

## Webster Town Board

June 15, 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  
Personnel Director ..... Brayton Connard  
Town Engineer ..... Mary Herington

Supervisor Flaherty led the Pledge of Allegiance to the Flag.

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Webster Museum Historic Properties Committee Members, Sharon Pratt and Lisa McNamara appeared before the Town Board. The Committee identifies and recognizes houses that have maintained their integrity. The properties are honored with a historic marker for their outstanding example of period architecture and for their historical importance to the community. Since 2008, the Town of Webster and Webster Museum and Historical Society have presented over sixty (60) historic markers. Webster has a significant number of older houses with the oldest dating back to 1805/1806 which is located on Lake Road across from Hedges Restaurant.

Supervisor Flaherty presented a historic marker to the homeowners of 1515 State Road, Stephen and Molly Dertinger. Their home was built circa 1852 in the vernacular style, with a stone foundation and front porch.

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The meeting was open to the floor.

Robert Schlegel, Webster resident, read aloud the following statement and provided the Town Board members with a copy.

Our State & Federal leaders ‘obsessed’ with their ‘green energy’ program, and our county leaders are promoting this agenda, but how will this benefit our local energy users in a better manner than we have currently? Who will be responsible, when these new systems fail? If you sign on with these totalitarians, it will remove some of our ‘home rule’, removing freedoms and choices. State leaders have already dictated restriction of significantly natural gas use in just a few years. Adding to the grid is pure insanity. Have they planned for any of this, and you’re on board with this?

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How extensive have you researched these energy programs? Last year you said that you need more information. What were your sources? There are hundreds of articles available expounding on the failures of the so-called green energy program.

Solar panels only activate in sunlight and wind turbines only gather energy in the presence of wind. At night, much of the power needs of the users will come from the storage battery, which is limited, and that energy is expensive. When the battery cannot sufficiently supply the user's needs, then 'base load power' is needed, which comes from natural gas and coal production. If that fails, then rationing will be the only option, before blackouts or brownouts occur. Have you thought any of this out, which you'll leave us with, if you sign this document.

In order for the state's program to work, a multitude of solar panels and windmills will need to overwhelm the spaces in the state, in which the cost to many taxpayers will be a hardship. What's in it for the users in this Town, other than cost, cost, and more cost. Climate change is not directly related to what the green energy companies claim they can change. Where is the data that justifies any of these promotions? No study has definitively shown that an 'if (this), then (that)' is scientifically proven. We do not know however, that there will be some energy companies and politicians who stand to make multi-millions on this scam. I hope there aren't any here that are among them. This 'grant credit' system is about to be based on a 'social credit' system, similar to that applied in China, simply because this will be run by the dictates of our State leaders, where choices and freedoms will be restricted. A recent scientific study in April, concluded that the average temperature of our country is the lowest it's been in the last 130 years, which, in itself, shows that what the 'global warming' and 'green energy' promoters have based their program on, came from a false premise, as well as their conclusion. Signing this agreement is for what? Stand up to the State leaders and say 'no', like you did last year.

Mr. Schlegel also read aloud the following questions and presented the Town Board with a copy:

Will the carbon credits involve Town businesses or everyone in the Town?

Who will serve as the climate police, the Town leadership or those of the State?

Will ESG scores be a part of this agreement with the state?

How does the percentage of renewable energy affect any state government grants?

How will carbon credits affect any state grants?

Who will be verifying the data?

Who will be the audit, risk, and compliance teams?

Will this program add to any taxes or fees levied on our businesses or citizens of Webster?

Jen Fonseca, Webster resident, thanked the Town Board for tabling the resolution to register with the New York State Department of Environmental Conservation as a Climate Smart Community (CSC) with no future date. She shared that she has spoken with someone from a town near the Binghamton area whose municipal officials took the pledge for the Climate Smart Community just as Town of Webster was hoping to do in order to check the box for grant funding. She stated the decision was made before the citizens were told, and that their community is now trying to figure out how to get out of the pledge. She suggested the Town Board look into a Climate Action Community (CAC) which is another piece of the puzzle. She also stated the fairlife Project with Coca Cola will have major impact on the environment and community and suggested the Town Board move forward very carefully with the project.

