which specific meaning is appropriate for a word which has more than one meaning and which is not defined in this chapter.

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§ 243-6 Adoption of standards.

There is hereby adopted by the Town of Webster, Monroe County, New York, for the purpose of prescribing regulations governing general property maintenance, and conditions hazardous to life and property from fire, explosion or other cause, the regulations and standards as set forth in the New York State Uniform Fire Prevention and Building Code (henceforth referred to as the "Uniform Code").

Article II Regulatory Provisions

§ 243-7 Exterior Property Maintenance.

A. Exterior property areas.

- (1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent ponding (as required by the New York State Uniform Code).
- (2) Fences, walls and other minor constructions shall be maintained in safe, good and substantial condition (as required by the New York State Uniform Code). Fences must be constructed in a workmanlike manner using generally accepted standard fencing materials, in the opinion of the Code Enforcement Official.
- (3) Temporary fencing shall not delineate the boundary lines of any property, nor shall they be any closer than three feet from any one boundary line. Temporary fencing may only be erected from October 1st of one calendar year, to February 1st of the following calendar year.
- (4) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passages (as required by the New York State Uniform Code). All hazards, including but not limited to holes, deep ruts, cracking or buckling of service walks, driveways and parking lots, shall be repaired or removed.
- (5) Yards, court yards, and vacant areas shall be kept clean and free of hazards (as required by the New York State Uniform Fire Prevention and Building Code).
- (6) Ground cover shall be properly established to prevent undue soil erosion, due to the elements (as required by the New York State Uniform Fire Prevention and Building Code).
- (7) Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health or safety shall be eliminated (as required by the New York State Uniform Code). Except for farms, all grass, weeds, trees, or other plant growth shall be cut or trimmed to avoid the development of places for the accumulation of blowing trash, dumping, rodent harborages, infestation, criminal activity or places which constitute a blighting or unsightly influence on the neighborhood. In addition, thereto, in order to provide for the proper use of land and to prevent unhealthy, hazardous or dangerous conditions due to the accumulation of brush, grass, rubbish or weeds or growth of poisonous shrubs or weeds and to protect the public health, safety and general welfare of the residents of this Town, all owners or occupants of property must remove such dangers to health, life and property. All owners and/or occupants of land are required to cut, trim

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or remove brush, grass, rubbish or weeds, or to spray with herbicides, cut, trim, remove or destroy poisonous shrubs or weeds, when ordered to do so by notice from the Town of Webster. Brush, grass or weeds in excess of ten inches in height on any property shall be deemed to be unhealthy, hazardous, and a dangerous condition.

- (8) Exterior doors, windows, skylights and similar openings shall be maintained weathertight (as required by the New York State Uniform Code).
- (9) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition (as required by the New York State Uniform Code).
- (10) Roofs shall be maintained in a watertight condition (as required by the New York State Uniform Code). Tarping of roofs for a period in excess of 30 continuous days shall be deemed a violation of this section.
- (11) Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative (as required by the New York State Uniform Code). Exterior siding shall be of generally accepted standard materials, in the opinion of the Code Enforcement Official, and shall be properly maintained so as to remain affixed to the structure and protected from weather-related deterioration.
- (12) Railings shall be provided at open sides of balconies, mezzanines, porches, decks, accessible roofs, ramps, stairways and around floor openings (as required by the New York State Uniform Code).
- (13) Dust, site drainage or any other condition which may create a nuisance to the public must be controlled during construction and at all times.
- (14) All elements and stipulations of an approved site plan must be complied with, installed and maintained.
- (15) Required handicapped parking spaces, signs or markings must be maintained and remain unobstructed and accessible in accordance with the New York State Uniform Code and any referenced standards. All handicapped parking spaces shall be independently indicated by permanent signs installed in accordance with aforementioned standards.
- (16) All swimming pools, both in-ground and aboveground, shall be continuously maintained so as to avoid stagnant unhealthy water accumulation, and shall be continuously secured so as to preclude the creation of an attractive nuisance.
- (17) Carports, greenhouses, tents, temporary sheds, or similar structures erected in any yard, court, parking lot, or similar area within the Town of Webster for more than ten days shall meet the New York State wind and snow loads, as well as all applicable zoning setback and dimensional regulations. It shall be the responsibility of the property owner to show that such standards and regulations are met.
- (18) Parking is prohibited in the front yard of any lot in any residential district, except that parking is permitted on the driveway serving the property.

