

A Work Session of the Town Board of the Town of Williamson, County of Wayne and State of New York was held in the Town Complex Court Room located at 6380 Route 21, Suite II, at 7:00 PM on Tuesday, September 12, 2017. The following were

PRESENT: Supervisor Anthony Verno
Councilman Gary Orbaker
Councilman Michael Bixby
Councilman Thomas D. Watson
ABSENT: Councilman Nancy Gowan

The Board reviewed bills for approval of payment

The Regular Meeting of the Town Board of the Town of Williamson was held in the Town Complex Court Room located at 6380 Route 21, Suite II, following the Worksession and called to order at 7:30 PM on Tuesday, September 12, 2017 by Supervisor Verno with the Pledge of Allegiance. The following were

PRESENT: Supervisor Anthony Verno
Councilman Gary Orbaker
Councilman Michael Bixby
Councilman Thomas D. Watson
ABSENT: Councilman Nancy Gowan

Abram Moll, Kurt Allman; Highway Superintendent, Ed Merriett; Park Committee Chairman, Rich Seyfried, Phil Dean, Todd Brennessel, John Manahan; Wastewater Treatment Plant Chief Operator, Wilma Young; Sun & Record and the Town Clerk were also present.

A notice having been published for a Public Hearing regarding Local Law #3-2017, amending Chapter 123, "Parks". Supervisor Verno declared the Hearing open at 7:30 PM. Councilman Bixby explained the changes. No one had any questions or comments. The Public Hearing was closed at 7:33 PM on motion by Councilman Bixby, seconded by Councilman Watson. The motion was carried.

A notice having been published for a Public Hearing regarding Local Law #4-2017, amending Chapter 81, "Drainage". Supervisor Verno declared the Hearing open at 7:37 PM. Supervisor Verno explained the change. No one had any questions or comments. The Public Hearing was closed at 7:38 PM on motion by Councilman Orbaker, seconded by Councilman Watson. The motion was carried.

A notice having been published for a Public Hearing regarding Local Law #5-2017, to repeal Chapter 32, "Parks". Supervisor Verno declared the Hearing open at 7:45 PM. Supervisor Verno explained the change. No one had any questions or comments. The Public Hearing was closed at 7:49 PM on motion by Councilman Orbaker, seconded by Councilman Bixby. The motion was carried.

Public Comment: No one wished to comment.

Supervisor Verno made a motion, seconded by Councilman Orbaker, to accept the Consent Agenda containing the following items:

- a. previous minutes: August 8, 2017
- b. presentation of the Town Clerk's report
- c. accept the Supervisor's report for July
- d. accept the departmental monthly reports
- e. Recreation Committee Quarterly report

The motion was carried.

Councilman Bixby made a motion, seconded by Councilman Orbaker, to hire John Jackson for lawn mowing of the Town facilities. His date of hire was August 23, 2017 at \$12.24 per hour. The motion was carried.

Councilman Bixby made a motion, seconded by Councilman Watson, to reappoint Todd Brennessel to the Board of Assessment Review. The term of office will be for five years, from October 1, 2017 to September 30, 2022. The motion was carried.

FYI – no one else applied

The Town Clerk presented the 2018 Tentative Budget to the Board.

Supervisor Verno made a motion, seconded by Councilman Bixby, to direct the Town Clerk to advertise in the official Town papers the weeks of September 24th, 2017 and October 8th, 2017 for the upcoming Public Hearing for the proposed 2018 Town of Williamson Preliminary Budget to be held in the Town Complex meeting room, on Tuesday October 24th, 2017 at 7:30 PM. The motion was carried.

SALARY SCHEDULE
OF
ELECTED OFFICIALS
2018

TOWN SUPERVISOR	\$34,863
TOWN COUNCIL (4) each	\$ 6,071
TOWN CLERK	\$52,229
TOWN JUSTICE (2) each	\$27,604
SUPERINTENDENT OF HIGHWAYS	\$61,876

Councilman Bixby made a motion, seconded by Councilman Watson, to adopt proposed Local Law #3, 2017 to amend Chapter §123, Parks. The motion was carried.

* * * * *

Local Law No. 3 of the year 2017
amending Chapter 123, entitled "Parks"

Section 1.

That Chapter 123 of the Town of Williamson Town Code "PARKS" be, and the same hereby is amended as follows:

Chapter 123

Part 1
Park Committee
ARTICLE I
Establishment; Purpose

§ 123-1. Establishment.

There is hereby established the Park Committee of the Town of Williamson, which Committee shall function in accordance with these articles and shall constitute a standing committee of Town Government subject to resolution or resolutions of the Town of Williamson hereinafter adopted.

§ 123-2. Purpose.

The purpose of the Park Committee shall be to provide for, and assist the Town Board of the Town of Williamson with, planning for the development and use of the Town Park, management, superintendence and operation of the Town Park, and implementation of policies, projects and programs approved by the Town Board and rules and regulations pertaining thereto.

ARTICLE II
Organization

§ 123-3. Appointment of members. [Amended 8-28-2001]

The Town Board shall appoint a Park Committee consisting of 10 members. The appointments shall be made to the extent practicable to provide two representatives of the Recreation Committee of the Town of Williamson, one representative of the Board of Education or administration of the Williamson Central School District, one representative of the Town Board of the Town of Williamson, two youth representatives selected from the Junior or Senior Class of the Williamson Central School District, and four at-large appointments of residents of the Town of Williamson.

§ 123-4. Terms of members.

The term for membership on the Park Committee shall be for three years, except that the term for the membership of the representatives of the Junior or Senior Class of the Williamson Central School District shall be for one year.

§ 123-5. Terms of initial members.

In the creation of the Park Committee at the organizational meeting of the Town Board in January 2001, three members shall be appointed for one-year terms, three members shall be appointed for two-year terms, and two members shall be appointed for three-year terms. At the expiration of each original member's appointment, each successor member shall be appointed for a term of three years. The representatives of the Junior and Senior Class of the Williamson Central School District shall be appointed to one-year terms in all cases.

§ 123-6. Reappointment of members.

A member may be reappointed to succeed himself or herself; provided, however, that after serving two terms of three years, the member is eligible for appointment one year after the expiration of his or her last term.

