



VILLAGE BOARD WORK SESSION AGENDA

Tuesday, September 26, 2017 at 4:00 PM
Village Hall Board Room

1. **Sanitary Sewer Maintenance and Rent Discussion** 
2. **Review of Village Code** – Chapter 186: Brush, Grass and Weeds (*Continued Discussion*) 

Bryan L. White, ICMA-CM
VILLAGE MANAGER



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To: Fairport Village Board
From: Bryan L. White, Village Manager
Re: **Sanitary Sewer Rents and Lateral Repair**
Date: September 23, 2017

Per the Village Code, the Village Board adopted legislation in 1975 that afforded them the option of instituting sewer rents as a means of producing revenue for the maintenance, repair and replacement of the sanitary sewer system in the Village of Fairport. Per our records, we do not believe this mechanism for collecting rents has been pursued since its adoption except for one instance, which seems to have been project based. The current local law outlining the sewer rent process and its pricing model will be amended once the Village determines its desires for moving forward. Should the Village Board establish a sewer rent, the official rate will be adopted as part of the annual budget process.

The Village owns and operates approximately 116,000 linear feet or 22 miles of sanitary sewer main within its corporation limits. The cost to fully replace with new pipe and infrastructure is approximately \$70 million in addition to road repair and the invasive process of excavating Village streets. The estimated cost to line the same infrastructure is \$13.5 million and would not require the excavation of Village streets or the disruption in infrastructure. Spot repairs will still be required where lining is not feasible and/or breaks occur, however the scope of this work will be much less than full replacement.

Staff has outlined costs associated with maintaining the sanitary sewer system based on the following assumptions:

Sanitary Sewer Main – Replacement

Quantity:	116,369 linear feet or 22 miles
Full Replacement Cost:	\$70 million
Service Life:	100 years
Annual Capital Cost:	\$738,000
Units contributing to Cost:	2,000
Annual Sewer Rent/Unit:	\$369.24

Sanitary Sewer Main – Lining

Quantity:	116,369 linear feet or 22 miles
Full Replacement Cost:	\$13.5 million
Service Life:	50 years

Annual Capital Cost:	\$229,000
Units contributing to Cost:	2,000
Annual Sewer Rent/Unit:	\$114.50

Sanitary Sewer Lateral Replacement – R.O.W. ONLY

**Average repair assumes 24' of pipe replaced at a depth of 8' and a width of 6'.*

Quantity:	10 Laterals
Full Replacement Cost:	\$11,400
Service Life:	50 years
Annual Capital Cost:	\$114,000
Units contributing to Cost:	\$2,000
Annual Sewer Rent/Unit:	\$57

Per the assumptions above, staff would recommend the Board consider the lining option over full replacement due to the costs associated with the capital expense and the intrusiveness of the work and its impact on our infrastructure and residents. Based on the how the Village bills the rents, will determine costs. The examples given are based on equal unit pricing (parcels). Should we bill utilizing water consumption and the amount of meters on each piece of property, these assumptions will change. The Clerk-Treasurer's Office is reviewing this pricing model with the Monroe County Water Authority. Regardless of how the rents are calculated, staff does not recommend instituting a full sewer department and would rely on county contract pricing and other private organizations determined by a complete bidding process to conduct the work on our behalf.

The Village applied for a grant approximately one year ago to enter into an agreement with the Environmental Protection Agency to facilitate a three year pilot program to study and analyze our sewer system in an effort to better plan and maintain our system. Unfortunately, the Village was notified this summer we were not selected for this program. DPW conducted some internal mapping and analysis this summer; however some analysis will require the assistance of an engineering firm. Should the Village move forward with instituting a sewer rent, a comprehensive analysis will assist in determining which utilities are replaced first based on their age and structural integrity.

Village of Fairport, NY
Friday, May 26, 2017

Chapter 395. Sewer Rents

[HISTORY: Adopted by the Board of Trustees of the Village of Fairport 2-10-1975 by L.L. No. 1-1975 (Ch. 40A of the 1968 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 400.