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- a. Vehicles parked in the front yard of a lot within a residential district due to active driveway maintenance or construction are exempt.

(19) A lot in a residential district without a principal structure shall not be used for parking or storage of vehicles, machinery, or similar equipment.

(20) Outdoor Lighting.

- a. Exterior artificial lighting shall be maintained in operating condition. (as required by the New York State Uniform Code).
- b. All outdoor lighting fixtures shall be equipped and used in a manner which causes all of the luminous flux from said fixtures to fall upon the surface of the structure or ground which is intended to be illuminated (as required by Chapter 222, Outdoor Lighting, of the Code of the Town of Webster).

B. Garbage and refuse.

(1) Storage of refuse.

- a. In accordance with Chapter 281 Solid Waste Management, no person shall accumulate or permit the accumulation of refuse upon any premises owned or occupied by him/her except for the purpose of collection, which shall normally occur at intervals not less frequent than once every seven days, except for holidays, Sundays, vacations or extraordinary weather, or except where caused by or arising out of the construction or remodeling of a dwelling or other building on the premises or incidental to the landscaping of said premises or customary agricultural operations thereon, in which cases due care shall be taken that such accumulation shall not create an unsightly appearance or unreasonably disturb the comfort and repose of the neighborhood and shall be removed within a reasonable time or immediately upon completion of the work causing such accumulation.
- b. The determination of violations related to this provision shall be in the sole discretion of the Code Enforcement Official (as required by Chapter 281, Solid Waste Management, of the Code of the Town of Webster).

(2) No person shall throw or deposit or cause to be thrown or deposited any refuse, hazardous waste or recyclable materials in or upon any portion of a public right-of-way, street or place or on any property not owned or occupied by him/her, or in any refuse container not owned, leased or rented by him/her within the Town of Webster.

(3) Preparation of leaves for collection.

In the fall, leaves may be collected by the Town. All leaves must be stored outside of Town gutters and roadways. Leaves stored in yard waste bags, wheelbarrows, lawn carts, fifty-five-gallon drums, fiber barrels and waste baskets shall not be collected by the Town. All leaves must not be mixed with other yard trimmings or refuse materials set

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out for collection. Town leaf collection may begin in the month of October each year and may end in the month of December each year at the discretion of the Highway Superintendent.

(4) Preparation of bulky refuse.

- a. Appliances and bulk refuse shall be dismantled in such a way so as not to pose a threat to public health and safety. For example, refrigerator doors must be removed from their hinges. ("Bulk refuse" as defined by Chapter 281, Solid Waste Management, of the Code of the Town of Webster).
- b. Such bulk refuse is to be placed at the curb in an area no larger than five feet by five feet square by three feet high, or an equivalent volume. Amounts in excess of this quantity will require special collection arrangements to be made by the person. ("Bulk refuse" as defined by Chapter 281, Solid Waste Management, of the Code of the Town of Webster).

(5) Preparation of garbage/refuse.

- a. Garbage/Refuse shall be stored in proper containers. Such receptacles shall be a container of sufficient capacity, and said container shall have handles, a tight-fitting cover and shall be watertight. All such receptacles shall be securely closed at all times. Wheelbarrows, lawn carts, fifty-five-gallon drums, fiber barrels and wastebaskets are not considered suitable containers for collection of garbage/refuse (as required by Chapter 281, Solid Waste Management, of the Code of the Town of Webster).
- b. Except for one-family or two-family residential uses, refuse containers shall be stored either inside of a building or within an enclosure which screens said containers from public view. Such enclosure must screen containers from public view on no fewer than three sides and shall have operable swing gates to provide refuse collectors access to said containers.

(6) Storage of junk.