§ 123-7. Removal of members.

The Town Board shall have the power to remove any member of the Park Committee for cause. Any member of the Park Committee may be removed after failing to attend three consecutive meetings, unless such attendance is excused by the Chairperson of the Park Committee for good cause.

§ 123-8. Vacancy.

If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint the new member for the unexpired term.

§ 123-9. Officers.

The Park Committee shall designate from its membership a Chairperson, Vice Chairperson and a Secretary, to serve in such capacities for terms of one year commencing January 1.

§ 123-10. Meetings.

Meetings of the Park Committee shall be held at the call of the Chairperson and at such other times as the Committee may determine. The Chairperson, or in his or her absence, the Vice Chairperson, shall preside at such meetings. The Secretary shall keep minutes of the meetings of the Park Committee.

§ 123-11. Quorum and voting.

A majority of the Park Committee shall constitute a quorum for transaction of business, but a lesser number may adjourn. Every act, motion or resolution shall require for its adoption the affirmative vote of a simple majority of members. The Park Committee may determine the rules of its procedures not inconsistent herewith.

ARTICLE III

Functions and Duties

§ 123-12. Budget.

The Park Committee shall develop and submit to the Town Board annually a proposed budget for Town Park operation and development.

§ 123-13. Planning.

The Park Committee shall develop short- and long-term plans for the Town Park and submit the same to the Town Board for consideration and implementation, including grants and donations.

§ 123-14. Operation.

The Park Committee shall be responsible for the day-to-day operation of the Town Park, including, but not limited to, development and/or approval of schedules, purchases of goods and services as authorized by the Town Board within appropriations, generation of reports to the Town Board regarding operations, conducting appropriate surveys, reviews or other data-collecting activities, maintenance of facilities and grounds within appropriations, promulgation of park rules and regulations, subject to the approval of the Town Board, and such other tasks as may assigned to the Park Committee by the Town Board.

§ 123-15. Assistance.

The Park Committee shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as authorized by the Town Board.

Part 2

Park Rules And Regulations

§ 123-16. Scope.

The provisions set forth herein shall apply to and be in effect in all parks under the control, supervision and jurisdiction of the Town of Williamson.

§ 123-17. Definitions.

The following terms shall have the meanings indicated in this section:

AUTHORIZED PERSONNEL — Any person, department or agency given the right to function by the Town Board.

COMMITTEE — The Williamson Park Committee as appointed by the Town Board.

LAW ENFORCEMENT OFFICER — A police officer as defined in § 1.20 of the Criminal Procedure Law, a peace officer as defined in § 2.10 of the Criminal Procedure Law, or any other law enforcement official of the Town of Williamson, County of Wayne, State of New York, federal government, or any other applicable jurisdiction, having jurisdiction or authority to enforce this Part 2.

PARK — The grounds, buildings thereon, waters therein, docks, towpaths, trails, and any other property necessary for the operation thereof, and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled by the Town of Williamson for public park purposes.

PERSON — Any individual, firm, partnership, corporation or association of persons; and the singular number shall include the plural.

PUBLIC GATHERING — A group of 10 or more people with a specific organized purpose, meeting in a specific location.

TOWN — The Town of Williamson.

TOWN BOARD — The Town Board of Williamson, the elective legislative body of the Town of Williamson.

VEHICLE — Every device in, upon or by which a person or property is or may be transported or drawn upon a highway.

§ 123-18. Hours of operation.

Except as authorized by a permit granted by the Town Board pursuant to the provisions of §123-49 of these rules:

- A. No person shall remain, stop or park within the confines of the park after the park has closed and prior to its opening, as posted, except for the following:
 - 1. in an emergency or
 - 2. with a special permit of the Town Board
- B. Park hours will be determined by the Town Board by resolution to enable them to amend the hours from time to time.
- C. Non-observance of this section shall constitute a violation.

§ 123-19. Reservations.

- A. Reservations for the use of park venues shall be issued on a first-come, first-served basis, at the Williamson Town Park, 3773 Eddy Road, Williamson, New York.
- B. Applicants for reservations must be 21 years of age or over. Payment for all reservations must be made within 24 hours of application; otherwise the reservation will be canceled. All reservation applications must be signed by the applicant prior to use of the venues. The signer of the reservation application shall be responsible for all damage to the park venues and shall, as a condition for the granting of the reservation, indemnify the Town for all such damages.
- C. As a condition for granting a reservation, the Town Board may require proof of insurance or a security deposit, in accordance with the rules and regulations promulgated pursuant to § 123-50.
- D. Nonobservance of the rules as referenced in § 123-50 shall constitute grounds for denial or cancellation of any reservation applied for or issued pursuant to this section and denial of applications for future reservations, as set forth in § 123-49 herein.

§ 123-20. Camping.

- A. Permits are required for all camping in the park. See the fee schedule for any applicable charges.
- B. When camping locations are made available within the park, rules and regulations particular to each location shall be promulgated pursuant to Section Thirty-Five herein.
- C. Permits for camping shall be issued by the Town of Williamson or its designee.
- D. Visitors of campers may remain until park closing.

Non-observance of subdivision A of Section Five shall constitute a violation.

§ 123-21. Disorderly conduct.

- A. No person with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall:
 - (1) Engage in fighting or violent, tumultuous or threatening behavior while in the park;
 - (2) Make unreasonable noise in the park;
 - (3) Use abusive or obscene language or make an obscene gesture while in the park;
 - (4) Without lawful authority, disturb any lawful assembly or meeting of persons in the park;
 - (5) Obstruct vehicles or pedestrian traffic in the park;
 - (6) Congregate with other persons in a public place and/or refuse to comply with a lawful order of a law enforcement officer to disperse or leave the park;
 - (7) Create a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- D. Nonobservance of this sec shall constitute a violation.

§ 123-22. Harassment.

- A. No person shall strike, shove, kick or otherwise subject another person to physical contact, or attempt to do the same, with the intent to harass, annoy, or alarm such other person.
- B. No person shall follow a person about the park with the intent to harass, annoy, or alarm such other person.
- C. No person shall engage in a course of conduct or repeatedly commit acts which alarm or seriously annoy such other person and which serve no legitimate purpose.
- D. No person shall threaten or menace any other person with any instrument or by using any animal to do the same, with the intent to harass, annoy, or alarm such other person.

