

Webster Town Board

August 17, 2023

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

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

Absent:

Supervisor Thomas J. Flaherty

Department Heads Present:

Finance Director..... Paul Adams
Community Development Director.....Josh Artuso

Town Clerk Maguire led the Pledge of Allegiance to the Flag.

The meeting was open to the floor for public comment.

No comments were received.

Resolution No. 287: MOTION by Deputy Supervisor Cataldi, seconded by Councilwoman Nguyen, to approve the August 3, 2023 Town Board Minutes as submitted by the Town Clerk.

Vote on motion:

Deputy Supervisor Cataldi..Aye Councilman Abbott Abstain
Councilman CahillAye Councilwoman Nguyen.... Aye
Motion carried.....3-0-1

Resolution No. 288: MOTION by Deputy Supervisor Cataldi, seconded by Councilwoman Nguyen, to approve the August 10, 2023 Town Board Workshop Minutes as submitted by the Town Clerk.

Vote on motion:

Deputy Supervisor Cataldi..Aye Councilman Abbott Aye
Councilman CahillAye Councilwoman Nguyen.... Aye
Motion carried.....4-0

Resolution No. 289: MOTION by Councilman Cahill, seconded by Councilwoman Nguyen, to approve the bills as submitted in Warrant #0823A by the Director of Finance.

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Fund	Inside	Outside	Total
General (A,B) CL #7645-7809	86,280.09	12,889.64	99,169.73
Highway (C,D)	13,262.25	249.47	13,511.72
Fund	Inside	Outside	Total
Sewer (G)	19,184.46	47,145.17	66,329.63
Library (L)	47,138.64	1,549.41	48,688.05
Drainage Districts (M)	402.50	0.00	402.50
Park Districts (P)	1,320.00	0.00	1,320.00
Trust & Agency (T/A,TP,XM,XD)	0.00	330,841.86	330,841.86
Capital Projects (H) #104-113			
H213 SB Waterfront Park Design	10,736.25	0.00	10,736.25
H220 WWTP Improvement	2,095.43	0.00	2,095.43
H231 WWTP Upgrade Phase II	11,588.00	0.00	11,588.00
H232 Highway Garage Building	15,188.23	476.00	15,664.23
H235 Courthouse Roof	30,791.00	4,500.00	35,291.00
H236 Tennis/Pickleball Courts	<u>70,970.00</u>	<u>6,964.20</u>	<u>77,934.20</u>
TOTAL	308,956.85	404,615.75	713,572.60

Vote on motion:

Deputy Supervisor Cataldi..Aye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Nguyen.... Aye
Motion carried.....4-0	

Resolution No. 290: MOTION by Deputy Supervisor Cataldi, seconded by Councilman Abbott, to approve the prepaid vouchers included in Warrant #0823A by the Director of Finance in the amount of \$404,615.75. [Included in the summary of vouchers approved in Resolution #289]

Vote on motion:

Deputy Supervisor Cataldi..Aye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Nguyen.... Aye
Motion carried.....4-0	

Resolution No. 291: MOTION by Deputy Supervisor Cataldi, seconded by Councilman Cahill, to approve purchase orders as submitted by the Director of Finance.

Vote on motion:

Deputy Supervisor Cataldi..Aye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Nguyen.... Aye
Motion carried.....4-0	

Resolution No. 292: MOTION by Councilman Abbott, seconded by Deputy Supervisor Cataldi, to approve the transfer of an amount not to exceed Forty-Five Thousand Dollars (\$45,000.00) from the Parkland Trust Fund to cover the remaining cost to complete the Recreation Center Pickleball Tennis Court Renovation Project H0236.

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Vote on motion:

Deputy Supervisor Cataldi..Aye
Councilman CahillAye
Motion carried.....4-0

Councilman Abbott Aye
Councilwoman Nguyen.... Aye

Resolution No. 293: MOTION by Deputy Supervisor Cataldi, seconded by Councilwoman Nguyen, to authorize the adoption of the following Debt Management Policy:

**Town of Webster
Debt Management Policy**

I. PURPOSE

The purpose of a debt management policy is to establish parameters and guidelines to improve the quality of decision-making on long-term capital planning and on the appropriateness of utilizing long-term debt to fund related capital expenditures. This policy is based on best practices recommended by the Government Finance Officers Association.

