RESOLUTION NO. 132 OF 2024 OF THE WEBSTER TOWN BOARD TO ENACT A LOCAL LAW TO INCLUDE ALL NONRESIDENTIAL PROPERTIES WITHIN THE TOWN OF WEBSTER TO BE PART OF THE TOWN OF WEBSTER CONSOLIDATED DRAINAGE DISTRICT, AND TO PAY THE APPLICABLE FEES THEREFORE (CHAPTER 146 OF THE CODE OF THE TOWN OF WEBSTER – "DRAINAGE CONTROL")

At a regular meeting of the Webster Town Board of the Town of Webster, Monroe County, New York, held at the Town Board Meeting Room, 1002 Ridge Road, Webster, New York on the 21st day of March, 2024 at 7:30 p.m., there were present:

Supervisor Thomas J. Flaherty
Councilman John J. Cahill
Councilwoman Ginny L. Nguyen
Councilwoman Jennifer S. Wright

Absent:
Councilwoman Patricia T. Cataldi

The following Resolution was offered by Supervisor Flaherty and moved its adoption:

WHEREAS, the Town Board has the specific authority pursuant to Article 4 of the New York State Town Law to provide for drainage, and to protect the Town from floods, high waters, to construct facilities, drains, ponds, ditches, sluices, etc., for the passage of water, and to provide for the collection of taxes for the expenditure to create and maintain such facilities and to pay for the maintenance of the Town's drainage system; and

WHEREAS, the Town Board has the general authority, also pursuant to Articles 4 of the New York State Town Law, to manage and control the finances of the Town of Webster, and to promote the health, safety, morals, or general welfare of the community; and

WHEREAS, the Town Board in its desire to continue to promote the health, safety, morals, or general welfare of the community and its residents and property, has created a Consolidated Drainage District, which District is to be maintained by all the property owners of the Town who are benefited thereby, including all nonresidential users; and

WHEREAS, it is both in the public interest and required by law that a Public Hearing be held to consider this proposed addition/amendment to the Webster Town Code; and

WHEREAS, it is both in the public interest and required by law that a Public Hearing be held to consider this amendment and addition to the Code of the Town of Webster Chapter 146 of the Webster Town Code, a new Article III thereof, entitled "Drainage District Fees"; and

WHEREAS, a Notice of this Public Hearing was published in the *Webster Herald* on February 28, 2024, and posted on the Town's website and on the Town Clerk's Bulletin Board at 1000 Ridge Road, Webster, New York; and

WHEREAS, a hearing on this matter has been held on March 7, 2024, at 7:30 p.m. at the Webster Town Board Meeting Room, 1002 Ridge Road, Webster, New York, and all interested persons have been heard; and

WHEREAS, the proposed action is a "TYPE II" action under the New York State Environmental Quality Review Act, it being routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment:

NOW, THEREFORE, BE IT RESOLVED:

1. A new Chapter 146 Article III - Drainage District Fees of the Webster Town Code, relating to Stormwater Drainage District Fees be enacted in their place as follows:

2. Such Local Law will be designated as:

LOCAL LAW NO. 2 OF 2024

This law is entitled "A local law to enact a new Chapter 146 Article III - Drainage District Fees of the Webster Town Code, relating to Stormwater Drainage District Fees".

Section 1. Title.

Chapter 146 Article III - Drainage District Fees

§146-19. Definitions.

DRAINAGE DISTRICT FEE - The fee charged for costs incurred by the Town in providing stormwater services.

DRAINAGE DISTRICT FEE DISCOUNT - The scaling discount percentage that shall be applied in the calculation of Drainage District fees. For structures or practices that, as determined by the MS4 Official, are anticipated to provide:

A. Both treatment quality and quantity attenuation, the discount rate shall be up to 40%.

B. Either treatment quality or quantity attenuation, the discount rate shall be up to 20%.

EQUIVALENT RESIDENTIAL UNIT ("ERU") - The average amount of impervious surface on a residential property in the Town, as determined by the Town Board.

IMPERVIOUS SURFACE - Any surface on a lot that, because of the surface's composition or compacted nature, impedes or prevents natural infiltration of water into the soil, including, but not limited to, roofs, solid decks, driveways, patios, sidewalks (other than public in municipal rights-of-way), parking areas, tennis courts, concrete, asphalt, or crusher/run streets of paths, or compacted gravel or dirt surfaces, as determined by the Engineering Department.

IMPERVIOUS SURFACE AREA - As recorded or calculated by the Engineering Department, the number of square feet of horizontal surface on a lot covered by an impervious surface.

LOT - Lot or parcel of land, as found on the Town of Webster Assessment Roll.

MS4 OFFICIAL/STORMWATER MANAGEMENT OFFICER - The Town employee designated by Town Board resolution to be responsible for compliance with the NYSDEC MS4 program requirements as well as having the authority to perform all duties designated to this position as outlined in the Town Code.

NONRESIDENTIAL LOT - All developed and/or improved lots other than those used as residential or agricultural lots.

PROPERTY CLASS CODE - The property type classification code, as defined by the New York State Office of Real Property Services in the Assessors' Manual, assigned to an assessment site by the Town of Webster Assessor, as may be updated by that Department from time to time.

RESIDENTIAL LOT - A developed lot with a site Property Class Code of 210, 215, 220, 230, 240, 250, or 270, or substantially identical successor designations.

STORMWATER - The runoff from all forms of precipitation that travels over natural or developed surfaces to the nearest stream, other conduit, or impoundment and appears in lakes, rivers, ponds, or other bodies of water.