§ 395-1. Title; areas served.

- A. Pursuant to the authority of the Sewer Rent Law of the State of New York (Article 14-F of the General Municipal Law) and any and all amendments thereto, there are hereby established and imposed sewer rents as a means of producing revenue for the sewer district in the Village of Fairport to be known as the "Fairport Sewer Rent Law."
- B. The area served by the Village of Fairport sewerage system shall include all lands within the corporate boundary lines and in addition those adjacent areas in the Town of Perinton as shown on the map and plan attached entitled "Village of Fairport Sanitary Sewer System-Service area."^[1]
[1] *Editor's Note: Said map and plan are on file in the office of the Village Clerk.*

§ 395-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INDUSTRIAL WASTE

Any liquid, gaseous, solid or other waste substance or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources. (See § 400-5 of the Village Code.)

OTHER WASTES

Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals and other discarded matter not sewage or industrial waste. (See § 400-5 of the Village Code.)

PART (as used in relation to the term "sewer system")

All lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, and any sewage treatment and disposal works, each part with necessary appurtenances including pumping stations.

SEWAGE

The water-carried human or animal wastes and permissible industrial wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present (See § 400-5 of the Village Code for permissible uses.)

SEWER RENTS

A scale of annual charges established and imposed in the sewer districts and on properties in the Town of Perinton being served by the Village sewerage system, for the use of the sewerage system or any part or parts thereof. These rents shall not be imposed on users of the system within the Village so long as the Village Board elects to include sewer service in the annual Village taxes.

SEWER SYSTEM

All sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes and which are owned, operated or maintained by a sewer district in the Village, including sewage pumping stations and sewage treatment and disposal works.

§ 395-3. Unit assessments.

- A. Within the Village sewer service area all residences, businesses, industries or other facilities connected to the sanitary sewer system shall have a unit assessment to be determined as follows:

- (1) Residential.

Property Description	Connection Units
Single-family dwelling	1
Apartment or residential structure designed to be occupied by 2 or more families:	
Studio, efficiency and one-bedroom apartment	3/4
Two-bedroom apartments	1
Apartments with more than 2 bedrooms or rooms that could be converted to bedrooms or units having 2 or more bathrooms	1
Apartments (condominiums) separated by tax account number	1

- (2) Education.

- (a) Library: one minimum or WC.
- (b) Public schools shall be charged one unit for each 20 full-time pupils attending each school connected with or served by the sewer system or any part or parts thereof. In addition, one unit shall be assessed each school for every 15 faculty and/or employee members plus one unit for each 40 part-time or night students attending said facility. The number of pupils attending each school will be determined by the enrollment in each school as of the last Friday in September. This number will be provided by the school district to the Village on or before October 15 of each year for use in computing the following year's units. The number of units to be charged for schools to be opened for the first time in the following year shall be based upon estimated enrollment and shall be prorated for that portion of the year for which it is estimated that the school will be in operation. Adjustment shall be made in the subsequent year for under or over charges. Connection units: Student, employee, faculty basis or water consumption based on 60,000 gallons per year per unit.
- (c) All types of structures connected with or served by the sewerage system or any part or parts thereof and not described in Subsection **A(2)(a)** or **(b)** of this section, including but not exclusive of schools, churches and institutions, shall constitute that number of chargeable units determined by dividing the annual water consumption on said premises

by 60,000 gallons. Such premises, however, shall constitute a minimum of one chargeable unit. In all cases, the number of units to be charged is determined by whichever basis is higher, that is by water consumption figures, Village basis or Monroe County Pure Waters units.

(3) Religious.

Property Description	Connection Units
Church property	WC
Convent	WC
Parsonage	Same as residential

(4) Welfare.

Property Description	Connection Units
Orphanages	WC or 1 per each 2 beds
Benevolent and morale association	WC
Home for the aged	WC or 1 per each 2 beds
Nursing homes, etc.	WC or 1 per each 2 beds

(5) Commercial.

