

Webster Town Board

July 20, 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

Town Engineer Mary Herington

Supervisor Flaherty led the Pledge of Allegiance to the Flag.

The meeting was open to the floor.

Grant Malone, Rochester Building and Construction Trades Council President, appeared before the Town Board. The organization represents over 10,000 highly skilled construction workers in Monroe County and surrounding counties. He shared that over the last three years projects the size of fairlife® have come to the Rochester area. The work was performed by out of state contractors with no opportunity given to local people living in the community. He asked the Town Board to give members of his organization an opportunity to sit down with representatives of fairlife® to talk about an agreement which also offers apprenticeship opportunities, local labor provisions and diversification.

Resolution No. 246: MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to approve the July 6, 2023 Town Board Minutes as submitted by the Town Clerk.

Vote on motion:

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

Resolution No. 247: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to approve the July 12, 2023 Town Board Workshop Minutes as submitted by the Town Clerk.

Vote on motion:

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

Resolution No. 248: MOTION by Councilwoman Nguyen, seconded by Councilman Cahill, to approve the bills as submitted in Warrant #0723A by the Director of Finance.

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Fund	Inside	Outside	Total
General (A,B) CL #7270-7445	87,854.61	243,479.37	331,333.98
Highway (C,D)	39,185.18	52,700.00	91,885.18
Sewer (G)	144,234.02	301,063.19	445,297.21
Library (L)	49,486.91	1,776.70	51,263.61
Drainage Districts (M)	720.00	0.00	720.00
Park Districts (P)	5,908.57	0.00	5,908.57
Water Districts (R/SW)	0.00	21,659.38	21,659.38
Special Districts (N,Q,S)	2,228.77	0.00	2,228.77
Trust & Agency (T/A,TP,XM,XD)	0.00	318,382.12	318,382.12
Capital Projects (H) #88-94			
H213 SB Waterfront Park Design	272,853.19	0.00	272,853.19
H223 Lake Rd WE Drainage MO.56	37,446.36	0.00	37,446.36
H224 SB Shoreline Protect. MO.59	502,935.21	0.00	502,935.21
H230 REDI SB Flood Wall MO.78	215,498.07	0.00	215,498.07
H232 Highway Garage Building	8,510.04	13,548.43	22,058.47
H235 Court House Roof	<u>32,286.00</u>	<u>0.00</u>	<u>32,286.00</u>
TOTAL	1,399,146.93	952,609.19	2,351,756.12

Vote on motion:

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

Resolution No. 249: MOTION by Supervisor Flaherty, seconded by Councilman Abbott, to approve the prepaid vouchers included in Warrant #0723A by the Director of Finance in the amount of \$952,609.19. [Included in the summary of vouchers approved in Resolution #248]

Vote on motion:

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

Resolution No. 250: MOTION by Supervisor Flaherty, seconded by Councilwoman Cataldi, to approve purchase orders as submitted by the Director of Finance.

Vote on motion:

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

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Resolution No. 251: MOTION by Councilman Cahill, seconded by Councilwoman Cataldi, to approve and to authorize the Town Supervisor to sign a Service Agreement with Campus Construction Management Group, Inc., 1241 Pittsford-Victor Road, Pittsford, New York for Project Coordinator services through the review, approval and permitting stages of the Coca Cola/fairlife® Facility Project in the amount of Fifteen Thousand Five Hundred Twenty-Five Dollars (\$15,525.00).

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

Vote on motion:

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

Resolution No. 252: MOTION by Councilwoman Cataldi, seconded by Councilman Abbott, to authorize submission of a New York State Water Infrastructure Improvement Act (WIIA) Grant Application.

WHEREAS, the Town of Webster wishes to apply to the New York State Water Infrastructure Improvement Act (WIIA) Grant for a Wastewater System Improvements Project; and

WHEREAS, the grant application requires approval from the governing board for submission:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Webster authorizes the submission of a New York State WIIA grant application for a Wastewater Improvements Project; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to submit the WIIA grant application on behalf of the Town, and to execute any agreements, instruments or other documents in connection with the Town’s acceptance of any such grants and/or the funding thereof; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Vote on motion:

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

Resolution No. 253: MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to amend the State Environmental Quality Review Act process findings for the Town of Webster Water Pollution Control Facility Asset Renewal and Water Resources Recovery Facility Improvements Project.