STORMWATER SERVICES - The Town's program for protection of stormwater quality and for the partial control and conveyance of stormwater, including, but not limited to: public education; monitoring, removing, and regulating stormwater pollutants; other activities described in the Town's New York SPDES permit; mapping; planning; regulating, reviewing and inspecting private stormwater infrastructure; operating, constructing, improving, cleaning, and maintaining the Town's Stormwater System; and any and all expenses deemed reasonably necessary to the management of stormwater within the Town in the judgment of the Superintendent of Highways, including but not limited to the payment of debt principal and debt service, and the establishment of a reserve fund, to pay for these services.

STORMWATER SYSTEM - The system of natural and constructed conveyances for collecting and transporting stormwater, including but not limited to lakes, ponds, rivers, perennial, intermittent, and/or channeled streams, connected wetlands, open ditches, catch basins and other inlets, pipes, sewers, drains, culverts, and created stormwater management facilities that provide partial treatment by passive means such as wet detention ponds, detention basins, and stormwater wetlands.

§146.20. Drainage District Fee Calculation.

A. Each parcel in the Town that is not vacant or agricultural shall be subject to an annual Drainage District Fee proportionate to the total amount of impervious surface present at the site as calculated below.

   (1) Every residential site shall be deemed to have an impervious surface area equal to one (1) ERU.

   (2) The number of ERUs of impervious surface area on a nonresidential lot with an impervious surface area greater than one ERU shall be calculated by dividing the lot's impervious surface area by the value of one ERU and rounding the result up to the nearest tenth of an ERU. Minimum nonresidential lot assessment shall be 1.0 ERU.

B. Equivalent residential unit.

(1) An equivalent residential unit is equal to 5,183 square feet.

(2) The MS4 Official shall report to the Town Board regarding changes in the average impervious surface of residential lots should the ERU change.

C. Recording of impervious surface area.

(1) The Engineering Department shall endeavor to update the Impervious Surface data in the Town's geographic information systems at least once every five years, beginning with the 2024 assessment roll.

(2) Upon close-out of any building permit for a nonresidential property, the Building Inspector or authorized code enforcement personnel shall provide to the Engineering Department notice of the net number of square feet of impervious surface added to the lot, as indicated on documentation associated with said permit, together with the applicable tax map number. The Engineering Department shall thereafter update the data in the Town's geographic information systems to reflect the adjusted impervious surface area on the lot and provide notice of the change(s) to the Assessment Office. The Assessment Department will update the ERU's on the assessment roll and ensure the change(s) will be included on the next tax bill information according to Real Property Tax Law and the New York State rule and Regulations providing, therefore.

§146-21. Drainage District Fee Discount.

A. At the discretion of the Town MS4 Official, nonresidential lots that have on-site stormwater features that either improve water quality, reduce runoff, or a combination of both, may be eligible for a discounted fee to be applied to the assessment roll.

B. Calculation of the discount. The discount valuation for a practice or structure shall be the product of: the lot's Drainage District fee, the percentage of the total impervious surface area on a lot mitigated by the practice or structure, the practice or structure's reduction rate, and the practice or structure's treatment efficiency.

C. Eligible practices. Discounts are available for those stormwater management practices or structures meeting the requirements of Chapter 289 of the Town Code and the New York State Department of Environmental Conservation's Stormwater Management Design Manual guidelines, as amended or replaced by substantially identical guidelines. The MS4 official will make the final determination of eligibility.

D. Review criteria. An engineered structure or practice that provides quality treatment and/or quantity attenuation shall be considered by the Town MS4 Official using the criteria set forth herein.

(1) The proposal must demonstrate that the practice will provide a quantifiable treatment and/or runoff control benefit to the site through engineered design principles.

(2) The watershed subcatchment leading to the practice must be clearly defined including the area, amount of impervious cover, flowpath, and existing and proposed land use.

(3) The discount for a structure will be prorated based on that structure's treatment efficiency. For example, the reduction for an otherwise-qualifying structure that is designed for 10% water quality volume treatment efficiency, the discount amount will be limited to 10%, as compared with a structure designed for 100% efficiency.

(4) Designs must follow the New York State Department of Environmental Conservation's Stormwater Management Design Manual guidelines, as amended or replaced by substantially identical guidelines.

(5) The owner must assume all responsibility for practice operation and maintenance. This responsibility shall be memorialized by the establishment of a Stormwater Maintenance agreement with the Town for each individual site. Failure to maintain the facility shall result in cancellation of the reduction applied.

E. Administration of discount.

(1) In order to obtain a discount, an owner must apply in a form satisfactory to the Town MS4 Official.

(2) If an application is approved by the Town MS4 Official, the resulting discount drainage district fees shall take effect on the next applicable tax cycle. Unless otherwise specified, an approved discount shall continue to be applied on each future bill so long as the lot continues to be eligible for the modification; provided, however, that the Town MS4 Official shall cancel any discount for failure to provide the Town with access to inspect and confirm the lot's continuing eligibility for a particular recurring discount.

3. This local law shall take effect upon filing with the Secretary of State.

4. The Town Clerk is hereby authorized and directed to take such action as may be necessary to carry this Resolution into effect.

Seconded by Councilwoman Wright and duly put to a vote, which resulted as follows:

VOTE ON MOTION:

Supervisor Thomas J. Flaherty	AYE
Councilwoman Patricia T. Cataldi	ABSENT
Councilman John J. Cahill	AYE
Councilwoman Ginny L. Nguyen	AYE
Councilwoman Jennifer S. Wright	AYE

MOTION CARRIED

Enter: March 21, 2024

Dorothy M. Maguire

DOROTHY M. MAGUIRE
Town Clerk
Town of Webster

State Of New York
County of Monroe
Town of Webster

This will certify that I have examined the within exhibit and find it to be an exact copy of the original which is filed in the office of the Town Clerk of the Town of Webster, Monroe County, New York.

Dorothy M. Maguire
Town Clerk

Seal

Date March 21, 2024