E. Nonobservance of this section shall constitute a violation.

§ 123-23. Weapons and explosives.

A. Except as authorized by a permit granted by the Town Board pursuant to the provisions of § 123-49 of these regulations:

- (1) No person, except law enforcement officers, shall use, carry, or possess any firearm within the park.
- (2) No person, except law enforcement officers, shall use, carry or possess any noxious materials ("noxious materials," for the purposes of this section, shall be defined as irritant gas dispensers, commonly called "tear gas" or "mace") within the park.
- (3) No person shall use, carry, or possess air or gas guns, slingshots, bows and arrows, missiles or missile-throwing devices, unless such person is a participant in a program for which a permit has been obtained subject to § 123-49 below.
- (4) No person, except duly authorized personnel, shall use, carry or possess any fireworks or explosive substances within the park.
- (5) No person shall possess any other dangerous weapons within the park.

B. Nonobservance of this section shall constitute a violation.

t2. **Editor's Note: The current fee schedule is on file in the Town offices.**

§ 123-24. Loitering. No person shall loiter or remain in the park for the purpose of begging.

- A. No person shall loiter or remain in the park for the purpose of gambling with cards, dice or other gambling devices.
- B. No person shall loiter in or near toilets or rest room facilities within the park.
- C. Nonobservance of this section shall constitute a violation.

§ 123-25. Commercial activities; signs, advertisement and banners.

A. Except as authorized by a permit granted by the Committee pursuant to the provisions of § 123-49 of these regulations:

- (1) No person shall solicit or engage in any business, trade or commercial transaction, or other activity within the park involving the sale of merchandise or services, or for which any fee, payment, donation or other consideration is required or requested, except pursuant to a duly authorized concession agreement or other agreement for park purposes which shall have been subject to the prior approval or authorization of the Park Committee.
- (2) No person shall post any sign, banner, or advertisement of any kind within the park without prior approval of the Committee.

B. Nonobservance of this section shall constitute a violation.

§ 123-26. Games regulated.

- A. No person shall engage in games involving thrown or propelled objects, such as footballs, baseballs, horseshoes, golf balls, Frisbees or similar objects, except in areas designated for such usage, and then only subject to such rules as and regulations as may be promulgated pursuant to § 123-50 herein. All games of any description must be conducted in a safe and orderly manner, and no rough or boisterous practices will be allowed. No one shall play games for which a permit or fee is required without first obtaining such permit and paying such fee.
- B. Notwithstanding the provisions of Subsection A, the use of lawn darts in the park is absolutely prohibited.
- C. Nonobservance of this section shall constitute a violation.

§ 123-27. Sophisticated toys.

- A. Models, such as miniature planes, boats and cars, that produce loud noises shall not be operated in a manner so as to disturb other visitors to the park, or in an unsafe or hazardous manner within the confines of the park.
- B. Shows and model displays shall require a permit issued by the Town Board pursuant to the provisions of § 123-49 of these regulations.

§ 123-28. Noise

- A. No person shall make, continue, cause or permit to be made or continued any unreasonable noise in the park.
- B. No person shall shout, yell, call or whistle in the park so as to cause unreasonable noise.

- C. No person shall operate or use any radio, musical instrument, television, phonograph or other machine or device for the production, reproduction or amplification of sound in such a manner so as to cause unreasonable noise in the park.
- D. No person shall operate or use or cause to be operated or used any sound-reproduction Device for commercial or business advertising purposes or for the purpose of attracting attention to any event, performance, show or sale or display of merchandise in connection with any commercial operation.
- E. No motor vehicle, other than a police or emergency vehicle, which makes or creates unreasonable noise, shall operate in the park.
- F. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.
- G. No person shall cause the sounding of any horn or signaling device on any automobile, motorcycle, bicycle or other vehicle except as a danger warning.
- H. "Unreasonable noise" shall be defined as any unusual loud sound which either annoys, disturbs, injures or endangers the health, safety, welfare, peace, quiet, comfort or repose of persons or which causes injury to plant or animal life. Standards to be considered in determining whether unreasonable noise exists in a given situation include but are not limited to the following:
 - (1) The volume of the noise.
 - (2) The intensity of the noise.
 - (3) Whether the nature of the noise is usual or unusual.
 - (4) Whether the origin of the noise is natural or unnatural.
 - (5) The volume and intensity of the background noise, if any.
 - (6) The time of the day or night the noise occurs.
 - (7) The duration of the noise.
 - (8) Whether the noise is recurrent, intermittent or constant
 - (9) Whether the noise is produced by a commercial or noncommercial activity.
- I. Nonobservance of this section shall constitute a violation.

§ 123-29. Hunting, fishing and molesting wildlife.

- A. No person shall take or attempt to take any fish from or send or throw any animal or thing into a pond or any of the waters of the park, except with the permission of the Committee, and accepting that fishing may be permitted in season in certain park waters designated by the Committee. No person shall kill, injure or unnecessarily disturb any fish, waterfowl, birds or animals. No person shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines of the park or rob or molest any bird's nest or take the eggs of any bird.
- B. Notwithstanding the provisions of Subsection A, the Town Board is hereby authorized to grant limited permits for the trapping of wild animals in the park if the Committee, after consulting the appropriate officials of the State Department of Environmental Conservation, certifies to the Town Board that the health, safety and welfare of residents of the Town of Williamson are or may be adversely affected unless limited trapping of the wild animals is permitted in the park. The number and duration of such permits shall be only such as are necessary, in the opinion of the Town Board, to correct any circumstances that have caused or contributed to a threat to the public health, safety and welfare. The Town Board shall promulgate rules and regulations governing the issuance, supervision and termination of such permits. All permits issued pursuant to this subsection shall be in accordance with the rules and regulations promulgated by the Town Board and shall be consistent with all applicable provisions of the New York State Environmental Conservation Law and the regulations pertinent thereof.
- C. Nonobservance of Subsection A of this section shall constitute a violation.

§ 123-30. Preservation of property and natural features.