WHEREAS, the Town of Webster (Town) is proposing the Town of Webster Water Pollution Control Facility Asset Renewal and Water Resources Recovery Facility Improvements Project (Project); and

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WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations at 6NYCRR Part 617 (the “Regulations”), the Town desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”) and the implementing regulations at 6 NYCRR Part 617, the Town of Webster previously completed the SEQRA process and passed a Negative Declaration for the proposed Project on September 2, 2021; and

WHEREAS, the previously reviewed project scope included upgrades to modernize the Town’s Water Pollution Control Facility (WPCF), including a new septage receiving building, primary digester tank, gravity thickener tank, and administration building addition; and

WHEREAS, the Project now involves additional upgrades at the WPCF, and expansion of the originally proposed new structures to increase the plant’s treatment capacity. The overall project includes the following elements: a new aeration tank, new primary clarifier, one new primary digester tank, two (2) new gravity thickener tanks, new septage receiving building, sludge dryer building, dried product storage building, waste gas burner, all new process blowers, improvements to the existing blower and chemical building, headworks building, and solids handling facility, and an expansion to the existing administration building; and

WHEREAS, the Town of Webster Town Board, as Lead Agency, has updated Parts 1, 2, and 3 of the Full Environmental Assessment Form (FEAF) to reflect the change in project scope, and subsequently notified all interested and involved agencies of the amendments made to the project, in support of re-issuing a Determination of Significance; and

WHEREAS, pursuant to the SEQRA Regulations, the Town of Webster Town Board, as Lead Agency, considered the significance of the potential environmental impacts of the amended Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, (b) examining the amended FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF and Part 3 Evaluation Document, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of environmental concern:

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Webster Town Board has amended Parts 1, 2, and 3 of the FEAF for the Project; and it is further

RESOLVED, that the Town of Webster Town Board has completed a review of the amended SEQRA FEAF documents and confirms that the project is a Type I Action which has been determined will not have any significant adverse impact on the environment as provided in the amended FEAF documents attached hereto and hereby made a part thereof; and it is further

RESOLVED, that the Supervisor of the Town of Webster is hereby authorized to take all actions, serve all notices, and complete all documents in order to give full force and effect to this amended SEQRA process; and

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BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Vote on motion:

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

Resolution No. 254: MOTION by Councilman Abbott, seconded by Councilwoman Cataldi, to solicit proposals for professional services for engineering design of the Boulter Industrial Parkway Extension Project.

Vote on motion:

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

Resolution No. 255: MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to grant limited relief from an established easement at 201 Southshore Place, Webster.

WHEREAS, a 20± foot wide drainage easement was granted to the Town of Webster and recorded in the Monroe County Clerk’s Office in Liber 264 of Maps, Page 13, on and along the rear boundary of the property at 201 Southshore Place, Town of Webster; and

WHEREAS, Katherine and Maria Pastene are the owners of the property located at 201 Southshore Place, Town of Webster, Tax ID #050.01-2-26; and

WHEREAS, Katherine and Maria Pastene have applied to erect an approximately 70 linear foot of 4’ tall vinyl fence in the back yard of the property at 201 Southshore Place and upon and within the aforesaid easement in conformance with the height and setback requirements as set forth in the Code of the Town of Webster, and that in the event the placement and/or height of such fence is not in such conformance, such fence shall not be constructed unless the proper variance(s) is/are received from the Town of Webster Zoning Board of Appeals; and

WHEREAS, the applicants have requested relief from the Webster Town Board to permit the aforesaid four foot high vinyl fence to exist upon and encroach within said easement; and

WHEREAS, the Town of Webster has the authority to grant the relief requested, and the public good will not be harmed thereby:

NOW, THEREFORE, BE IT RESOLVED:

1. Pursuant to application of Katherine and Maria Pastene, owners of 201 Southshore Place, and in recognition of the hardship created if the relief sought herein is not granted, the limited detriment to the Town of Webster, and upon consideration of all relevant factors, the Webster Town Board hereby allows the construction of the aforesaid vinyl fence which will exist upon and encroach upon the easement affecting 201 Southshore Place, Town of Webster.