- a. The outdoor storage or maintenance of junk shall not be permitted on any lot in any district.
- b. Definition of junk. As used in this section, the term "junk" shall mean any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, recreational vehicle, trailer or similar object which is abandoned, demolished, discarded, dismantled or so worn, deteriorated or in such a condition that is not readably useable for its intended purpose. This definition shall include but shall not be limited to scrap metal, scrap material, waste bottles, cans, paper, rubble, boxes, crates, rags, used construction materials, motor vehicle parts and used tires.

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§ 243-8 Interior Property Maintenance.

- A. Structural members shall be protected and maintained to resist and prevent deterioration (as required by the New York State Uniform Code).
- B. Ceilings, walls, floors and stairways shall be maintained in a safe and sound condition (as required by the New York State Uniform Code).
- C. Habitable Spaces.
 - (1) It shall be prohibited to use for sleeping purposes any kitchen or non-habitable space. It shall be prohibited to use any basement space as habitable space unless the basement meets all egress requirements set forth by the New York State Uniform Code. The definitions of "habitable space", "kitchen", and "basement" are those definitions found in the New York State Uniform Code.
 - (2) Habitable space shall have natural light provided by means of one or more windows, skylights, transparent or translucent panels, or any combination thereof, that face directly on open space (as required by the New York State Uniform Code).
 - (3) Habitable space shall have natural ventilation provided by means of openable parts of windows or other openings in exterior walls that face directly on open space, or through openable parts of skylights (as required by the New York State Uniform Fire Prevention and Building Code).
- D. Electrical light.
 - (1) Stairs serving occupied and habitable space shall be provided with electric light to allow safe ascent and descent.
 - (2) Habitable space shall be provided with electric light appropriate for the intended use (as required by the New York State Uniform Code).
- E. Toilet Rooms.
 - (1) Toilet rooms and bathrooms shall be provided with natural or mechanical ventilation and light.
 - (2) Toilet room, bathroom, and laundry room floors shall be maintained in a watertight condition (as required by the New York State Uniform Code).
 - (3) Toilet rooms and bathrooms shall be arranged to provide privacy (as required by the New York State Uniform Code).
- F. Heating equipment and chimneys
 - (1) Heating equipment for residential habitable space shall be maintained so as to provide an indoor temperature of 68° F, measured at a distance of two feet and more from exterior walls and at a level of five feet above the floor.

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- (2) Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors shall be maintained structurally safe and smoke-tight, so as to safely convey the products of combustion to the outer air (as required by the New York State Uniform Code).
- (3) Heating equipment shall be maintained in good condition, in order to provide adequate and safe heat to occupied spaces, in the opinion of the Building Inspector.
- (4) Gas heating equipment shall have a shutoff valve provided at or near the source of supply.
- (5) Fuel gas piping systems shall be maintained gastight, safe and operative under conditions of use (as required by the New York State Uniform Code).
- (6) Fuel oil.
 - a. Fuel oil shall be stored and conveyed by means of fixed liquid-tight equipment (as required by the New York State Uniform Code).
 - b. Tanks subject to damage by vehicles shall be protected against such damage (as required by the New York State Uniform Code).
 - c. Tanks shall be maintained so as not to be a hazard to the premises served (as required by the New York State Uniform Fire Prevention and Building Code).
 - d. Abandoned underground residential heating oil tanks under 1,100 gallons shall be removed or closed on site by first removing the existing petroleum product and filling with a solid, inert material, using good engineering practice. Acceptable inert materials for closing a tank in place include sand and concrete slurry. These tanks shall be made safe by draining the connecting lines, disconnecting the suction inlet, gauge and vent lines and capping the remaining piping.

G. Cooking and refrigeration.

- (1) There shall be provided within each dwelling unit approved-type cooking and approved-type refrigeration equipment located in a kitchen or kitchenette (as required by the New York State Uniform Code).
- (2) Electrical cooking and refrigeration equipment shall be properly connected to the electrical system (as required by the New York State Uniform Code).
- (3) Gas-burning cooking and refrigeration equipment shall be connected to the gas supply system with pipe or tubing of solid metal or approved appliance connectors (as required by the New York State Uniform Code).
- (4) Cooking and refrigeration equipment shall be maintained in good operating condition (as required by the New York State Uniform Code).

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H. Plumbing maintenance.