- A. No person shall injure, damage, destroy, deface, disturb, remove or defoul any part of the park nor any building, structure, sign, equipment or other property therein.
- B. No person shall write, paint, mark, carve or otherwise deface any part of the park, including but not limited to any tree, bench, building, structure, sign, equipment or other property therein.
- C. No person shall remove, injure or destroy any tree, flower, shrub, rock, mineral or other natural feature within the park.
- D. Nonobservance of this section shall constitute a violation.

§ 123-31. Littering, rubbish, garbage, sewage and noxious materials.

- A. No person shall bring into, drop, deposit, dump or leave behind any rubbish, garbage, ashes, paper, cardboard, metal cans or other metallic substances, bottles, glassware, or any other refuse, waste material or other unwanted material of any kind in the park; except that any such materials resulting from picnics, camping, or other permitted activities shall be deposited in receptacles, pits or other containers provided for such purpose.
- B. No person shall abandon any motor vehicle or other equipment or property of any kind in the park.
- C. No person in the park shall discharge into, throw, cast, lay, drop or leave any substance, matter or thing, either liquid or solid, in any body of water, storm sewer or drain in the park.
- D. Nonobservance of this section shall constitute a violation.

§ 123-32. Alcoholic beverages.

- A. No person shall bring into the park any alcoholic beverages, or possess, consume, sell or drink any alcoholic beverage, including but not limited to beer or wine, unless a permit has been issued by the Committee which sets forth:
 - (1) The specific alcoholic beverage or beverages that may be brought into, possessed, consumed, or drunk within the lodge; and
 - (2) The exact location within the park where the specific alcoholic beverage or beverages may be brought, possessed, consumed or drunk;
 - (3) That no instance shall such possession, consumption or drinking be allowed beyond a one-hundred-foot perimeter of the lodge;
 - (4) That all those persons who shall have a right to use the lodge for such purposes must be 21 years of age or older.
- B. In the event it is determined by any duly authorized enforcement officers of the Town, or law enforcement officer of the county or state, that provisions under Subsection A(1), (2), (3) and/or (4) above have been violated, then in that event, the permit shall immediately terminate and is revoked.
- C. Nonobservance of this section shall constitute a violation.

§ 123-33. Animals.

- A. Except as authorized by a permit granted by the Town Board pursuant to the provisions of this section of these rules and regulations:
 - (1) Except as provided in § 123-34 below, no person shall bring into, permit, have, or keep any animal in the park, except that dogs and cats are permitted if held in control by a leash not more than eight feet long.
 - (2) Animals required for assistance of the handicapped are exempt from the provisions of Subsection A of this section.
 - (3) No animal shall be left unattended in the park.
 - (4) Any individuals bringing dogs or cats into the park shall be required to pick up and deposit in proper receptacles all solid waste from said animals.
- D. Nonobservance of this section shall constitute a violation.

§ 123-34. Horseback riding.

- A. Horseback riding is permitted only on designated roadways and over bridle paths or other paths established for such purpose. Horses shall not be ridden at a gait in excess of a trot while in the park. Horses shall not be ridden in the park so as to endanger any person or property. No person shall permit any horse to stray or stand unattended or to graze within the park. In no event shall horses be permitted in beaches, picnic areas, or playing fields.
- B. Nonobservance of this section shall constitute a violation.

§ 123-35. Swimming; beach areas.

- A. No person shall bathe, wade or swim in any water body within the park.
- B. No person shall carry onto, possess, scatter or throw on any beach area bottles or containers of any kind, or broken glass, container caps, tabs, or other closure devices.
- C. The use of life rafts, inner tubes, and other objects intended to support persons is prohibited.
- D. No person shall operate a boat, surfboard, water skies, or similar aquatic equipment in any water body of any park.
- E. Except as provided in § 123-33A(2), animals are prohibited in all water bodies and beach areas within the park.

F. Nonobservance of this section shall constitute a violation.

§ 123-36. Boating.

A. No person shall operate, row or paddle a boat or canoe in or upon park waters. No person, except as authorized by the Committee, shall place or propel upon the waters in the park any float, boat or other watercraft.

B. Nonobservance of this section shall constitute a violation.

§ 123-37. Fires; picnics and cooking.

A. No person shall start or use a fire on park property except in designated areas and facilities. No fire shall be left unattended.

B. No person shall picnic or cook in any area not designated by the Committee for that purpose.

C. Nonobservance of this section shall constitute a violation.

§ 123-38. Bicycles.

A. Riders of bicycles shall comply with all laws relating to bicycles in the New York State Vehicle and Traffic Law and with all rules following:

(1) No person shall ride a bicycle upon the lawns, foot trails, or bridle trails of the park unless such areas are designated for such vehicles.

(2) Bicycles shall be ridden in the extreme right-hand lane of park roads.

(3) No rider shall take both hands off the handles or steering mechanism or ride recklessly in any other manner.

(4) A bicycle shall not be towed by a rope or otherwise, nor shall any rider hold onto any moving vehicle for the purpose of being drawn along.

(5) No bicycle shall be pushed upon the park road where an adjoining foot walk is available.

(6) Infants, children or extra passengers shall not be carried on bicycles in any manner whatsoever, unless such vehicle is equipped with a separate seat for that purpose.

(7) Children under the age of 12 years, riding small bicycles (wheels less than 20 inches in diameter) may use the foot walks.

(8) Wherever possible, bicycles shall be parked in places provided for such purpose.

(9) No person shall operate a bicycle which has affixed thereto a mechanical device capable of propelling the bicycle for the purpose of replacing or assisting human power.

B. Nonobservance of this section shall constitute a violation.

§ 123-39. Snowmobiles, off-road vehicles, all-terrain vehicles and limited-use vehicles.

A. No person shall operate a "snowmobile" within the park. A snowmobile shall be defined as any self-propelled vehicle designated for travel on snow or ice, steered by skis or runners, and supported in whole or part by one or more skis, belts or cleats.

B. No person shall operate any motor-powered off-road vehicle, all-terrain vehicle, or limited-use vehicle in any part of the park. Off-road vehicles, all-terrain vehicles or limited-use vehicles shall include, but are not limited to: four-wheel-drive vehicles; vehicles equipped for operation in or on sand, mud, snow, gravel, or wetland; dune buggies; motorcycles or minibikes equipped for off-road usage; dirt bikes; golf carts; tractors; lawnmowers; or any similar type of vehicle or conveyance, except for vehicles used for park maintenance by authorized personnel.