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**Resolution No. 204:** MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to approve the June 1, 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. 205:** MOTION by Councilman Abbott, seconded by Councilwoman Cataldi, to approve the bills as submitted in Warrant #0623A by the Director of Finance.

<b>Fund</b>	<b>Inside</b>	<b>Outside</b>	<b>Total</b>
General (A,B) CL #6836-6989	91,916.66	30,040.07	121,956.73
Highway (C,D)	250,007.37	5,047.42	255,054.79
Sewer (G)	20,673.75	64,155.50	84,829.25
Library (L)	42,198.38	5,590.62	47,789.00
Drainage Districts (M)	1,138.77	31.32	1,170.09
Park Districts (P)	0.00	59.66	59.66
Parkland	1,600.00	0.00	1,600.00
Special Districts (N,Q,S)	0.00	2,340.16	2,340.16
Trust & Agency (T/A,TP,XM,XD)	0.00	257,796.17	257,796.17
Capital Projects (H) #66-73			
H213 SB Waterfront Park Design	9,771.37	1,000.00	10,771.37
H220 WWTP Improvement	69,967.00	101.16	70,068.16
H223 Lake Rd WE Drain MO.56	8,094.62	0.00	8,094.62
H224 Sandbar Shore Protect MO.59	4,248.99	0.00	4,248.99
H226 Lake Rd Pump Station MO.65	60,027.03	1,566.49	61,593.52
H230 Sandbar Flood Wall MO.78	<u>1,728.90</u>	<u>0.00</u>	<u>1,728.90</u>
<b>TOTAL</b>	<b>561,372.84</b>	<b>367,728.57</b>	<b>929,101.41</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. 206:** MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to approve the prepaid vouchers included in Warrant #0623A by the Director of Finance in the amount of \$367,728.57. [Included in the summary of vouchers approved in Resolution #205]

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. 207:** MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to approve purchase orders as submitted by the Director of Finance.

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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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The Town Board was presented with a proposed Resolution to enact Local Law No. 1, adding a Property Maintenance Chapter to the Town Code.

Josh Artuso, Director of Community Development, thanked Jim Montgomery, Town Code Compliance Coordinator and Nick Mooney, Building Inspector, for their efforts as they were instrumental in helping to draft the Property Maintenance Chapter.

**Resolution No. 208:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to enact Local Law No. 1 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 N.Y.S. Town Law to adopt and amend local laws, consistent with the N.Y.S. 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, it is both in the public interest and required by law that a Public Hearing be held to consider proposed additions to the Webster Town Code; and

WHEREAS, a Notice of Public Hearing was published in the *Webster Herald* on May 24, 2023, and posted on the Town Clerk’s Bulletin Board at 1000 Ridge Road, Webster, New York and Town Website; and

WHEREAS, the Public Hearing on the proposed new Local Law 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, 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; and

WHEREAS, it is in the public interest to enact the aforesaid Local Law:

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

1. That the Town Board hereby determines that based upon the information in the EAF and other available information, the proposed action is designated a TYPE II action under the New York State Environmental Quality Review Act (SEQRA), as it will not have a significant effect on the environment within the meaning SEQRA, and involves official acts of a ministerial nature involving no exercise of discretion and routine or continuing agency administration and management, and does not require the preparation of an environmental impact statement.
2. That a Local Law be adopted to set forth the effect of Code changes by amending a certain chapter and sections of the Webster Town Code, such Local Law to be designated as:

**LOCAL LAW NO. 1 OF 2023**

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

The new local law is to be known as the "Town of Webster Property Maintenance Code."

**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.

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**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 Compliance Inspector, Building and Sanitary Inspector, Assistant Building Inspector, Fire Marshal, and Deputy Fire Marshal.

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

**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.

**DEVELOPED AREA** – Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

**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.

**EVIDENCE OF VACANCY** - Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past-due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail, or statements by neighbors, passersby, delivery agents or government agents; or the presence of boards over doors, windows or other openings in violation of applicable code.

**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.

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**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.

**RECREATIONAL VEHICLE** - Any vehicle used for recreational purposes, including but not limited to all-terrain vehicles, boats, trailers, boat trailers and camper trailers, motor homes, and snowmobiles.