Property Description	Connection Units
Area stores and markets	1 per store or 1 per 6,000 square feet of floor area or fraction thereof
Bank complex	WC
Office or professional building	1 per office or 1 per 1,000 square feet or WC
Hotel/motel	1 per each 3 rooms or part thereof or WC
Inns, boarding houses, tourist homes	1 per each 4 rooms or part thereof or WC
Auto dealers, sales and services	WC
Car wash	WC
Auto service stations	1 per bay
Laundromat	1 per each 2 washing machines
Dining establishments: restaurants, diners, drive-ins, luncheonettes, bars, night clubs, etc.	1 per store, plus 1 per each 50 seating capacity or fraction thereof or WC
Theaters	1 per 6,000 square feet of floor area or fraction thereof or WC

(6) Industrial.

- (a) Industrial users will be reviewed by the Village Sewer Commission and the unit derivation will be based on the following:

[1] One unit for each 15 employees; or

[2] One unit for each 60,000 gallons per year of permissible sewage.

- (b) If raw sewage does not meet acceptable criteria set forth in § 400-5 then pretreatment will be required at the industrial owner's expense. Also, if volumes of sewage are inconsistent a demand charge or surcharge may be assessed which would proportionately increase the total units assigned.

- B. In the event that any parcel of real property in its entirety falls within more than one of the above classifications, that classification which produces the greatest number of chargeable units shall be the one applicable. In the event any parcel of real property is divisible into two or more classifications, the number of chargeable units in each classification shall be determined and the total thereof shall constitute the number of chargeable units applicable to the entire parcel.
- C. If a sewer district contracts with another municipality or agency for transmission and treatment of sewage, the number of chargeable units shall be determined by the applicable ordinances or laws of the municipality or agency which provides facilities for transmission and treatment of said sewage.

§ 395-4. Determination of rents.

The Village Board, acting on behalf of the sewer service area, shall fix and determine the amount of the annual sewer rent to be charged for each chargeable unit in the service area, both in the Village of Fairport and the Town of Perinton.

§ 395-5. Connection charge.

The Village Board, acting on behalf of the sewer service area, shall fix and determine annually the sewer connection fee (entrance fee) for all new units making physical connection to the sewerage system. This one-time charge will vary depending upon the location of each structure desiring entrance (Town or Village) and whether or not the lot had been previously approved for development.

§ 395-6. Payment date; penalty for late payment.

Sewer rents shall become due and payable annually between January 1 and January 31, without penalty. Penalty at the rate of 1 1/2% per month shall be charged for late payment.

§ 395-7. Method of billing.

- A. Direct out-of-district customers. The Village Board shall annually cause statements to be prepared setting forth the amount of the sewer rents for each of the direct out-of-district properties, in the name of the person or persons in whose name such real property is assessed, which statement shall be mailed to said owners of said property on or before January 1 of each year.
- B. Customers in a sewer district. Properties in town sewer districts within the service area served by the Village of Fairport shall be billed by the Town of Perinton by levying the amount of the sewer rents against the real property liable at the same time and in the same manner as the general taxes. The amounts so levied shall be collected and enforced in the same manner as provided by law for the collection of taxes. The Town of Perinton shall be responsible for remitting the total amount of said sewer rents due to the Village Treasurer not later than February 15 of each year.

§ 395-8. Amendments.

The Village Board may from time to time amend, supplement, change, modify or repeal this chapter pursuant to the provisions of the Village Law applicable thereto.

§ 395-9. Penalties for offenses.

Any person found to be violating any provision of this chapter shall be subject to the same penalties as set forth in § ~~400-8~~ of said Village Code.