The Town of Webster understands that the foundation of any well-managed debt program is a comprehensive debt management policy. In addition to the general parameters, this policy provides guidance to decision makers regarding the timing and purposes for which debt may be issued, types and amounts of permissible debt financing, methods of sale that may be used, and structural features that may be incorporated.

Finally, this debt policy is the recognition of the Town of Webster’s binding commitment to fully and timely repay all debt as an intrinsic requirement for entry into the capital markets. The policy helps to ensure that the Town maintains a sound debt position and that the Town’s credit quality is protected and enhanced.

In summary, the main advantages of a formal debt policy are as follows:

- a. Enhances the quality of decisions by imposing order, discipline, and promoting consistency and continuity in decision making.
- b. Rationalizes the decision-making process.
- c. Identifies objectives for staff and elected officials to implement.
- d. Demonstrates a commitment to long-term financial planning objectives.
- e. Is regarded positively by the rating agencies in reviewing credit quality.

II. RESPONSIBILITY

It shall be the responsibility of the Director of Finance and the Town Board to ensure that debt is issued in compliance with the terms outlined in this policy.

III. PROCEDURE:

A. OBJECTIVES OF ISSUING DEBT

- a. The Town will finance capital projects through the issuance of debt for the shortest period practical but, in any event, not in excess of the anticipated useful life of the financed asset or the maximum statutory amortization period, whichever is shorter. In conformity with Section 11 of the NYS Local Finance Law, all bond authorizations must be approved via permissive referendum unless otherwise provided by the NYS Local Finance Law, including but not limited to the authorization of refunding bonds.
- b. The Town will evaluate debt-funding scenarios as part of its annual Five-Year Capital Improvement Program process in order to prioritize future financing needs.
- c. The Town will attempt to minimize its reliance on long-term debt to the extent consistent with its overall budgetary policies.

B. PURPOSES FOR WHICH DEBT MAY BE ISSUED

- a. During emergency situations, the Town may issue debt to provide for emergency infrastructure repair or replacement if such repair or replacement is necessary for the immediate preservation of public peace, health and safety. For purposes of this policy, “dire emergency appropriation” means an appropriation to relieve or assist in the relieving of a situation certified to be an unusual and serious condition endangering public health and welfare.
- b. Generally, the Town will only consider financing major general purpose capital improvements with a total cost exceeding \$250,000 through the issuance of long-term debt. Such costs may include the planning, design and land acquisition costs for such improvements.
- c. The Town generally will consider issuing debt to finance only those projects that have been included in the Five-Year Capital Improvement Program. It is recognized that certain projects for which debt financing should be considered may arise in such a manner that they cannot be incorporated in the Five-Year Capital Improvement Program prior to financing, *e.g.*, the arrival on market of a specific property which the Town desires to acquire for open space purposes or unexpected equipment replacements because of accidents or equipment failures.
- d. The Town will not fund current operating expenditures through the issuance of debt except under extreme circumstances that have been approved by the Town Board (such as issuance of debt in connection with tax anticipation notes or revenue anticipation notes).

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C. LEGAL LIMITATIONS

The New York State Constitution, Article VIII, limits the aggregate amount of indebtedness the Town may have outstanding and the amount of indebtedness outstanding for particular purposes to 7% of the five-year average of the assessed full value of the Town.

Certain debt (i.e. tax anticipation notes, any water related debt, NYS Comptroller excluded sewer debt) are excluded by statute from this debt limitation. The Town shall not incur indebtedness through the issuance of debt which shall cause outstanding aggregate indebtedness, or outstanding aggregate indebtedness by purpose, of the Town to exceed the following (taking into account the statutory exclusion of certain outstanding debt and inclusion of certain authorized but unissued debt):

In calculating the amount of indebtedness of the Town there shall be excluded:

- a. **Tax Anticipation Notes (“TANs”)**
- b. **Statutorily Specified Utilities Financings**
- c. **Revenue Anticipation Note Financings (“RANs”)**
- d. **Water Pollution Abatement Order Financings**
- e. **Refunded Obligations**

D. TYPES OF DEBT PERMITTED TO BE ISSUED

Types of debt obligations covered by this policy:

a. **Short Term Debt:**

1. **General Obligation (G.O.) Bond Anticipation Notes (BAN’s)**

The Town may choose to issue bond anticipation notes as a source of interim financing when deemed prudent. Bond anticipation notes may also be used as a form of short- term permanent financing (generally up to five years under the current statutes) by renewing the notes over a number of years and reducing the principal amount of notes no later than 24 months from the original date of borrowing. Before issuing such notes, the Town will direct the Director of Finance to contact the Town’s Financial Advisor for consultation. Bond anticipation notes will generally be sold at a competitive sale; however, a negotiated sale or private placement may be allowed when in the best interest of the Town.