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2. This Resolution in no way applies to any other encroachment, violations or relief sought by the owners, their successors, grantees or assigns from any other building, structure or zoning violation which may exist on such premises.
3. This relief is granted upon the following conditions:
 - A. The proposed fence (and gate) shall encroach upon the said easement as proposed as shown on the survey map prepared by Land Tech Surveying & Planning, P.L.L.C., 3708 St. Paul Boulevard, Rochester, New York 14617, last dated June 17, 2013 and shall be removable.
 - B. The proposed fence (and gate) shall not be expanded to further encroach on or in the easement, nor will it be moved from its permitted place within the easement as shown on the Instrument Survey Map presented to the Town Board, and as referenced above.
 - C. Runoff must be able to flow under the fence where the swale enters the yard in the south corner of the property line.
 - D. The gate shall be at least 10 feet wide, with the opening centered on the drain line of the drainage easement as shown on the attached sketch of the fence (and gate).
 - E. Upon the destruction or demolition of the aforesaid fence or any part of thereof, through natural causes or otherwise, the Owners of the fence will not reconstruct it without a specific ~~Resolution~~ of the Town Board authorizing its replacement or reconstruction.
 - F. The Owners of the fence shall be solely responsible for any damage caused by or to the fence as a result of the Town's maintenance of said easement, and the Owners, their successors and assigns further agree to indemnify, defend and hold the Town harmless from any and all loss or damage caused to or by the fence as a result of work done by the Town as a result of reasonable and necessary work done by the Town within said easement.
 - G. In the event of an emergency, or if the Town deems it necessary or imperative, the Town will have the right to remove or take down all or any part of said fence, without recourse by the Owners or their successors or assigns to such removal or taking down.
 - H. This Resolution shall in no way affect the rights, if any, of any other public entities or public utilities in or to said easement.
4. The record Owners of the proposed fence and the Town of Webster will enter into a licensing agreement incorporating all the conditions of this Resolution in form and substance as approved by the Town Attorney, and which will further provide that the Owners, at their expense, will record the licensing agreement in the Monroe County Clerk's Office.

Vote on motion:

Supervisor FlahertyAye
Councilman CahillAye
Councilwoman NguyenAye

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

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Resolution No. 256: MOTION by Supervisor Flaherty, seconded by Councilwoman Nguyen, to grant limited relief from an established easement at 684 Hembrook Hollow, Webster.

WHEREAS, a 20± foot wide drainage easement was granted to the Town of Webster and recorded in the Monroe County Clerk's Office in Liber 300 of Maps, Page 47, on and along the rear boundary of the property at 684 Hembrook Hollow, Town of Webster; and

WHEREAS, Jonathan and Elizabeth Miranda are the owners of the property located at 684 Hembrook Hollow, Town of Webster, Tax ID # 064.03-1-40; and

WHEREAS, Jonathan and Elizabeth Miranda have applied to erect an approximately 80-90 linear foot round ranch rail fence upon and within the aforesaid easement in conformance with the height and setback requirements as set forth in the Code of the Town of Webster, and that in the event the placement and/or height of such fence is not in such conformance, such fence shall not be constructed unless the proper variance(s) is/are received from the Town of Webster Zoning Board of Appeals; and

WHEREAS, the applicants have requested relief from the Webster Town Board to permit the aforesaid 4 foot high round ranch rail fence to exist upon and encroach within said easement; and

WHEREAS, the Town of Webster has the authority to grant the relief requested, and the public good will not be harmed thereby:

NOW, THEREFORE, BE IT RESOLVED:

1. Pursuant to application of Jonathan and Elizabeth Miranda, owners of 684 Hembrook Hollow, Town of Webster, and in recognition of the hardship created if the relief sought herein is not granted, the limited detriment to the Town of Webster, and upon consideration of all relevant factors, the Webster Town Board hereby allows the construction of the aforesaid round ranch rail fence which will exist upon and encroach upon the easement affecting 684 Hembrook Hollow, Town of Webster.
2. This Resolution in no way applies to any other encroachment, violations or relief sought by the owner, his successors, grantees or assigns from any other building, structure or zoning violation which may exist on such premises.
3. This relief is granted upon the following conditions:
 - A. The proposed fence shall encroach upon the said easement as proposed as shown on the survey map prepared by Passero Associates, 16 East Main Street, Rochester, New York 14614, last dated July 1, 2019 and shall be removable.
 - B. The proposed fence shall not be expanded to further encroach on or in the easement, nor will it be moved from its permitted place within the easement as shown on the Instrument Survey Map presented to the Town Board, and as referenced above.
 - C. Access to the storm pond located at the north end of the property of the Owners must be maintained.
 - D. The fence shall remain at least 20 feet away from any trees or supporting structures.