- (1) General plumbing systems shall be maintained in good, safe, sanitary and serviceable condition (as required by the New York State Uniform Fire Prevention and Building Code).
- (2) Water supply.
 - a. Potable water from an approved source shall be available at all times. The domestic water supply system of the building shall be connected to such approved source, shall not be subject to contamination and shall not be connected to unsafe water supplies (as required by the New York State Uniform Code).
 - b. Water supply systems shall be maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily (as required by the New York State Uniform Code).
 - c. Backflow prevention devices required by the Town of Webster or other regulatory agencies, laws, rules or regulations must be installed and maintained in good working order to prevent contamination of the public water supply.
- (3) Hot water. Hot water shall be supplied. Water heaters or central water heating equipment shall be maintained in good operating condition (as required by the New York State Uniform Code).
- (4) Drainage.
 - a. Sewage and stormwater drainage systems shall be maintained so as to function properly and be kept free from obstructions, leaks and defects (as required by the New York State Uniform Code).
 - b. Stormwater drainage shall not interfere with the use of, or cause a nuisance to, adjoining properties.
 - c. Required oil separators, grease traps and other intercepting devices must be maintained in good and operable condition.

I. Electrical maintenance.

- (1) Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock. Deteriorated material and equipment shall be removed and replaced, as may be required (as required by the New York State Uniform Code).
- (2) Panel boards shall be kept free from encumbrances and shall be accessible at all times (as required by the New York State Uniform Code).
- (3) Electrical systems shall comply with the National Electrical Code (NEC) and the New York State Uniform Code.

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J. Locking devices.

- (1) In every single and two-family residence, each means of ingress and egress shall be equipped with a locking device.
- (2) In every multiple dwelling, all secondary means of egress, basement entrances and all entrances to accessory use areas shall be equipped with locking devices, and such locking devices shall not prevent free escape from the inside.
- (3) In multiple dwellings, where the main entrance is equipped with separate bells to each dwelling unit, the main entrance shall remain locked.
- (4) Separate dwelling unit, studio unit and rooming unit entrances and exits within structures shall be equipped with locking devices.
- (5) The installation or use of double-cylinder dead bolts is prohibited.

K. Smoke detectors.

- (1) At least one smoke detection device per unit shall be installed adjacent to sleeping areas in all one-family dwellings, two-family dwellings and multiple dwellings.
- (2) The smoke detection system design, location and performance shall be subject to the provisions of the New York State Uniform Code and referenced standards contained therein.
- (3) The owner of a dwelling unit shall be responsible for installing and maintaining the smoke detection devices or systems required herein.

L. Buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

§ 243-9. Vacant Structures.

Vacant buildings or structures. Every person owning or having charge or control of any building or structure which has been vacant for over 60 days shall remove all combustible waste and refuse therefrom and lock, barricade, guard continuously or otherwise secure all windows, doors and other openings in the building to prohibit entry by unauthorized persons in a manner approved by the Building Inspector.

§ 243-10. Maintenance of Vacant Lots (within developed areas).

- A. Combustible waste, refuse and large quantities of dry vegetation which, by reason of their proximity to buildings or structures, would constitute a fire hazard or contribute to the spread of fire shall be removed (as required by the New York State Uniform Code).
- B. Heavy undergrowth and accumulations of plant growth which are noxious, detrimental to health or safety or unsightly shall be eliminated.
 - (1) Lots with a valid building permit are not required to maintain plant growth during active construction.

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- C. Individual undeveloped lots in developed areas shall be maintained.
- D. Where two or more undeveloped lots adjoin and in all other open fields and undeveloped areas, an area of 15 feet must be maintained where these areas adjoin developed areas or public rights-of-way.

ARTICLE III Enforcement and Compliance

§ 243-11. Designation of enforcement officer.