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2. Lease Purchase Financing

(Also known as capital lease financing or installment purchase contracting)

Generally, lease purchase financing, in contrast to a true lease, provides for the acquisition of the leased item. Lease purchase financing is appropriate for procuring assets that are too expensive to fund with current receipts in any one year but less expensive than financing with long-term serial bonds.

- i. Generally, lease purchase financing will be considered for assets that are “like items in the aggregate”, that will be needed for only short periods of time, or which are subject to rapid technological obsolescence.
- ii. Generally, lease purchase financing will not be considered for the purchase or construction of assets with a life expectancy of less than three years or a cost of less than \$20,000.
- iii. All lease purchase financing shall require approval by the Town Board and adoption of a lease financing resolution furnished by the Town’s bond counsel. Documentation that lease purchase financing is a more cost effective manner than issuing bonds for the procurement of the asset must be provided.
- iv. Principal and interest payments on a lease purchase financing shall be included in the operating budget of the Town based on the purpose of the lease purchase financing.

*Note that the above policies do not address true or operating leases. Pursuant to such leases the leased item is returned to the lessor at the end of the lease term. Provision for lease payments with respect to such leases should be incorporated into the annual operating budgets for the Town as applicable.

b. Long Term Debt:

1. **General Obligation (G.O.) Bonds:** General obligation bonds (and general obligation BANs) are backed by the Town’s pledge of its full faith and credit to pay interest and the principle of the obligations. Unless paid from other sources, the bonds are payable from general property tax revenues. The Town has the power under New York State Statutes to levy ad valorem taxes on all taxable property in the Town without limit as to rate or amount, except for a few minor exceptions allowed by state statutes.

General obligation bonds should be used only to finance or refinance capital improvements and long-term assets, or other costs directly associated with financing of a project which has been determined to be beneficial to a significant proportion of the citizens of the Town and for which repayment sources, if any, have been identified. Bonding should be used only after considering alternative funding sources such as project revenues, Federal and State grants, and special assessments.

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Other types of debt obligations not covered by this policy:

- **Tax Anticipation Notes (TAN's)**
- **Revenue Anticipation Notes (RAN's)**

E. RESTRICTION/LIMITATIONS ON DEBT ISSUANCE

- Limitations on Issuance of G.O. Debt:** This Policy prohibits issuing general obligation debt for current operations (other than in connection with the issuance of tax anticipation notes, revenue anticipation notes or other exceptions as approved by the Town Board).
- Derivatives Prohibited:** Per New York State Law, this Policy prohibits the issuance of any securities which would commonly be understood to be a “derivative”.
- Bond Proceedings:** Procedures for debt issuance must comply with New York State Local Finance Law and adoption of a bond resolution and related proceedings as prepared by a nationally recognized bond counsel.

F. STRUCTURAL FEATURES OF DEBT

- Overview:** The Town plans long-term and short-term debt issuances to finance the Town's capital program based on cash flow needs, sources of revenue, capital construction periods, budgetary impact, available financing instruments, and market conditions. Also, an analysis will be completed to attempt to schedule new debt payments to begin as previous debt matures in an attempt to smooth out the impact of debt service over time. At the time a bond issue is structured, the tax rate impact will be evaluated so as to minimize overall tax increases with a target annual debt service increase of no greater than 5%.
- Debt Repayment:** Generally, borrowings by the Town should be of a duration that does not exceed the economic life of the improvement financed and where feasible should be shorter than the projected economic life, and, in all cases, not exceed the maximum amortization period permitted by state statute. Moreover, to the extent possible, the Town will design the repayment of the debt so as to recapture rapidly its credit capacity for future use. The Town will endeavor to structure new bond issues so as to provide that 50%, at a minimum, of the Town's overall outstanding debt will be retired in the succeeding fifteen (15) fiscal years.

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G. CREDIT OBJECTIVES

Many analysts use debt ratios to analyze debt levels. However, the Town recognizes overemphasis on debt ratios should be avoided because debt ratios are but one of many factors which influence bond ratings. Commonly used debt ratios of comparably sized municipalities will provide one measure against which the Town can assess its debt burden. Another measure is to compare the Town against ratios developed by rating agencies. The analysis is not intended to review the Town's total financial position or to make projections of future expenditures other than debt service.

