

**Webster Town Board**

June 1, 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
Town Engineer.....	Mary Herington

Supervisor Flaherty led the Pledge of Allegiance to the Flag.

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

At 7:32 p.m. Supervisor Flaherty opened the Public Hearing.

Florence Flammia, Webster resident, asked if the one-time entrance fee (currently \$1,000.00) charged at the time of connection will be paid by each person or will it be added to her taxes.

Art Petrone, Deputy Commissioner of Public Works, explained that it is a one-time connection fee that each resident will pay when they connect to the Sanitary Sewer System, and it is not added to the taxes.

Ms. Flammia asked if the Linda Land Extension Project was going to go through and if the Crosstown Subdivision was going to be part of the Project.

Deputy Commissioner Petrone explained that whether or not the Project moves forward is up to the State Comptroller’s Office and the Crosstown Subdivision will not be part of the Project.

The Public Hearing was closed at 7:36 p.m.

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**Resolution No. 187:** MOTION by Councilwoman Cataldi, seconded by Councilman Abbott, to approve an addition to the Consolidated Sanitary Sewer District, specifically the Linda Lane Extension.

## Webster Town Board

WHEREAS, Ronald and Sharon Gentle, Donna Marquardt, Bernard Marquardt and Denise Doser, Florence Flammia, Jeffrey and Sarah Paradiso, Judy Beh-Conrose, the owners of certain parcels of land in an affected portion of Linda Lane in the Town of Webster, known as 1, 5, 9, and 11 Linda Lane, 780 Holt Road, 1130 Orchard Road, Orchard Road (vacant), are desirous of extending sanitary sewer to their property, such parcels also identified as Tax ID Numbers 079.08-1-1, 079.08-1-3, 079.08-1-2, 064.20-2-50, 079.08-1-1.11, 079.08-1-1.12, 079.08-1-1.13; and

WHEREAS, total costs for this extension to the existing sewer district is estimated not to exceed Two Hundred Seventy Thousand Six Hundred Sixty-Two Dollars (\$270,662.00); 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). A one-time entrance fee (currently \$1,000.00) will be charged at the time of connection; and

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 this parcel 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 these parcels and residences to the Linda Lane 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 Extension to the Consolidated Sanitary Sewer District; and

WHEREAS, a Notice of Public Hearing was published in the *Webster Herald* on May 17, 2023, posted on the Town's Website and on the Town Clerk's Bulletin Board at 1000 Ridge Road, Webster, New York; and

WHEREAS, a map, plan and report relating to the establishment of extension to the Sanitary Sewer District, prepared by Costich Engineering, has been filed with the Town Clerk in accordance with the requirements of Article 12-A the Town Law; and

WHEREAS, the Public Hearing on the addition of these parcels and residences to the Linda Lane Extension to the Consolidated Sanitary Sewer District was held by the Webster Town Board on June 1, 2023 at 7:30 p.m., and all interested persons having had an opportunity to be heard at the Public Hearing; and

WHEREAS, each of the owners and the developer of the lands constituting the taxable real property encompassed within the proposed district were given notice of this Public Hearing by regular mail sent to their last known residences; and

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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 Linda Lane in the Town of Webster, servicing the above parcels and residences located on Linda Lane, Holt Road and Orchard 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 Two Hundred Seventy Thousand Six Hundred Sixty-Two Dollars (\$270,662.00).
3. The maximum amount to be financed by the issuance of bonds pursuant to the Local Finance Law shall be Two Hundred Seventy Thousand Six Hundred Sixty-Two Dollars (\$270,662.00).
4. The maximum annual cost of the improvements to the affected parcels and properties is estimated to be Two Thousand Forty-Four Dollars and Thirty-Six Cents (\$2,044.36).
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.
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.
9. That the establishment of the extension set forth in the map of the proposed Extension to the Consolidated Sanitary Sewer District, the plan and report thereof, be approved; that the requested improvement be constructed and the necessary easements be acquired upon the required funds being made available and provided; and such district shall be known and designated as the Extension to the Consolidated Sanitary Sewer District, and shall be bounded and described as follows:

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**LINDA LANE EXTENSION**  
**DESCRIPTION OF LANDS TO BE INCORPORATED INTO TOWN OF WEBSTER**  
**CONSOLIDATED SEWER DISTRICT**

**Schedule A**

All that tract or parcel of land, situate in the Town of Webster, County of Monroe, State of New York, all as shown on a map entitled, “Town of Webster Consolidated Sewer District – Linda Lane Extension”, as prepared by Costich Engineering, D.P.C., having drawing number 8217-SD1, dated 1-4-2023.

Beginning at the intersection of the easterly right-of-way line of Holt Road, with the northerly right-of-way line of Orchard Road; thence

- A. Northerly, along said easterly right-of-way line of Holt Road approximately 352 feet to the northwest corner of lands now or formerly owned by Donna M. Marquardt having TA #079.08-1-1.11; thence
- B. Easterly, along the north line of lands now or formerly owned by Donna M. Marquardt having TA #079.08-1-1.11, Florence E. Flammia having TA #079.08-1-1.13 and Judy Beh-Conrose having TA #064.20-2-50 approximately 1146 feet to the northeast corner of lands now or formerly owned by Judy Beh-Conrose having TA #064.20-2-50; thence
- C. Southerly along the easterly line of lands now or formerly owned by Judy Beh-Conrose having TA 064.20-2-50, Sarah A. & Jeffrey S. Paradiso having TA #079.08-1-2, Florence E. Flammia having TA #079.08-1-3 and Ronald & Sharon Gentle having TA #079.08-1-4 approximately 735 feet to the southeast corner of lands now of formerly owned by Ronald & Sharon Gentle having TA #079.08-1-4; thence
- D. Westerly and along the south property line of lands now or formerly owned by Ronald & Sharon Gentle having TA #079.08-1-4 approximately 323 feet to a point on the easterly property line of lands now or formerly owned by Florence E. Flammia having TA #079.08-1-1.13; thence
- E. Southerly and along the east property line of lands now or formerly owned by Florence E. Flammia having TA #079.08-1-1.13 approximately 15 feet to a point on the north right-of-way line of Orchard Road; thence
- F. Westerly and along the north right-of-way line of Orchard Road approximately 919 feet to the point and place of beginning.

**EXHIBIT B (Map) (On file in the Town Clerk’s Office)**

- 10. That this Resolution of the Town Board establishing an Extension to the Consolidated Sanitary Sewer District in the Town of Webster is subject to a permissive referendum pursuant to Article 7 of the New York State Town Law.

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Vote on motion:

Supervisor Flaherty .....Aye  
Councilman Cahill .....Aye  
Councilwoman Nguyen .....Aye

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

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Supervisor Flaherty announced a Public Hearing to consider enacting Local Law #1 adding a new Chapter to the Code of the Town of Webster, to be known as the Property Maintenance Code.

At 7:45 p.m. Supervisor Flaherty opened the Public Hearing.

Paul Loeb, Webster resident, spoke in favor of enacting Local Law #1. He feels the Town has done a great job drafting the document. He stated that his area of sensitivity resides around the part of the draft that deals with exterior property maintenance. Once renovations are complete to existing properties, he would like to see some ground cover put down. He is down wind of a current renovation and is experiencing significant amounts of dust and dirt on his vehicles.

Supervisor Flaherty read aloud the following written statement from Webster resident, Michael Byrne.

Per the New York State New York Uniform Code, the current max length of grass and weeds on residential property is set at 10 inches. The current Webster Town Code is 8 inches. Your draft proposal is set for 10” and I would propose that you modify the draft to be 8” max for grass and weeds on residential and commercial property in the Town of Webster. I believe 8” is more appropriate to minimize unsightly property (trash, lawn cuttings, and debris) and to minimize the likelihood of rodent infestation on property in the Town.

The Public Hearing was closed at 7:49 p.m.