- A. This chapter shall be administered and enforced by the Town of Webster Code Compliance Coordinator and other Town Code Enforcement Officials. The Code Compliance Coordinator may be assisted by a staff consisting of Code Enforcement Officers, clerks, typists and any other employee or person designated by the Town Board or Director of Community Planning and Development to assist in carrying out the duties of a Code Enforcement Official. When used in this chapter, the term "Town of Webster Code Enforcement Official" shall refer to any New York State certified Code Enforcement Official employed by the Town of Webster or his/her designee, and the term "Fire Marshal" shall have the same meaning as the "Town of Webster Code Enforcement Officer."
- B. The Town of Webster Code Enforcement Officials may, between the hours of 8:00 a.m. and 10:00 p.m. or, if different, during normal business hours, enter any building or premises within the Town of Webster for the purpose of making any inspection or investigation to ensure compliance with the provisions of this chapter, the Uniform Code and Part 444 of the Executive Law. Entry into legally occupied private residences or other residential tenancies where there exists an individual privacy right shall be permitted only when the Code Enforcement Official has either obtained the informed consent of the property owner or person with a privacy right to the property, or obtained an appropriate search warrant, or acts in the belief that there exist exigent circumstances whereby immediate entry into a residence is required to ensure the protection of life, safety or property.
- C. Should entrance upon a site to make an inspection required by this chapter or the Uniform Code be denied, or if permission cannot be obtained to make such an inspection, application may be made for a warrant to make such inspection to any court of competent jurisdiction.
- D. Identification of Code Enforcement Officials. The Code Enforcement Officials shall provide, upon request, proper identification prior to conducting a routine or emergency inspection of any building or premises.
- E. Posting with placards.
 - (1) Code Enforcement Officials shall be authorized to affix to any building or premises a placard for the purpose of notifying the owner, occupants and the general public that the building or premises is subject to enforcement proceedings by the Town of Webster. The placard may be placed anywhere on the building or premises that the Code Enforcement Official determines will be readily noticeable and accessible.
 - (2) The nature of the placard to be used may be determined by the Code Enforcement Official based upon the nature of the problem or condition. The placard may specify "Keep Out" or "Not To Be Occupied Until a Certificate of Occupancy Is Issued" or "Not

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To Be Demolished or Reconstructed Until a Permit Is Issued" or "Stop Work" or any other form of notice, or any combination of the above notices deemed appropriate by the Code Enforcement Official.

- (3) No person shall remove, deface, conceal or destroy any such placard affixed by the Code Enforcement Official.

§ 243-12. Correction of Violations.

- A. Commencement of proceedings. Whenever the Code Enforcement Official has inspected any building or premises and has determined that said building or premises is in violation of any provision of the Uniform Code, the Energy Code, or this chapter, they shall commence proceedings to cause the cleanup, repair, rehabilitation, vacation or demolition of the building or premises.
- B. Routine action. Whenever the Code Enforcement Official determines that a building, premises or land is in violation of any provision of this chapter, they shall give notice of the violation or violations as herein provided.
- C. Notice.
 - (1) Such notice shall be in the form of a Notice and Order and be given by certified mail, addressed to the last known owner at the address as shown by the records of the Monroe County Clerk's Office, and within five calendar days of such mailing, such notice shall be given by:
 - a. Personal delivery upon such owner or owners of property; or
 - b. Personal delivery to the occupant of the building or premises or to the person or individual using the land or to the person or persons allegedly responsible for such violation; or
 - c. Posting the notice on the building, premises or land where the violations are deemed to exist.
 - (2) The depositing of the notice into a depository, maintained under the exclusive control of the United States Postal Service, shall be deemed sufficient to satisfy the mailing requirement.
 - (4) Such notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time of not less than five days for compliance and shall be served as stated above. Such notice may contain an outline or mention of the remedial action that will be taken to effect compliance in the event the owner, occupant, agent or operator does not comply with said notice within the time period specified therein. The Code Enforcement Official may extend the compliance time specified in any notice issued under the provisions of this chapter where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

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- D. Emergency action. Whenever the Code Enforcement Official has determined that a condition exists which poses an immediate threat to life, health or safety, they may, without prior notice, issue a notice citing the violation and ordering that such action be taken as is necessary to remove or abate the hazard or danger. Such notice may include an order to vacate, board up, fence off or demolish. Notwithstanding any other provision of this chapter, such an order shall be effective immediately upon mailing, delivery or posting of the notice of the violation or violations as herein provided.