The following debt ratios will be considered when reviewing the Town's capacity to issue debt:

a. Debt Burden Indicators

1. Debt as a percentage of Assessed Valuation.
2. Debt per capita.

b. Debt Service Indicators

3. Annual general obligation debt service as a percentage of General Fund operating budget expenditures. The target range for this percentage is between 8%-10% of the budget each year.
4. Retirement of 50%, at a minimum, of the Town's overall outstanding debt in the succeeding fifteen fiscal years.
5. Fixed Cost Burden will be kept below 25% of total expenditures (i.e. Debt Service + Pensions + OPEB = Total Fixed Costs/Operating Expenses = Fixed Cost as % of Expenditures) to the extent possible, recognizing that the Town is precluded from establishing a trust or reserve fund to help meet the OPEB liability under New York State law.
6. For Water and Sewer revenue producing debt – Net Debt to Operating Revenues, the Debt Service Coverage Ratio) that indicate the system's overall revenues to debt service and fixed costs should range between 2.0x and 4.0x coverage: (DSCR=debt service requirements/net operating income.)

H. METHOD OF SALE

- a. **Competitive Sale:** The Town, as a matter of policy, shall seek to issue its debt obligations in a competitive sale unless it is determined that such a sale method will not produce the best results for the Town. In such instances where the Town, in the competitive sale of its debt securities, deems the bids received as unsatisfactory or does not receive bids, it may enter into negotiation for the sale of the securities.

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- b. Negotiated Sale:** When determined appropriate, the Town may decide to sell its debt obligations through a negotiated sale. Such determination may be made on an issue-by-issue basis, for a series of issues, or for part or all of a specific financing program. Selection of the underwriting team shall be made pursuant to selection procedures set forth in this debt policy under “Selection of Consultants and Service Providers” below.
- c. Private Placement/Limited Public Offering:** When determined appropriate, the Town may elect to sell its debt obligations through a private placement or limited public offering.
- d. Participation in State and Federal Loan Programs:** When determined appropriate, the Town may issue debt obligations in conjunction with loans made pursuant to State and Federal programs, e.g., the NYS Environmental Facilities Corporation programs for providing funding of eligible drinking water and wastewater projects.

I. SELECTION OF CONSULTANTS AND SERVICE PROVIDERS

- a. Solicitation:** The Town shall establish a solicitation and selection process for securing professional services that are required to develop and implement the Town’s debt program. The goals of the solicitation and selection process shall include encouraging participation from qualified service providers and securing the highest quality services at competitive prices.
- b. Financing Team:** The Town employs outside financial specialists to assist it in developing a bond issuance strategy, preparing bond documents (i.e. Offering Statement) and marketing bonds to investors. The key players in the Town’s financing transactions include its internal financial professionals (the Director of Finance and Finance Department staff, among others), its Bond Counsel, and its Financial Advisor.
- c. Bond Counsel Involvement:** The Town will work with a nationally recognized bond counsel (“Red Book” Bond Counsel). The Bond Counsel will issue an opinion as to the legality and the tax-exempt status of all obligations. The Town also may seek the advice of Bond Counsel on other types of financing and on any other questions involving Federal tax law applicable to tax-exempt bonds. Bond Counsel also is responsible for the preparation of the resolution authorizing issuance of obligations, various closing documents to complete their sale and issuance, review of the offering statement and performance of other services as defined by contract approved by the Town.

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- d. **Financial Advisor Involvement:** The Town will work with a Financial Advisor properly registered with the SEC and MSRB, and those individuals possessing the required licenses to act on behalf of the firm. The Town will seek the advice of the Financial Advisor when appropriate. The Financial Advisor will advise on the structuring of obligations to be issued, inform the Town of various financing options, monitor outstanding debt for potential refunding bond opportunities, advise the Town as to how choices will impact the marketability of the Town's obligations, and provide other services as defined by contract approved by the Town. To ensure independence, the Financial Advisor neither will bid on nor underwrite any Town debt issues for which it is serving as Financial Advisor. The Financial Advisor will inform the Director of Finance of significant issues that could affect the marketability of its debt or impact its credit rating.