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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 Marianne Randall and Rebecca Collins. Not in favor were Jen Fonseca, Susan Buckman, Michele Anderson, Eileen Warren, and Greg Cummings. Brenda Lincoln, Penfield resident, and Laurie Reynolds, Webster Citizen Action League, also spoke and were not in favor.

Ronald Nesbitt, Webster resident and former Town Supervisor, stated he wanted to commend Supervisor Flaherty for his detailed and informational report to the community last week on the status of the Emergency Medical Services (EMS) in Webster. He expressed his concerns with Town of Webster’s EMS service provider, Northeast Quadrant Advanced Life Support (NEQALS). Those concerns included the lack of a renegotiated contract with NEQALS that includes metrics and standards for cleanliness and response times for Webster residents and NEQALS’ request for additional funding. He does not feel the Town Board should consider any

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additional funding. He suggested the Town Board sit back and let NEQALS operate until the end of the contract and then go out for a Request for Proposal (RFP) for EMS services, however, should NEQALS fold due to lack of funds, then the Town would be able to go to RFP sooner and find a new provider to service the Town.

Mr. Nesbitt asked the Town Board if Webster has secured a host agreement from the Coca Cola Company promising to pay full assessed value on the new plant from day one without any reduction in Town taxes. He also wanted to know how much more money the Webster taxpayer is going to incur in getting the byproduct made by the Coca Cola Company to the Wastewater Treatment Plant on Phillips Road. He stated there has to be a cost and the residents should know this amount before the Project passes on to the Planning Board and not after.

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**Resolution No. 188:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to approve the May 18, 2023 Town Board Workshop Minutes as submitted by the Town Clerk.

Vote on motion:

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

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**Resolution No. 189:** MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to approve the May 18, 2023 Town Board Minutes as submitted by the Town Clerk.

Vote on motion:

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

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**Resolution No. 190:** MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to approve the May 25, 2023 Town Board Workshop Minutes as submitted by the Town Clerk.

Vote on motion:

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

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**Resolution No. 191:** MOTION by Councilman Abbott, seconded by Councilman Cahill, to approve the bills as submitted in Warrant #0623 by the Director of Finance.

<b>Fund</b>	<b>Inside</b>	<b>Outside</b>	<b>Total</b>
General (A,B) CL #6632-6835	108,945.34	222,172.56	331,117.90
Highway (C,D)	31,083.17	77,221.15	108,304.32
Sewer (G)	28,655.29	22,197.48	50,852.77
Library (L)	14,653.01	10,998.60	25,651.61
Drainage Districts (M)	270.00	6,909.35	7,179.35
Park Districts (P)	730.00	0.00	730.00
Trust & Agency (T/A,TP,XM,XD)	0.00	246,790.41	246,790.41

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<b>Fund</b>	<b>Inside</b>	<b>Outside</b>	<b>Total</b>
Capital Projects (H) #61-65			
H213 SB Waterfront Park Design	171,864.50	0.00	171,864.50
H223 Lake Rd WE Drain MO.56	13,520.40	0.00	13,520.40
H224 Sandbar Shore Protect MO.59	11,680.88	0.00	11,680.88
H230 Sandbar Flood Wall MO.78	4,920.04	0.00	4,920.04
H232 Highway Garage Building	<u>162,814.20</u>	<u>0.00</u>	<u>162,814.20</u>
<b>TOTAL</b>	<b>549,136.83</b>	<b>586,289.55</b>	<b>1,135,426.38</b>

Vote on motion:

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

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**Resolution No. 192:** MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to approve the prepaid vouchers included in Warrant #0623 by the Director of Finance in the amount of \$586,289.55. [Included in the summary of vouchers approved in Resolution #191]

Vote on motion:

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

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**Resolution No. 193:** MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to approve purchase orders as submitted by the Director of Finance.

Vote on motion:

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

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Paul Adams, Finance Director, presented the Town Board with a proposed Resolution to increase the budget for the Courthouse Roof Repair Capital Project.