**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.

**VACANT** – Any parcel of land in the Town that contains any building or structure that is not lawfully occupied or inhabited by human beings as evidenced by the conditions set forth in the definition of "evidence of vacancy" above which is without a lawful tenant, or lawful occupant, or without a certificate of occupancy.

**VEHICLE**- Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**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.

### **§ 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.

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- (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.

### § 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").



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### 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 1<sup>st</sup> of one calendar year, to February 1<sup>st</sup> 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 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.

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- (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, per the New York State Uniform Code, 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, recreational 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.

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### (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 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.

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- 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.

### § 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).

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- (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.
- (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).

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- (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).

### 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).

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- (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.

### 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 deadbolts 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 insects, 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.



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### § 243-10. Maintenance of Vacant Lots.

- A. Within developed areas, 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. Within developed areas, 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.
- 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.

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- 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 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.

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- (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.
  - (3) 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.
- 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

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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.
- 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,

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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.

- 3. This Local law shall take effect immediately upon the appropriate filing as required by law.
- 4. The Town Clerk is hereby authorized and directed to take such action as may be necessary to carry this Resolution into effect.

Vote on motion:

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

\*\*\*

Art Petrone, Deputy Commissioner of Public Works-Sewer, stated the following proposed Resolution is to authorize the Town Supervisor to sign a construction contract with Navitas LLC to begin upgrades on the Wastewater Treatment Plant. The Town partnered with Navitas LLC in August of 2021 for development of the Project.

**Resolution No. 209:** MOTION by Councilwoman Cataldi, seconded by Councilman Cahill, to authorize the Town Supervisor to execute an Energy Performance Contract with Navitas LLC for improvements to the Town of Webster Pollution Control Facilities.

WHEREAS, in November 2021 Webster engaged consulting engineers Barton & Loguidice, D.P.C. (“B&L”) to conduct a Flextech Study to evaluate energy efficiency and energy conservation measures (“ECM’s”) at its water pollution control facilities located at 226 Phillips Road in the Town of Webster, New York (the “Facilities”) pursuant to an agreement between the Town and the New York Energy Research and Development Agency conducted in consultation with the New York State Department Of Environmental Conservation; and

WHEREAS, B&L developed a Preliminary Engineering Report (“PER”) in conjunction with the Study that identified a series of ECM’s that would significantly upgrade the existing Facilities while generating energy from biological treatment residuals generated internally by the Facilities and create opportunities to generate energy from outside wastes thereby creating new income streams to support the project while reducing the rapidly escalating costs to landfill biosolids; and

WHEREAS, Webster issued Request for Professional Based Services to implement the PER for the Town of Webster, seeking proposals for a full range of energy, operational, wastewater treatment, and energy-related capital improvements pursuant §§ 9-101 through 9-103 of the New York Energy Law (herein, the “Act”); and

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WHEREAS, pursuant to the RFP, the Town sought proposals for the provision of energy services including the installation, maintenance or management of energy systems or equipment to improve energy efficiency, or produce energy, in exchange for a portion of the energy savings or revenues that would result in cost reductions and revenue increases over the span of thirty-five (35) years or less; provided, that such cost reductions and revenue increases would not exceed the reasonably expected useful life of any ECM; and

WHEREAS, in addition, the Town sought proposals that would substantially reduce the cost of landfill disposal of biosolids, protect the health, safety, and welfare of Town residents while promoting energy conservation, energy independence, developing alternative sources of revenue, and fostering business activity; and

WHEREAS, the Town evaluated multiple proposals from energy services companies and held in person interviews with three respondents ultimately determining that Navitas LLC would employ local union labor for a majority of the work, provide a guarantee that within a 35 year period 100% of the capital cost of the project will be recovered through ECM's and work closely with B&L to implement an innovative energy focused design for the plant upgrade; and

WHEREAS, the Town and Navitas LLC have reached an agreement for the design and construction of an energy project at a total cost of Forty Million Two Hundred Twenty-Five Thousand One Hundred Forty-Seven Thousand Dollars (\$40,225,147.00) that will upgrade and renew the Town's Facilities in full compliance with the Act.