C. Nonobservance of this section shall constitute a violation.

§ 123-40. Indecent conduct and exposure.

A. No person shall intentionally expose the private or intimate parts of his or her body in a lewd manner or commit any other lewd act.

B. No person shall appear in the park in such manner that the private or intimate parts of his or her body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola. This section shall not apply to the breast feeding of infants.

C. Nonobservance of this section shall constitute a violation.

§ 123-41. Compliance with orders of policing agencies.

A. No person shall fail or refuse to comply with any order relating to the regulation of activities hereunder, or the enforcement of the provisions of these rules, lawfully given by any law enforcement

officer.

- B. Nonobservance of this section shall constitute a violation.

§ 123-42. Use of motor vehicles.

- A. No person shall drive any automobile, motorcycle or other motorized vehicle upon any part of the park, except for the proper drives and parking areas, or permit the same to stand upon the drive or any part thereof so as to congest traffic or obstruct the drive. Paths established as bridle paths, footpaths, or bicycle paths shall not be used for motorized vehicular traffic.
- B. No person shall cause any taxi, bus, limousine or other vehicle for hire to attend any part of the park for the purpose of soliciting or taking passengers or persons other than those carried by said vehicle.
- C. No person shall cause any bus with or without passengers, nor any cart, wagon, truck or trailer or other vehicle carrying goods, merchandise, manure, soil or other articles, or solely in use for the carriage of goods, merchandise, manure or other articles, to enter or to be driven in any part of the park. This section shall not apply to vehicles engaged in construction, maintenance, or operation of the park or parkway, to vehicles making deliveries to the park, or to buses under the permit of the Committee.
- D. It shall be the duty of every person operating an automobile, motorcycle, or other motorized vehicle within the park to comply with:
- (1) The New York State Vehicle and Traffic Law;
 - (2) The applicable traffic ordinances of the County of Wayne and the Town of Williamson; and
 - (3) All orders, directions and regulations issued by law enforcement officers or officially displayed on any post, standard, sign or device installed for the regulation of traffic.
- D. No vehicle shall be operated on any road or drive in the park at a speed exceeding 15 miles per hour, unless otherwise posted. The Town shall cause signs to be erected along such roads or drives indicating such speed limits.
- F. Where the Town has caused certain intersections of the park drives or roadways to be marked with stop signs, no person shall operate any vehicle, except authorized emergency vehicles, over or across such intersection without first bringing such vehicle to a complete stop at or near the stop sign.
- G. Parking of any vehicle is prohibited on any of the park roads or parking areas during the hours that the park is not open to the public. No person shall park, stop or leave standing any vehicle in any area within the park except during the time he or she remains in the park.
- H. The term "parking," as used herein, shall be defined as the standing of any vehicle, whether occupied or not, unless standing in obedience to traffic regulations or signals or while actively engaged in loading or unloading.
- I. The Town shall erect suitable signs on roadways and in parking areas, which signs shall indicate where parking is authorized or prohibited.
- J. No person shall operate a vehicle along or over any road, drive or other property within the park in a reckless manner or without due regard for the safety and the rights of pedestrians, drivers and occupants of all other vehicles, so as to endanger the life, limb or property of any person while in the lawful use of park facilities.
- K. No person shall participate in a drag race in the park. "Drag race," as used herein, shall be defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side in excess of permitted speeds on park drives or rapidly accelerating from a common starting point in a speed in excess of such permitted speeds shall be prima facie evidence of drag racing.
- L. No person who is under the influence of alcohol or a controlled substance, as defined in the New York State Penal Law, shall operate any vehicle within the park.
- M. No person shall drive, move, cause, or knowingly permit to be driven or moved within the park, any vehicle or combination of vehicles which is in unsafe condition so as to endanger any person or property.

- N. No person shall use or shine spotlights or unnecessarily or continuously shine automobile headlights on or into parklands, except under direction of a law enforcement officer or where necessary for the preservation of life or property.
- O. In addition to and not in derogation of the penalties prescribed by applicable statute, rule, regulation or ordinance, nonobservance of any provision of this section shall constitute a violation.

§ 123-43. Parental responsibility.

- A. No parent, guardian or custodian of any minor shall permit or allow him or her to do any act which would constitute a violation of these regulations, and such persons shall be jointly and strictly liable for the actions of said minors in their care.
- B. Nonobservance of this section shall constitute a violation.

§ 123-44. Air gliding.

- A. Except as authorized by a permit granted by the Town Board pursuant to the provisions of § 123-49 of these regulations:
 - (1) Park property shall not be utilized for ascending or landing of any aircraft, nor shall park property be used for parachuting, hang gliding, hot-air ballooning, or similar activities.
- B. Nonobservance of this section shall constitute a violation.

§ 123-45. Additional activities.

- A. Other activities in the Town park not specifically regulated herein shall be subject to rules and regulations promulgated by the Town Board pursuant to § 123-50 below.
- B. Nonobservance of such rules and regulations shall be subject to such penalties as may be set forth therein.

§ 123-46. Public gatherings.

- A. Any group of persons exceeding 100 in number reserving park facilities for any use, including but not limited to picnics, races, festivals, weddings, parties, sporting events and hobbyists, shall obtain a permit from the Park Office, located in the lodge, at least seven days prior to such utilization of park facilities. The granting of said permit and use of park facilities pursuant thereto shall be in accordance with applicable federal, state, county and local laws and regulations, including but not limited to New York State Department of Health regulations.
- B. Nonobservance of this section shall constitute a violation.

§ 123-47. Fees.

The Town Board, on recommendation of the Committee, by resolution, from time to time as it deems appropriate, may establish fees to be charged for utilization of park facilities.

§ 123-48. Closure.

The Town Board may direct the closing of the park or any portion thereof if such action is for the purpose of protecting park properties from damage or in the interest of protecting the health, safety, and welfare of persons utilizing park properties.

§ 123-49. Permits.