J. REFUNDING OF LONG-TERM DEBT

A refunding of long-term debt involves the refinancing of an outstanding bond issue by issuing new bonds. Most refunding is performed to take advantage of current interest rates that are lower than those rates on outstanding bonds. Such a refunding is for interest rate savings. Currently, refunding may be completed within 90 days of the issue date of the refunding bonds.

- a. To reduce interest costs.
- b. To restructure debt service, but generally only if the present value of debt service savings exceeds three (3%) percent of the debt service amount of the refunded bonds.

K. DISCLOSURE/ARBITRAGE COMPLIANCE

- a. **Rating Agencies:** Full disclosure of operations and open lines of communication shall be maintained with at least one rating agency. Town staff, with the assistance of financial advisors, shall prepare the necessary materials and presentation to the rating agency. A credit rating will be sought from one or more nationally recognized credit reporting agencies as recommended by the Town's financial professionals in conjunction with the Town's financial advisor.
- b. **Arbitrage, Private Activity Use/Payment and Covenant/Representation Compliance:** The Town shall establish a system of record keeping and reporting to ensure compliance with arbitrage limitation, arbitrage rebate, and private activity use and payment limitations applicable to its tax-exempt obligations under the Federal tax code. This effort shall include tracking expenditures of, and investment earnings on proceeds of bond and note issues and lease purchase transactions, calculating rebate payments in compliance with tax law, and remitting any rebate eligible earnings to the Federal government in a timely manner in order to preserve the tax-exempt status of the Town's outstanding debt issues. Additionally, private activity use and payment, general financial reporting and certification requirements embodied in bond covenants, if any, or tax

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compliance or regulatory agreement covenants or representations in connection with the Town's tax-exempt obligations shall be monitored to ensure compliance with all such covenants and representations.

- c. **Continuing Disclosure:** The Town, working together with its Financial Advisor and Bond Counsel, is committed to continuing disclosure of financial and pertinent credit information relevant to the Town's outstanding securities and will abide by the provisions of Securities and Exchange Commission (SEC) Rule 15c2-12 concerning primary and secondary market disclosure, including requirements regarding annual financial information and material event filings (including the issuance of any installment purchase obligations or bank loans – if considered material) incorporated in the Town's continuing disclosure agreements entered into in connection with the issuance of its debt obligations.

L. INTEGRATION WITH CAPITAL PLANNING

The Town prepares a multi-year Capital Improvement Program for consideration and adoption as part of the Town's budget process. Annually, the capital budget identifies revenue sources and expenditures for the current year and the next succeeding four fiscal years. As part of the capital project planning process, the financial impact of each proposed project will be evaluated and updated annually. To fund the Capital Improvement Program, the Town will use general revenues (pay-as-you-go), debt financing, State and Federal Aid, special assessments, or a combination thereof.

M. DEBT AUTHORIZATION

The Town shall have the power to incur indebtedness subject to the provisions of the New York State Local Finance law and other pertinent State Statutes, as revised from time-to-time.

N. INVESTMENT AND ACCOUNTING OF PROCEEDS

The investment of proceeds of debt obligations (including investment earnings) must be in conformance with all applicable state and federal laws. All efforts must be made to defer permanent bonding until the money has already been spent or is close to being spent in order to avoid having excess cash on hand which may lead to violation of arbitrage rules, with due regard for the tax law limitations on the extended delay in reimbursing non-debt funding sources with the proceeds of tax-exempt bonds (see Section 12). For large projects spanning a period of time of three months or more, bonds and bond anticipation notes will be issued according to a cash flow statement developed for the project.

Bond proceeds will be recorded in the Capital Projects Fund and specifically accounted for in the individual project to which they relate. Any net sale premium on bond issuance shall also be credited to the project in question and should be used to help reduce future borrowing needs for the project financed.

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Vote on motion:

Deputy Supervisor Cataldi..Aye
Councilman CahillAye
Motion carried.....4-0

Councilman Abbott Aye
Councilwoman Nguyen.... Aye

Resolution No. 294: MOTION by Deputy Supervisor Cataldi, seconded by Councilman Abbott, to establish itself as Lead Agency under the State Environmental Quality Review Act and its regulations to conduct the environmental review of a production facility by the Coca-Cola Company and fairlife® in the Town of Webster.