**NOW THEREFORE, IT IS RESOLVED:**

That the Town Board of the Town of Webster authorizes and directs the Town Supervisor to enter into an agreement with Navitas, LLC to implement an energy performance contract in the amount of Forty Million Two Hundred Twenty-Five Thousand One Hundred Forty-Seven Thousand Dollars (\$40,225,147.00) that is compliant with Article 9 of the New York State Energy Law in substantially the same form as is on file with the Town Clerk.

[Contract to be filed in the Town Clerk's Office]

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 considered the following proposed Resolution.

**Resolution No. 210:** MOTION by Councilman Abbott, seconded by Councilman Cahill, to authorize the Town Supervisor to execute a Letter of Engagement with Woods Oviatt Gilman LLP for consultation and advice related to the legal compliance with the mandates of the State Environmental Quality Review (SEQR) approval process associated with The Coca Cola Company fairlife Project in an amount not to exceed Ten Thousand Dollars (\$10,000.00) which may be modified as deemed necessary however, will require prior approval.

[Letter of Engagement to be filed in the Town Clerk's Office]

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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. 211:** MOTION by Councilwoman Cataldi, seconded by Councilwoman Nguyen, to authorize the Town Supervisor to execute a Letter of Engagement with Knauf Shaw LLP to provide environmental legal representation related to the redevelopment, remediation, and potential acquisition of 600 Ridge Road.

[Letter of Engagement to be filed in the Town Clerk’s Office]

Vote on motion:

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

\*\*\*

Supervisor Flaherty proposed the following Resolution be tabled as the Town has not initiated the vetting process to obtain a project manager to oversee the Coca Cola fairlife Project.

**Resolution No. 212:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to **table** the approval and execution of an agreement for Professional Services for project management to oversee the Coca Cola fairlife Project in conjunction with 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

\*\*\*

**Resolution No. 213:** MOTION by Councilman Abbott, seconded by Councilwoman Cataldi, to declare its intent under the State Environmental Quality Review Act (SEQR), to serve as Lead Agency in regard to all municipal approvals in regard to the development of a production facility by The Coca Cola Company and fairlife in the Town of Webster.

WHEREAS, a proposed development of real property located on the east side of Basket Road, west of County Line Road and north of Ridge Road (Route 104), consisting of a total of 104.56± acres, known as Tax Account Numbers 066.03-1-28.113 (55.38 acres), 066.03-1-28.111 (13.19 acres), 066.03-1-28.11 (23.14 acres) and 066.03-01-20.1 (12.85 acres) has been proposed by the Coca-Cola Company and fairlife (“the fairlife Project”); and

WHEREAS, with the assistance of consultants and design engineers the Town Board of the Town of Webster (“Town Board”), the Town of Webster is reviewing the fairlife Project, its impact upon the environment in connection with Town infrastructure, and assisting in coordinating the various reviews and procedures required by the Town and the Town’s Planning Board and Zoning Board of Appeals, if any, as well as other non-Town municipal agencies; and

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WHEREAS, the aforesaid consultants and design engineers have been authorized to proceed with engineering services including assistance in compliance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, pursuant to the Notice annexed hereto, in accordance with the provisions of 6 NYCRR Part 617, the Town Board of the Town of Webster intends to serve as Lead Agency for the SEQRA review of this Type I Action, and, in this capacity will determine if the proposed action will have a significant effect on the environment; and

WHEREAS, the “Lead Agency” will undertake a coordinated review of this action under the State Environmental Quality Review Act (“SEQRA”):

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

1. The Town Board hereby:
  - (a) declares its desire to serve as Lead Agency for purposes of a coordinated review under SEQRA for the Project;
  - (b) preliminarily classifies the Project as a Type I action under SEQRA; and
  - (c) will circulate the Lead Agency Notice and all required forms and information to all Involved and Interested Agencies, which Agencies shall be given 30 days from the mailing of the Lead Agency Notice to challenge the Town Board’s Lead Agency designation.

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. 214:** MOTION by Councilwoman Cataldi, seconded by Councilman Abbott, to authorize the Town Supervisor to execute an agreement with Barton & Loguidice for Professional Engineering Services for the Water Pollution Control Facility effluent sampling point relocation.