- A. The Town Board is authorized and empowered to grant and issue permits for the activities described in §§ 123-20, 123-27, 123-29, 123-32, 123-33 and 123-44 of these rules and regulations. Applicable fees as determined by the Committee may apply.
- B. Permits for the use or occupancy for park purposes of park property or facilities which may involve an extended term or an indefinite term subject to termination shall be issued by the Town Board on recommendation of the Committee.
- C. As a condition for granting a permit, the Town Board may require proof of insurance or a security deposit, in accordance with the rules and regulations promulgated pursuant to § 123-50 herein.
- D. All permits issued by the Town Board shall be in writing, and shall be signed or authenticated by the Town Supervisor or his or her authorized agent. All such permits and use of park facilities pursuant thereto shall be subject to the terms and conditions contained therein, all applicable provisions of these regulations, and all other applicable laws of the United States of America, the State of New York, the County of Wayne and the Town.
- E. Any violation of the terms and conditions of a permit issued hereunder, of these rules and regulations,

or any other applicable laws shall constitute grounds for the immediate revocation of such permit by the Town Board, which revocation shall be immediate, final and without appeal. No permit for the same purpose shall be issued to any person or persons whose permit has been revoked hereunder for a period of one year following the date of such revocation.

§ 123-50. Rules and regulations.

- A. The Town Board is authorized and empowered to promulgate rules and regulations concerning the activities described in this document, such further rules and regulations as may be necessary to effectuate or implement the provisions herein, and such rules and regulations as may be recommended by the Committee.
- B. All rules and regulations promulgated hereunder by the Town Board shall become effective only upon approval of such Board.
- C. Reasonable efforts shall be made by the Town to reproduce, post, make available, distribute, and publicize all rules and regulations hereunder.
- D. Copies of these rules and regulations shall be made available at the Williamson Town Park, 3773 Eddy Road, Williamson, New York, and Williamson Town Hall, 6380 Route 21, Suite II, Williamson, New York.

§ 123-51. Penalties for offenses.

Any person convicted of a violation of these rules and regulations shall be subject to a fine not to exceed \$100 or to imprisonment for a term not to exceed 15 days, or to both such fine and imprisonment.

§ 123-52. Power of law enforcement officers and Town employees.

- A. Any law enforcement officer may arrest a person without a warrant for:
 - (1) Any offense when he or she has reasonable cause to believe that such person has committed such offense in his or her presence.
 - (2) A crime, when he or she has reasonable cause to believe that such person has committed such crime, whether in his or her presence or otherwise.
- B. Any law enforcement officer shall have the right at all times to enter the premises of any building, structure or enclosure in the park which may be leased or set aside for private or exclusive use of any individual or group, or occupied or used pursuant to a permit hereunder, for the purpose of arresting violators hereof and may use all necessary legal means to attain that end.
- C. Law enforcement officers are authorized to request production of a driver's license or other identification in enforcing this Part 2.
- D. The Town Board and its duly authorized agents shall have the right to require any person found in violation of any provision of these rules and regulations to leave the park immediately.
- E. Reasonable efforts shall be made by the Town to reproduce, post, make available, distribute, and publicize all rules and regulations hereunder.
- F. Copies of these rules and regulations shall be made available at the Williamson Town Park, 3773 Eddy Road, Williamson, New York, and Williamson Town Hall, 6380 Route 21, Suite II, Williamson, New York.

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- B. Any law enforcement officer shall have the right at all times to enter the premises of any building, structure or enclosure in the park which may be leased or set aside for private or exclusive use of any individual or group, or occupied or used pursuant to a permit hereunder, for the purpose of arresting violators hereof and may use all necessary legal means to attain that end.
- C. Law enforcement officers are authorized to request production of a driver's license or other identification in enforcing this Part 2.
- D. The Town Board and its duly authorized agents shall have the right to require any person found in violation of any provision of these rules and regulations to leave the park immediately.

§ 123-53. Severability.

If any provision of these rules and regulations shall be adjudged by any court of jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined to its operation to the particular provision directly involved in the controversy.

Part 3
ARTICLE IV

Rules for Rental of Park Facilities

§ 123-54. Rules.

The following rules shall apply to the rental of park facilities:

- A. Reservation permit requests are required and are available at the Town Park Office, located in the lodge building. See below for the fee schedule for the appropriate permit fees.³ Additionally, a full payment, fee and deposit, must be made at the time of reservation, after which the deposit will be returned the following month after the venue has been inspected for damage and cleanliness. Checks are payable to the Town of Williamson.
- B. Call for information and reservations for lodge, pavilions, band shell, and ball fields Monday through Friday, 8:00 a.m. to 4:00 p.m.: call 585-329-5999, except on holidays.
- C. Permits shall be issued on a first-come basis.
- D. Any cancellations or changes after payment has been received shall result in a handling fee of \$10. Refunds for lodge cancellations will only be issued if the lodge is rented again for the same date.
- E. Applications shall only be accepted from adults 21 years of age or older. The permit holder assumes the responsibility for all damages to park property and for the conduct of his/her group in compliance with the Town of Williamson's Park Rules and Regulations.⁴

ARTICLE V

Park and Recreation Impact Fees

§ 123-55. Legislative authority.

The Town Board of the Town of Williamson has the power and authority under Municipal Home Rule Law § 10, Subdivision 1(ii)d(3), to enact parks and recreation impact fees and, in doing so, may amend or supersede in local application §§ 274-a and 277 of the Town Law. In order to accomplish its legislative purpose, the Town Board enacts this article pursuant to §§ 274-a and 277 of the Town Law and, to the extent inconsistent therewith, expressly supersedes such sections of the Town Law.

§ 123-56. Legislative intent.

The Town Board of the Town of Williamson recognizes the need to provide appropriate recreational facilities for its residents in the form of parks and programs. This article is thereby adopted for the purpose of promoting the health, safety, and general welfare of the residents of the Town of Williamson by:

- A. Requiring all new residential development to pay its proportionate fair share of the land, capital facilities or funds necessary to accommodate new residential developmental impacts on parks. Complementing the subdivision, site plan, and zoning regulations of the Town of Williamson by requiring all new residential development within the Town to pay its fair share of costs attributable to the impact of the development on public parks.
- B. Implementing the Comprehensive Plan of the Town of Williamson by providing adequate and available parkland and facilities in a timely and well-planned manner.

§ 123-57. Definitions.