WHEREAS, a proposed development of real property located at the east terminus of Tebor Road, 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 066.03-1-20.1 (12.85 acres) has been proposed by the Coca-Cola and fairlife® (“the fairlife® or Project” or “the Project”); and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) regulations in 6 NYCRR §617.4, mandating a coordinated review of the project with a single agency serving as Lead Agency to conduct said environmental review pursuant to 6 NYCRR §617.6(b)(2)(i); and

WHEREAS, by Resolution No. 213 of 2023, on June 15,2023, the Town Board declared its intention to serve as Lead Agency for the Project herein; and

WHEREAS, the Town of Webster Town Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potential “Interested Agencies” and “Involved Agencies” (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2) and to commence the coordinated review of the Project; and

WHEREAS, electronic copies of the coordinated review materials were sent to Interest and Involved Agencies on June 23, 2023 to ensure that the documents were received; and

WHEREAS, a supplement to the original Part 1 of a Full Environmental Assessment Form (FEAF) was received by the Town from the applicant on July 11, 2023 and a subsequent letter and updated electronic copies of the coordinated review materials were re-distributed to Interested and Involved Agencies on July 14, 2023; and

WHEREAS, responses from Interested and Involved Agencies to the Town Board’s request to serve as Lead Agency were requested, and each of the potentially Interested and Involved Agencies have agreed to, or raised no objection to, the Town of Webster Town Board serving as the Lead Agency for the Project within 30 calendar days as mandated by 6 NYCRR §617.6(b)(3)(i); and

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WHEREAS, pursuant to the SEQRA Regulations, the Town of Webster Town Board will consider the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations and (b) examining the FEAF and other available supporting information for the Project, including comments received from other Involved Agencies and the Town’s consultants, to identify the relevant areas of environmental concern and otherwise undertake a coordinated review of this action:

NOW, THEREFORE, BE IT RESOLVED:

That the Town of Webster Town Board hereby establishes itself as the Lead Agency for the environmental review, under SEQRA and its regulations, for fairlife® Project.

Vote on motion:

Deputy Supervisor Cataldi...Aye	Councilman Abbott Aye
Councilman CahillAye	Councilwoman Nguyen.... Aye
Motion carried.....4-0	

Deputy Supervisor Cataldi stated that the next Resolution involves the purchase of some land in Webster for the creation of the Herman Road Forever Wild Forest. Before presenting it to the Town Board for approval, she thanked Ben Wisniewski who was in attendance and all those that partnered with him on the project. He played a key role in the Town obtaining the property and guiding the Town through the process and the grant process.

Resolution No. 295: MOTION by Deputy Supervisor Cataldi, seconded by Councilman Cahill, to authorize the purchase of a 27.8 ± acre parcel located at 760 Herman Road Webster, New York (Tax ID # 064.01-1-17) for Creation of Herman Road Forever Wild Forest.

WHEREAS, the Town of Webster has the authority under the New York State Constitution, and Article 4 of the Town Law to acquire property for any purpose provided by law; and

WHEREAS, Gary Wood is the owner of property at 760 Herman Road in the Town of Webster, Tax ID Number 064.01-1-17, which property is 27.8 acres± of residential vacant land adjacent to the existing Whiting Road Nature Preserve (the “Wood Parcel”); and

WHEREAS, the owner of the Wood Parcel is willing to convey said land to the Town of Webster for public purpose and/or public purposes, for a purchase price of \$285,000.00; and

WHEREAS, the Town of Webster received an award of \$270,089.00 to purchase the Wood Parcel for the creation of new parkland in the form of a Community Forest, pursuant to the terms of the New York State Department of Environmental Conservation Community Forest Conservation Grant Agreement (Contract # DEC01-C01669GG-3350000) (hereinafter the “DEC Grant”); and

WHEREAS, the DEC Grant only covers 90% of the cost of the purchase of the Wood Parcel; and

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WHEREAS, Webster resident Mary Dombovy, to commemorate her late Husband Michael A. Johnson, previously donated monies to the Town of Webster to reimburse the Town for the remaining cost of the Wood Parcel, including all appurtenant costs thereof, including all recording and (seller's) attorney fees, with remaining funds to be used for improvements to the Wood Parcel; and

WHEREAS, the DEC has reviewed all post DEC Grant award submissions and provided clearance to the Town of Webster to close on the purchase of the Wood Parcel; and

WHEREAS, purchase of the Community Forest involves the acquisition of more than 25 acres of real property for dedication as parkland, and is therefore properly designated as an unlisted action pursuant to the State Environmental Quality Review Act; and