WHEREAS, under the current State Pollutant Discharge Eliminating System (SPDES) Permit, the Village of Webster and the Town of Webster Wastewater Treatment Facilities share a common effluent outfall sampling location installed with the Town of Webster’s Phase I Improvement Project; and

WHEREAS, the Village of Webster is currently upgrading their Wastewater Treatment Facility and working to attain their own SPDES Permit; and

WHEREAS, with said changes, the Town of Webster needs to relocate the current sampling point, located in the shared outfall pipe, upstream within the Town’s recently installed 48-inch effluent pipe; and



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WHEREAS, the Town of Webster has received a proposal from Barton & Loguidice to provide Professional Engineering Services for the design phase of relocating the effluent sampling point for an amount not to exceed Nine Thousand Five Hundred Dollars (\$9,500.00); and

WHEREAS, the Village of Webster will fully reimburse the Town of Webster an amount not to exceed Nine Thousand Five Hundred Dollars (\$9,500.00):

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

That the Town Board authorizes the Town Supervisor to execute a Professional Engineering Services Agreement with Barton & Loguidice for an amount not to exceed Nine Thousand Five Hundred Dollars (\$9,500.00) to evaluate a new effluent sample point, prepare a basis of design technical memorandum and prepare construction drawings and technical specifications as well as opinion of probable cost.

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

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. 215:** MOTION by Councilwoman Cataldi, seconded by Councilwoman Nguyen, to award the Polymer Bid for the Wastewater Treatment Plant and authorize the Town Supervisor to execute an agreement.

WHEREAS, pursuant to the requirements of General Municipal Law §103, on December 7, 2022 bids were advertised in the *Webster Herald* for Polymer to be used at the Town of Webster Wastewater Treatment Plant located at 226 Phillips Road for a term of two (2) years with two (2) one-year extensions if agreed to by the Town of Webster and the Supplier; and

WHEREAS, on January 11, 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:

Polydyne, Inc.                    \$1.69/Pound  
One Chemical Plant Road  
Riceboro, GA 31323

Solenis, LLC                    \$1.70/Pound  
2475 Pinnacle Drive  
Wilmington, DE 19803

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

That the Town of Webster awards the Polymer Bid (Clarifloc C-6295 and Clarifloc C-6254) for the Wastewater Treatment Plant to Polydyne Inc., One Chemical Plant Road, Riceboro, Georgia 31323 in the amount of \$1.69/Pound for the term of two (2) years with the Town having the option of renewing or extending the terms of the Agreement for two (2) additional 1-year terms, and to authorize the Town Supervisor to execute an Agreement.

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

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. 216:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to seek approval of the State Comptroller to extend or increase the amount to be expended for an improvement to the infrastructure of the Town of Webster, specifically the Linda Lane Extension to the Consolidated Sanitary Sewer District, north of North Ponds Park and east of Holt Road in the Town of Webster.

WHEREAS, 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), were 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 requested the Town of Webster therefor; 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 the cost, for the life of a 25-year bond for each parcel being the amount of Two Thousand Forty-Four Dollars and Thirty Six Cents (\$2,044.36); 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 Sewer District; and

WHEREAS, the total estimated cost of adding this parcel to the Consolidated Sanitary Sewer District will be paid for by the owners and residents whose property will be benefitted thereby, but will initially be bonded by the Town of Webster on the behalf of such owners and residents; and

WHEREAS, a Public Hearing on the addition of these parcels and residences to the Linda Lane Extension to the Consolidated 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, all interested persons having been heard, and no objections to the creation of the extension having been submitted or voiced; and

WHEREAS, the Town Board of the Town of Webster, at its regular meeting of June 1, 2023, did resolve and order the creation of the Linda Lane Extension to the Consolidated Sewer District by Resolution No. 187; and

WHEREAS, an application pursuant to Title 2 NYCRR Part 85 has been prepared at the direction of the Town Board setting forth, inter alia, the maximum costs of the improvements to the Consolidated Sewer District and the proposed financing thereof; and

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WHEREAS, the Town Board of the Town of Webster believes that the contents of the application are accurate; and

WHEREAS, the Town Board has determined that the proposed Extension to the Consolidated Sewer District and the expenditure for such extension is in the public interest, and will not constitute an undue burden on the properties which will bear the cost(s) thereof; and

WHEREAS, the cost of the proposed improvements are to be assessed against the benefited area, and that all property to be assessed will be benefited by the proposed improvements and that no benefited property has been excluded; and