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

PERSON — Includes an individual, a corporation, a partnership, an incorporated association, or other similar entity.

RESIDENTIAL DWELLING UNIT — Any building or portion thereof designed or used as the residence of one or more individuals as a unit for occupancy for living and sleeping purposes, but excluding farm labor seasonal housing.

§ 123-58. Applicability.

Any person who is granted a permit for the construction or installation of any building or structure, or alterations of any existing building or structure, for one or more new residential dwelling units shall pay

the park and recreation impact fees in the manner set forth in this article. If a change in an existing residential development or subdivision is made that allows for additional residential dwelling units, each new unit shall pay the park and recreation fee applicable at that time. This article shall apply to all new residential development, installation and construction within the town, including mobile homes, apartments, and single- and multifamily construction within the town, including mobile homes, apartments, and single- and multifamily dwellings.

§ 123-59. Fee schedule.

The Town Board of the Town of Williamson shall establish by resolution, and may amend from time to time, the parks and recreation impact fee required under this article. The fee shall be established per residential dwelling unit, or such other basis or schedule consistent with this article.

§ 123-60. Exemption by Planning Board.

Pursuant to §§ 274-a and 277 of the Town Law, or whenever the Planning Board is required or permitted to approve a site or subdivision plan, the Planning Board may waive, in whole or in part, the park and recreation impact fees for all or part of the residential dwelling units for which approval is granted if it finds sufficient and suitable land located within the site plan or subdivision for a park or parks, and provides for such on the site or subdivision plan. In making such determination of suitability, the Board shall assess the size and suitability of lands shown on the plan that could be possible locations for park or recreation facilities, as well as practicable factors, including whether there is a need for additional facilities in the immediate neighborhood.

§ 123-61. Trust fund.

There is hereby established the Town of Williamson Parks and Recreation Impact Fee Trust Fund. Parks and recreation fees collected pursuant to this article shall be earmarked and deposited in the trust fund to ensure that the fees and all interest accruing from the fees are designated and expended exclusively for the acquisition, establishment, or use for park, playground, or other recreational purposes or programs. The trust fund shall be administered by the Town Board and is subject to investment and expenditures by the Town Board for the proper purposes herein established.

Subdivision of land — See Ch. 152.

Zoning and site plan review — See Ch. 178.

* * * * *

Councilman Bixby made a motion, seconded by Councilman Orbaker, to adopt proposed Local Law #5, 2017 to repeal Chapter §32, Parks. The motion was carried.

* * * * *

**Local Law No. 5 of the year 2017
A Local Law amending Chapter 32, entitled "Parks"**

Section 1.

That Chapter 32 of the Town of Williamson Town Code PARKS to be Repealed.

Section 2. All other local laws and ordinances thereof of the Town of Williamson inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section 3. If any of the provisions in the foregoing local law be decided by a court having jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the foregoing local law as a whole, or any part thereof, other than the part so decided to be unconstitutional or be invalid.

Section 4. This local law shall take effect immediately.

* * * * *

Councilman Bixby made a motion, seconded by Councilman Watson, to authorize the Senior Account Clerk to attend a retirement workshop to be held by the NYS Comptroller’s Office. The meeting will be held in Buffalo, New York on October 11, 2017. The workshop is free with all other actual and necessary expenses as a Town charge. The motion was carried.

Councilman Orbaker made a motion, seconded by Councilman Watson, to direct the Town Clerk to advertise in the official Town papers the week of October 1st, 2017 and October 15th, 2017 for a leaf drop off program. Residents may take leaves, and small yard waste to the Pound Road drop off location on Oct, 21st, 28th, Nov. 4^h, 11th, and 18th, 2017 from 8:00 AM until 12:00 PM. Leaves must be emptied from any kind of container and container must be removed. No household trash is allowed. The motion was carried.

Councilman Orbaker made a motion, seconded by Councilman Watson, to direct the Town Clerk to advertise in the official Town papers the weeks of September 17 and 24, 2017 to receive applications for a light equipment operator for the Highway Department. Job descriptions and applications may be obtained from the Town Clerks office with applications being received until October 20, 2017 at 4:00 PM.

Councilman Orbaker made a motion, seconded by Councilman Bixby, to adopt proposed Local Law #4, 2017 to amend Chapter §81, Drainage. The motion was carried.

* * * * *

Chapter §81. Section 1 – 13

§ 81-1. Purpose and intent.

- A. It is the purpose and intent of this chapter to protect the Town of Williamson and its residents from the adverse effects of storm water runoff caused by the modification of existing drainage systems during construction, reconstruction, development or improvement on one or more parcels of land, or by modification for any other purpose.
- B. The adverse effects include but are not limited to the following:
 - (1) Increased rate, quantity, velocity of stone drainage, soil movement or erosion, sediment accumulation and flows caused by but not limited to:
 - (a) A decrease in area of soil able to absorb water, due to construction or reconstruction of streets, buildings and parking lots.
 - (b) Change in volume, velocity and duration of water concentration caused by altering the steepness, distance and surface roughness.
 - (c) The obstruction of stream and channel flow by construction or reconstruction, backfilling, excavating and refuse disposal.
 - (d) The removal of surface vegetation prior to or during construction and development without proper precautions in place.

§ 81-2. Definitions.

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

- AGRICULTURAL OPERATIONS — The activities associated with producing crops or raising livestock.
- APPROVED GRADING, EROSION AND SEDIMENT CONTROL PLAN — A plan, approved by the subdivision of government as required by law, that covers grading, erosion and sediment control.
- AQUIFER — Water-bearing rock or soil strata.
- CHANNEL — The bed or lowest point of a watercourse.
- CLOSED DRAINAGE — A network of conduits, pipes, culvers and appurtenant structures constructed to convey the runoff of natural surface waters.
- COUNTY — The County of Wayne.
- DETENTION The holding of natural surface water during and following a rainfall event, or during snow melt conditions, in an area planned for such use, in such a way that the addition of the detained water to downstream drainageways or natural watercourses can be achieved in a controlled manner, usually by means of a throttling facility such as a culvert or weir structure.
- DETENTION AREA The temporary body of water created by planned detention which makes use of natural water collection areas, or areas which tend to collect surface water due to man-made terrain features such as limited-flow culverts, restricted outlets, etc.