Bryan L. White, ICMA-CM
VILLAGE MANAGER



31 S. Main Street, Fairport, NY 14450
Office: (585) 421-3201
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To: Fairport Village Board

From: Bryan L. White, Village Manager

Re: **Village Code Review – Chapter 186: Brush, Grass and Weeds**

Date: September 22, 2017

Per the request of the Village Board at the August 29th Work Session, staff reviewed surrounding municipalities for comparison data regarding the height of grass before it violates code. The Village’s current code states grass length must be more than 10” before it constitutes a violation. The following examples are provided for your review:

Municipality	Grass Height
Village of Brockport	10"
Village of Churchville	discretion of CEO
T/V East Rochester	6"
Village of Hilton	discretion of CEO
Village of Honeoye Falls	discretion of CEO
Village of Pittsford	6"
Village of Webster	10"
Town of Ogden	12"
Town of Brighton	12"
Town of Clarkson	Town Board discretion
Town of Gates	discretion of CEO
Town of Hamlin	discretion of CEO
Town of Irondequoit	6"
Town of Perinton	4"
Town of Pittsford	discretion of CEO
Town of Sweden	10"

At the request of legal counsel, the Village Board should adopt a grass length policy over leaving it up to the discretion of the Code Enforcement Officer (CEO) as it can be defensible in court should discretion ever come into question. With that being said, discretion is still permissible per the CEO should circumstances dictate. NYS previously had a policy of acceptable grass height up to 10”; however this standard was modified approximately a year ago and is at the discretion of the local municipality on acceptable grass length. Staff would recommend a standard of 8” in addition to the amendments previously discussed last month

which include two day notice of violation and the ability to have private contractors conduct the work at Village discretion.

VILLAGE OF FAIRPORT
LOCAL LAW # ____ OF 2017

§ 186-1 Removal of weeds and other vegetation required.

Every owner of any lot, land or place in the Village of Fairport is hereby required to cut, trim or otherwise remove, or to cause to be cut, trimmed or otherwise removed, all weeds, grass, brush or other uncultivated vegetation or accumulation of dead weeds, grass or brush as shall constitute a health hazard, fire hazard, safety or traffic hazard or public nuisance.

§ 186-2 Determination of existence of hazard or nuisance.

The ~~Code Enforcement Officer or his or her duly designated representative~~ Board of Trustees or its duly designated representative shall determine if any such growth of weeds, grass, brush or other such uncultivated vegetation or accumulation of dead weeds, grass or brush constitutes a health hazard, fire hazard, safety or traffic hazard or public nuisance.

§ 186-3 Notice to owner.

After it has been determined that a health hazard, fire hazard, safety or traffic hazard or public nuisance exists as a result of the existence of weeds, grass, brush or other uncultivated vegetation or accumulation of dead weeds, grass or brush, the Code Enforcement Officer shall give notice to the owner of such lot, land or place that such condition exists, by:

- (1) ~~M~~ mailing to such owner a written notice at his last known address and posting a copy of the written notice on such lot, land or place that such condition exists; or
- (2) Personally delivering a written notice to the owner of such lot, land, or place that such condition exists.

Service shall be complete upon personal delivery or posting.

§ 186-4 Noncompliance.

A person upon whom notice has been served to cut, trim or remove such noxious long grass or rank growths and who for ~~forty eight (48) hours~~ five days after service shall neglect or fail to comply with the provisions of any such notice shall be deemed to have violated this chapter.

§ 186-5 Removal by Village; cost to become lien.

If, after the expiration of forty eight (48) hours from the date of service of the notice provided in § 186-3 ~~10 days from the date of mailing the notice provided in § 186-4~~, the

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owner shall fail to comply with the requirements of § 186-1, the Village shall have the authority to direct the DPW or to engage an outside contractor ~~DPW Foreman shall have the power~~ to cut, trim or remove such weeds, grass, brush or other uncultivated vegetation or accumulation of dead weeds, grass or brush on any such lot, land or place in the Village of Fairport, and the expense thereof shall be charged to the property so affected by including such expense in the next annual tax levy against the property, pursuant to the Village Law of New York.

§ 186-6 Enforcing authority.

The Code Enforcement Officer of the Village of Fairport is hereby empowered to enforce the provisions of this chapter.

§ 186-7 Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250.