WHEREAS, the Town Attorney has or will upon submission of such application for approval of the State Comptroller, and pursuant to and in compliance with 2 NYCRR Section 85.5, shall provide his opinion of legal sufficiency upon which the State Comptroller may rely; 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 Ordered that:**

1. The Town Board of the Town of Webster does hereby authorize the Supervisor of the Town to seek and apply for permission of the State Comptroller, as required by New York State Town Law and the rules and regulations of the State of New York, particularly Articles 12 and 12-A of the Town Law and Part 85 of Title 2 of NYCRR, to apply to the Comptroller for permission to establish, extend or increase the maximum amount to be expended/bonded as and 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 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

\*\*\*

**Resolution No. 217:** MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to direct that an application be made to the State Comptroller to permit an addition to the Consolidated Sanitary Sewer District, specifically the Woodard Road Extension, in the Town of Webster.

## Webster Town Board

WHEREAS, Paul & Helen Sleeman, Papis Convenient, Inc, Andrew & Kara Foote, Jeremy & Mary Beth Covert, Alex & Stacey 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 1673, 1680, 1681, 1683, 1690, 1704 Woodard Road have sought approval of the Webster Town Board to extend sanitary sewer service(s) to their respective properties, 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), with the maximum annual fee for the life of a 30-year bond for each parcel will be One Thousand Forty-One Dollars and 16 cents (\$1,041.16); and

WHEREAS, once these parcels are extended sanitary sewer services, they will also be added to the Consolidated 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

WHEREAS, a Public Hearing was held, at the request of the aforesaid property owners on May 18, 2023, and all interested persons having been heard, and no objections to the creation of the extension having been submitted or voiced; and

WHEREAS, the Town Board having authorized and approved the construction of these sewer improvements as stated above by Resolution No. 179 of May 18, 2023; and

WHEREAS, an application having prepared for submission to the State Comptroller pursuant to Town Law Sections 194 and 209-f, as applicable, and Title 2 NYCCC Part 85 at the direction of the Town Board setting forth, inter alia, the maximum costs of the improvements to the Consolidated Sewer District and the proposed financing thereof; 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; and

WHEREAS, the Town Board has reviewed the contents of the application, and believes the contents thereof to be accurate:

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

1. The Town Board of the Town of Webster believes that the contents of the application are accurate.
2. The Town Board has determined that the proposed Extension to the Consolidated Sewer District and the expenditure for such extension is in the public interest and will not constitute an undue burden on the properties which will bear the cost(s) thereof.
3. The cost(s) of the proposed improvements are to be assessed against the benefited area, and that all property to be assessed will be benefited by the proposed improvements and that no benefited property has been excluded.

**Webster Town Board**

- 4. The Town Attorney has or will upon submission of such application for approval of the State Comptroller, and pursuant to and in compliance with 2 NYCRR Section 85.5, shall provide his opinion upon which the State Comptroller shall grant permission.
- 5. 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

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**Resolution No. 218:** MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to approve the ratified CSEA White Collar Contract, amending the adopted 2023 Holiday calendar, and adopting a matching compensation plan for non-union salaried employees and officials.

WHEREAS, the Town and CSEA are parties to a labor contract that expired December 31, 2022 and have been engaged in negotiations for a successor agreement since 2022; and

WHEREAS, the Town and CSEA have reached a settlement agreement for a four year contract and the union membership ratified the settlement agreement on June 1, 2023; and

WHEREAS, the settlement agreement changes the holiday schedule for CSEA White Collar members, by recognizing Martin Luther King, Jr. Day and Juneteenth and trading Good Friday for the Day After Thanksgiving; and

WHEREAS, historically, non-union employees have matched the CSEA White Collar cost of living increase, but have not had the benefit of salary schedules, and the non-union salaried employees (except Library employees and the Police Captain, which are handled separately) have not yet received a compensation increase for 2023; and

WHEREAS, the use of salary schedules is a best-in-class human resources practice because it reduces bias and encourages equitable non-discriminatory pay practices, and it provides budget control and expense predictability by setting minimum and maximum pay for positions. Salary schedules help ensure that union and non-union positions with comparable duties and responsibilities receive comparable pay, and they help prevent pay compression; and

WHEREAS, The Director of Finance indicates that the adopted 2023 Town Budget contains sufficient funding to cover the cost of approving the CSEA White Collar settlement and to apply the same COLA and bonus payments to the non-union salaried group:

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

- 1. The Town Board hereby approves the ratified CSEA White Collar Unit #7411-01 Union Contract for a term of four (4) years; 2023 through 2026.
- 2. In accordance with the White Collar contract settlement, the Town Board hereby amends the 2023 adopted holiday schedule to add the Day After Thanksgiving as a Town Holiday.