Mary Herington, Town Engineer, explained the Town publicly bid the finishing aspect of the Project a couple months ago and while it came in a little bit higher than expected, it was reasonable once it was reviewed in more detail. The contractor has been on site for about a week and a half and is making good progress with the drywalling.

**Resolution No. 194:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to increase the allowed transfer from the General Town-wide Fund to the Courthouse Roof Repair Capital Project H0235 from \$130,000.00 to \$180,000.00.

Vote on motion:

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

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The Town Board was presented with a proposed Resolution to enter into an agreement with LaBella Associates D.P.C.

Mary Herington, Town Engineer, explained that approximately two months ago, the Town Board authorized the issuance of a Request for Qualifications (RFQ) for professional services to help with large projects that come into Town. After finding out that fairlife, LLC, was indeed aiming to come to Webster, proposals were solicited from Labella and Bergman, two large consulting firms with strong abilities to review the environmental, traffic, stormwater, sanitary and other components of this type of project. A submission was received from Labella and was very comprehensive. They are the town engineers for many local municipalities and have done this type of work supporting communities in the area. Their services will also be used on other large industrial commercial developments that come to the Town of Webster.

**Resolution No. 195:** MOTION by Councilman Abbott, seconded by Councilwoman Cataldi, to contract and authorize the Town Supervisor to execute an agreement with Labella Associates, D.P.C., 300 State Street, Rochester, New York for professional services related to Engineering, Site Plan, State Environmental Quality Review Act (SEQRA), Building Code Reviews and Inspections for an amount not to exceed Thirty-Five Thousand Dollars (\$35,000.00).

Vote on motion:

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

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**Resolution No. 196:** MOTION by Councilwoman Cataldi, seconded by Councilman Abbott, to **table** contracting and authorizing the Town Supervisor to execute an agreement for professional services related to Grant and Public Funding Assistance for the Town of Webster.

Vote on motion:

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

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**Resolution No. 197:** MOTION by Councilman Abbott, seconded by Councilman Cahill, to authorize the Town Supervisor to execute an agreement with Sirness Vending Services, 3595 Buffalo Road, Rochester, New York to provide vending services at the Webster Recreation Center.

Vote on motion:

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

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**Resolution No. 198:** MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to solicit bids for the Town of Webster Highway Facility and advertise in the *Webster Herald* on Wednesday, June 14, 2023.



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Vote on motion:

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

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**Resolution No. 199:** MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to declare the following items for auction from the Highway Department:

Toolbox for old #56, Asset Tag #5157  
Transfer Tank for old #56-Tag #6233  
Toolbox for old #56-Tag #6246

Vote on motion:

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

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**Resolution No. 200:** MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to declare the following item for a trade-in from the Highway Department:

2014 John Deere Loader, Asset Tag #06099

Vote on motion:

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

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**Resolution No. 201:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to **table** taking the pledge to register with New York State Department of Environmental Conservation as a Climate Smart Community.

Vote on motion:

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

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At 9:04 p.m. Supervisor Flaherty called for an Executive Session.

**Resolution No. 202:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to enter into Executive Session pursuant to New York State Public Officer’s Law §105(1)(f) to discuss the financial, credit and employment history of a particular person or corporation.

WHEREAS, New York State Public Officers Law provides that the Town of Board may enter into Executive Session to discuss certain subjects or matters:

**Webster Town Board**

**NOW, THEREFORE, BE IT RESOLVED:**

That the Town Board enter into an Executive Session pursuant to New York State Public Officer’s Law §105(1)(f) to discuss the financial, credit and employment history of a particular person or corporation.

That the following persons were authorized to attend: Charles Genese, Town Attorney, Paul Adams, Finance Director, Art Petrone, Deputy Commissioner of Public Works-Sewer, Dennis Clough, Navitas LLC, and Bill Buchan, Buchan & Sutter, PC.

Vote on motion:

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

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**Resolution No. 203:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to return to Regular Session at 10:12 p.m.

Vote on motion:

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

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There being no further business to come before the Board, the meeting was adjourned at 10:12 p.m.

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Dorothy M. Maguire, Town Clerk