WHEREAS, the Town has completed parts 1, 2, and 3 of a short environmental assessment form, and considered any other possible environmental impacts, related to the unlisted action:

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town of Webster resolves that the purchase of 27.8 acres± of residential vacant land for creation of a Community Forest at 760 Herman Road is properly classified as an unlisted action under SEQRA.
2. The Town of Webster hereby finds that purchase of 27.8 acres± of residential vacant land at 760 Herman Road for creation of a Community Forest will not have any significant adverse impacts on the environment.
3. That the Town of Webster is authorized to complete the purchase of the 27.8 acres± of residential vacant land at 760 Herman Road in the Town of Webster, Tax ID Number 064.01-1-1, for the purpose of creating the Herman Road Forever Wild Forest, in accordance with the terms of the DEC Grant, and to create public parkland to be held in trust for the benefit of the public, forever.
4. The Town Supervisor or his designee are hereby authorized to execute any document reasonably necessary to affect the purchase of said land for creation of the Community Forest.
5. The name of the community forest shall be, The Herman Road Forever Wild Forest - Conserved by Gary E. & Judith M. Wood.
6. The Town Board offers its formal thanks and appreciation to Gary E. Wood, Judy M. Wood, Mary Dombovy, and her late husband Michael A. Johnson for their conservation efforts in the Town of Webster.

Vote on motion:

Deputy Supervisor Cataldi..Aye
 Councilman CahillAye
 Motion carried.....4-0

Councilman Abbott Aye
 Councilwoman Nguyen.... Aye

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Deputy Supervisor Cataldi presented a proposed Resolution to the Town Board for their consideration for the placement of Northbound and Southbound stop signs at the location of Whiting Road and Shoemaker Road. She stated this has been a dangerous intersection for years. The Town is growing, and it is often a good thing, but it brings some problems. Traffic has increased, there is a blind spot on that road and there have been too many accidents. She commended the residents living in that area for bringing attention to the issue and petitioning Monroe County for a solution.

Resolution No. 296: MOTION by Deputy Supervisor Cataldi, seconded by Councilman Abbott, to consent to the placement of a traffic control device by the County of Monroe Department of Transportation, pursuant to authority granted by Sections 1651 and 1652-a of the New York State Vehicle and Traffic Law, at the following locations:

Traffic Regulation: Northbound Stop Sign **Location:** Whiting Road @ Shoemaker
Traffic Regulation: Southbound Stop Sign **Location:** Whiting Road @ Shoemaker

Vote on motion:

Deputy Supervisor Cataldi..Aye Councilman Abbott Aye
Councilman CahillAye Councilwoman Nguyen.... Aye
Motion carried.....4-0

Resolution No. 297: MOTION by Deputy Supervisor Cataldi, seconded by Councilman Cahill, to declare the following items for recycling from the Cable Access Department:

- JVC VHS Player Asset Tag #3731
- JVC VHS Player Asset Tag #3770
- Panasonic Mixer Asset Tag #3753
- Panasonic Mixer Asset Tag #6325
- Panasonic DVD Player Asset Tag #5528
- Panasonic DVD Player Asset Tag #6336
- Sony Camera Asset Tag #4505
- JVC DV Deck Asset Tag #4508
- Leightronix DVR Asset Tag #4437
- Sigma Switcher Asset Tag #2722
- Videonix Swticher Asset Tag #3747
- Panasonic Switcher Asset Tag #3763
- HP Computer Asset Tag #6138
- LG Monitor Asset Tag #6137
- JVC Camera Asset Tag #5920
- Panasonic Camera Asset Tag #6132
- Nikon Camera Asset Tag #7046
- Sony CRT Monitor Asset Tag #3742
- Jensen Radio Asset Tag #6139
- Phillips DVD Player No Tag
- Zenith VHS Player No Tag
- Polaroid Monitor No Tag
- Dell Monitor No Tag

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Vote on motion:

Deputy Supervisor Cataldi..Aye
Councilman CahillAye
Motion carried.....4-0

Councilman Abbott Aye
Councilwoman Nguyen.... Aye

Joann Palmer, Webster Resident, appeared before the Town Board to express her gratitude for the Town Board approving the placement of stop signs at the Northbound and Southbound location of Whiting Road and Shoemaker Road. She shared that there have been so many accidents at that location.

There being no further business to come before the Board, the meeting was adjourned at 7:52 p.m.

Dorothy M. Maguire, Town Clerk