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3. The Town Board hereby adopts a new salary schedule for full-time non-union positions which is a continuation of the CSEA White Collar salary schedule.
4. The Town Board hereby allocates full time non-union positions to pay grades on the new salary schedule, except Library employees, the Police Chief and Police Captain.
5. The Town Board hereby applies the CSEA White Collar settlement cost of living increase effective July 1, 2023, to all salaried non-union positions. This includes full time and part-time salaried employees (except Library employees and Police Captain), citizen board members and elected officials.
6. The Town Board applies the CSEA White Collar settlement bonus payment to full time salaried non-union positions, except Library employees and Police Captain.

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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Carlos Dachary, 360 Lake Road, appeared before the Town Board with a request for a Fill Permit. His property is adjacent to Lake Ontario along the Webster Sandbar. He wishes to cut into the 12-foot berm and build a retaining wall to provide more parking on his property.

**Resolution No. 219:** MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to approve the issuance of a Fill Permit pursuant to Section 201 of the Webster Town Code for property owned by Carlos Dachary located at 360 Lake Road with the following conditions:

- Limit track-out onto Oklahoma Beach and Lake Road and clean daily as necessary.
- Install erosion control at the construction entrance to protect the immediate adjacent areas from runoff.
- Keep construction and soil disturbance activities outside of the wetland buffer on the south side of the construction site.
- If spoiled soil is being deposited at a property within the Town of Webster, ensure the recipient has a fill permit or approved site plan on file with the Town.
- Obtain a building permit for the retaining wall with the Town’s Building Department OR step back slopes 2H:1V, or at a lesser slope if needed to support vegetation.
- Stabilize disturbed areas at the completion of construction.
- Comply with the Town of Webster Noise Ordinance.
- Allow Town access during the project to review site and progress.
- Any deviations from the approved plan to be submitted to the Town for its review and approval.
- If project appears to cause any adverse issues on surrounding properties or towards Lake Ontario, stop work and contact Town to reevaluate plan.

**Webster Town Board**

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. 220:** MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to declare the following items for recycling from the Departments of Community Development and Engineering:

- 3 Drawer Fire Resistant File            Asset Tag #03252
- 3 Drawer File Cabinet                    Asset Tag #03245
- Black Bookcase with Glass Cover    Asset Tag #02750
- 2 Drawer File Cabinet                    Asset Tag #03253

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. 221:** MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to declare the following items for auction/recycling from the Sewer Department:

- 2012 Ford Pick-up                        Tag #05681 (auction)
- Dissolved Oxygen Meter                Service #04E979
- Fisher Scientific Meter                 Asset Tag #01957
- Triple Beam Balance                     Asset Tag #01022
- Triple Beam Balance                     No Asset Tag
- AO Instrument Colony Counter         Asset Tag #01963
- Orion Research                            Asset Tag #01023
- Ion Analyzer                                Asset Tag #00156
- Thermolyne Hotplate                     Asset Tag #01042
- Bausch & Lomb Spectronic 70         Asset Tag #00158 (Old Asset Tag #00155)

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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Supervisor Flaherty proposed tabling the following Resolution and asked the Town Engineer to explain as to why.

Mary Herington, Town Engineer, explained that Town staff has gone through a robust process to try to figure out the best approach to grant and public funding assistance. The process included obtaining qualifications from a number of firms with a handful of them providing presentations to the Town Board. Follow up interviews are currently being done to evaluate how the Town can best utilize the qualifications discovered during this process.

**Webster Town Board**

**Resolution No. 222:** MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to **table** executing 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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There being no further business to come before the Board, the meeting was adjourned at 8:42 p.m.

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Dorothy M. Maguire, Town Clerk