§ 243-13. Actions in cases of noncompliance.

- A. Whenever a Notice and Order or notices referred to above have been given, and the violations continued to exist beyond the time specified in the Notice and Order or notices, the Code Enforcement Official may authorize the work to be done and pay the cost thereof out of general Town funds.
- B. The Town shall be reimbursed for the cost of the work performed or services rendered by direction of the Code Enforcement Official, as hereinabove provided, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

§ 243-14. Violations.

- A. Notice and Order. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Official shall issue a Notice and Order. The Notice and Order shall 1) be in writing; 2) be dated and signed by the Code Enforcement Official; 3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; 4) specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; 5) specify the period of time which the Code Enforcement Official deems necessary for achieving compliance; 6) direct that compliance be achieved within the specified period of time; and 7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Official shall cause the Notice and Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Official shall be permitted, but not required, to cause the Notice and Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or his/her agents, or any other person responsible for, taking part, or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Notice and Order.
- B. Appearance tickets. The Code Enforcement Official is authorized to issue appearance tickets for any violation of the Uniform Code, the Energy Code, or this chapter.

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- C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any Building Permit, Certificate of Occupancy/Certificate of Compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Official pursuant to any provision of this article, shall be liable to a civil penalty of not more than one thousand dollars for each day or part thereof during which such violation continues, in line with Executive Law § 382, Subdivision (2). The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town.
- D. Injunctive relief. An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any Building Permit, Certificate of Occupancy/Certificate of Compliance, temporary certificate, stop-work order, operating permit, Notice and Order, or other notice or order issued by the Code Enforcement Official pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.
- E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in any other section of this article, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Executive Law § 382, Subdivision (2), and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Executive Law § 382, Subdivision (2).

§ 243-15. Severability.

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

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- 3. That the determination of significance under the New York State Environmental Quality Review Act will be considered at the time of such Public Hearing.
- 4. The Town Clerk give notice of such Public Hearing at least five (5) days prior to such hearing by publishing a copy of this Resolution or a summary thereof once in the *Webster Herald*, the official newspaper of the Town of Webster and posting a copy thereof on the Town Clerk’s Bulletin Board and Town Website.

Vote on motion:

Supervisor Flaherty.....Aye	Councilman Abbott..... Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Resolution No. 185: MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to declare the following item for auction from the Highway Department:

2000 Sterling Dump Truck, Asset Tag #2285

Vote on motion:

Supervisor Flaherty.....Aye	Councilman Abbott..... Aye
Councilman CahillAye	Councilwoman Cataldi..... Aye
Councilwoman NguyenAye	Motion carried..... 5-0

Resolution No. 186: MOTION by Councilman Cahill, seconded by Councilman Abbott, to award the Courthouse Drywall and Finishing Project Bid and authorize the Town Supervisor to execute an Agreement.

WHEREAS, on March 22, 2023 bids were advertised in the *Webster Herald* seeking contractor services for drywall and finishing services within the Town of Webster’s Courthouse located at 1002 Ridge Road, Webster, New York; and

WHEREAS, on April 26, 2023 at 11:05 a.m. two (2) sealed bids were publicly opened and read aloud by the Town Clerk; and

WHEREAS, the following bids were received:

R.W. Dake Construction	\$83,030.00 (Includes a Material Escalation)
Accurate Acoustical, Inc.	\$119,750.00

NOW, THEREFORE, BE IT RESOLVED:

That the Town of Webster awards the Courthouse Drywall and Finishing Project Bid to R.W. Dake Construction, 100 Bluff Drive, East Rochester, New York 14445 in the amount of Eighty-Three Thousand Thirty Dollars (\$83,030.00) not including the Material Escalation and authorizes the Town Supervisor to execute an Agreement.

[Agreement to be filed in the Town Clerk’s Office]

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Vote on motion:

Supervisor FlahertyAye
Councilman CahillAye
Councilwoman NguyenAye

Councilman Abbott Aye
Councilwoman Cataldi..... Aye
Motion carried..... 5-0

There being no further business to come before the Board, the meeting was adjourned at 9:20 p.m.

Dorothy M . Maguire, Town Clerk