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- E. Upon the destruction or demolition of the aforesaid fence or any part of thereof, through natural causes or otherwise, the Owners of the fence will not reconstruct it without a specific Resolution of the Town Board authorizing its replacement or reconstruction.
- F. The Owners of the fence shall be solely responsible for any damage caused by or to the fence as a result of the Town’s maintenance of said easement, and the Owners, their successors and assigns further agree to indemnify, defend and hold the Town harmless from any and all loss or damage caused to or by the fence as a result of work done by the Town as a result of reasonable and necessary work done by the Town within said easement.
- G. In the event of an emergency, or if the Town deems it necessary or imperative, the Town will have the right to remove or take down all or any part of said fence, without recourse by the Owners or their successors or assigns to such removal or taking down.
- H. This Resolution shall in no way affect the rights, if any, of any other public entities or public utilities in or to said easement.

4. The record Owners of the proposed fence and the Town of Webster will enter into a licensing agreement incorporating all the conditions of this Resolution in form and substance as approved by the Town Attorney, and which will further provide that the Owners, at their expense, will record the licensing agreement in the Monroe County 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

Resolution No. 257: MOTION by Councilwoman Cataldi, seconded by Councilman Cahill, to declare the following item as recycle from the Highway Department:

2010 Core Bore, Asset Tag #05142

Vote on motion:

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

Resolution No. 258: MOTION by Councilwoman Nguyen, seconded by Councilman Abbott, to declare the following items as recycle or transfer to/from the Community Development and Engineering Departments:

2 Drawer File Cabinet, Asset Tag #02751	Recycle
2 Drawer File Cabinet, Asset Tag #03338	Recycle
4-Drawer Fireproof Cabinet, Asset Tag #03203	Transfer from Animal Control to Com. Dev/Eng.
Beautyrest Sofil Chair, Asset Tag #03429	Transfer from Animal Control to Com. Dev/Eng.
4 drawer file cabinet, Asset Tag #03495	Transfer from Animal Control to Com. Dev/Eng.
2 Door Brown Cabinet, Asset Tag #03101	Transfer to Police

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4 Drawer File Cabinet, Asset Tag #03824 Transfer to IT
4 Drawer File Cabinet, Asset Tag #03494 Transfer to Courts

Vote on motion:

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

Resolution No. 259: MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to declare the following item as recycle from the Highway Department:

Staples Hyken Mesh Chair, Asset Tag #7114

Vote on motion:

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

Resolution No. 260: MOTION by Councilman Cahill, seconded by Councilwoman Cataldi, to declare the following item as a transfer from the Assessment Department to the Finance Department:

Ergotron Stand Up Desk, Asset Tag #003235

Vote on motion:

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

Resolution No. 261: MOTION by Councilman Cahill, seconded by Councilwoman Nguyen, to declare the following items for disposal from the Assessment Department:

Green 4 Drawer Fireproof Cabinet, Asset Tag #003200
Green 4 Drawer Fireproof Cabinet, Asset Tag #003201
Blue Task Chair, Asset Tag #003223
4 Drawer Filing Cabinet, Asset Tag #003225
4 Drawer Filing Cabinet, Asset Tag #003226
Desk Unit with Overhead Fire Cabinets and 2 File Cabinets, Asset Tag #003260

Vote on motion:

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

Resolution No. 262: MOTION by Councilwoman Cataldi, seconded by Councilwoman Nguyen, to declare the following items for recycling and transfer from the Departments of Community Development and Engineering:

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- 4 Drawer Cabinet, Asset Tag #02691
- 4 Drawer Cabinet, Asset Tag #03283 Transfer to Police
- 4 Drawer Cabinet, Asset Tag #03282 Transfer to Police
- 4 Drawer Cabinet, Asset Tag #03281
- 4 Drawer Cabinet, Asset Tag #03280 Transfer to Police
- 4 Drawer Cabinet, Asset Tag #03279
- 4 Drawer Cabinet, Asset Tag #03278
- 4 Drawer Cabinet, Asset Tag #03277
- 4 Drawer Cabinet, Asset Tag #03276
- 4 Drawer Cabinet, Asset Tag #03275
- 4 Drawer Cabinet, Asset Tag #03274
- 4 Drawer Cabinet, Asset Tag #03273
- 4 Drawer Cabinet, Asset Tag #03272 Transfer to Police
- 4 Drawer Cabinet, Asset Tag #03271
- 4 Drawer Cabinet, Asset Tag #03270

Vote on motion:

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

There being no further business to come before the Board, the meeting was adjourned at 8:25 p.m.

Dorothy M. Maguire, Town Clerk