DETENTION STRUCTURE A man-made construction which creates a detention pond by limiting flow rates away from a natural collection area or which adds to the detention capacity of such an area.

DEVELOPER The actual owner or owners of the land and/or person, firm or corporation which develops or uses land within the Town in such a manner that it in any way affects the storm or surface water drainage characteristics of the property developed or used. The term "developer" shall include municipal, charitable and educational corporations, institutions, associations and governmental agencies.

DEVELOPMENT Any improved land use, including residential, commercial, industrial, institutional or recreational; includes development of raw land as well as additions or alterations to presently developed land.

DITCH A narrow excavation having steep sides, used to drain or irrigate property.

DRAINAGE The gravitational movement of water from its place of origin via surface runoff within or outside developed channels or via subsurface underflow.

DRAINAGE BASIN The area drained by a watercourse, in this chapter used interchangeably with "watershed."

DRAINAGE COUNCIL A committee appointed by the Town Board.

DRAINAGE EASEMENT A permanent and/or temporary right-of-way granted by the owner to the Town providing unhindered access to the banks and channels of streams and drainage systems.

DRAINAGE SYSTEM A network consisting of any combination or type of open channels and enclosed artificial facilities and/or retention or detention facilities employed to convey or control the runoff of natural surface waters.

ENCROACHMENT LIMIT The boundary of a maintenance way easement adjacent to a portion of a drainage system within which no building or structure shall be erected and within which no trees, bushes or other vegetation shall be planted or allowed to grow which will interfere with the maintenance of the drainage channel, unless otherwise allowed, as in an agricultural exclusion.

ENCROACHMENT OFFICER The agent designated by the Town Board to monitor and enforce the encroachment limits as defined above.

EXCAVATION The removal of sand, gravel, soil, including topsoil or other natural deposits, by stripping, digging or any other means.

FILLING The depositing of natural or artificial material that raises the existing grade of land or modifies the surfaces of water bodies.

FLOODPLAIN The area of normally dry terrain that becomes covered with water during and after local or upstream rainstorms and/or ice melt conditions. The floodplain for a specific watercourse may be defined in terms of the severity of the precipitation event, which causes the flooding. Floodplains may be determined from maps prepared by the U.S. Army Corps of Engineers, by the Federal Flood Insurance Administration (FIA) or as a result of special engineering studies. Changes in the natural drainage system may change the locations of the floodplain limits.

FLOODWAY In general, the area through which, or over which, floodwaters flow at specific levels of runoff severity. The FIA has a special definition for insurance purposes.

FLOW RATE The quantity of water that moves past a given point in a specified increment of time, usually measured in cubic feet per second (cfs).

GRADING The alteration of the existing grade of land through excavation or filling.

OPEN DRAINAGE A network of natural streams, creeks, constructed channels and ditches or swales employed to convey the flows of natural surface waters.

RETENTION FACILITY An area or structure without an outlet or with a controllable outlet, intended to collect and store surface water during and after precipitation to prevent excessive downstream flows. A retention facility has a normal low water pool above, which is designed freeboard to contain storm flows.

RIP-RAP Rocks or stones placed on soil to prevent erosion from precipitation or moving water.

SEDIMENTATION; SILTATION The deposition of soil carried by floodwaters.

STRIPPING The removal of overburden, topsoil, soil, vegetation or other natural material from land.

SURFACE WATER That portion of natural precipitation which moves across the land surface, as sheet flow or as channelized flow to permanent watercourses.

SWALE A shallow, relatively wide drainage channel of area, with flatter side slopes than a ditch, usually covered with grass or other natural vegetation.

TEMPORARY COVER Vegetative material or stable mulch.

TOPSOIL The natural surface layer of an undisturbed area of terrain, usually darker than the underlying layer, ranging in organic matter content from 2% to 50% and which ranges in texture from loamy fine sand to clay.

TOWN The Town of Williamson.

TRIBUTARY A stream channel, swale, ditch, etc., contributing flow to a larger stream or body of water.

VELOCITY The speed of water, usually related in feet per second (fps).

VOLUME A quantity of water, usually related in cubic feet (cf.).

WATERCOURSE A stream of water. It may be natural or man-made and may flow seasonally or year round.

WATERSHED The area drained by a watercourse, usually divided by a ridge or crest line of natural topography but sometimes by manmade constructions. Same as "drainage basin."

WATER TABLE The level below which the soil is saturated with water.

WETLANDS — Land and submerged lands commonly called "swamps" or "marshes" which support aquatic or semi-aquatic vegetation, plants or brush.

§81-3. General requirements.

- A. The design and construction of drainage systems shall be such that watercourses traversing the development and natural water emanating from within the development will be carried through and off the development without injury to improvements, building sites or buildings existing or to be installed downstream within or adjacent to the development. Drainage water entering the development shall be received and discharged at locations and in the manner that existed prior to construction of the drainage facilities within the development unless special provisions are made to handle it otherwise. The design of drainage facilities within the development shall be such that they will conform to the ultimate drainage requirements of the land within the development watershed. The discharged flow at the downstream area of the development shall be conducted in drainage facilities so that the flow effects shall be restored to pre-development conditions prior to leaving the development area or reasonably distant therefrom unless approval is given by the **Designated Engineer** to do otherwise.
- B. Natural drainage patterns shall be employed in preference to rechanneling streams or watercourses. In no case shall work be performed which directly or indirectly affects natural drainage patterns without the granting of approval by the **Designated Engineer**, county and state agencies having jurisdiction.
- C. All domestic and industrial sewage as defined by the Sewer Use Ordinance of the Town of Williamson, Wayne County, NY, shall be excluded from any drainage systems as herein defined.⁷
- D. No chemicals, fuels, lubricants, or other pollutants shall be disposed of or deposited into any streams, drainage or water supply systems.
- E. Fill and refuse shall not be disposed of or deposited upon or immediately adjacent to any wetland, floodplain or drainage way, except where otherwise permitted.
- F. Man-made structures shall be placed so as not to block or restrict, in any manner, natural drainage patterns, except where otherwise permitted.
- G. Where land excavations or filling has been permitted, provision shall be made for the safe conduct of surface water across the face of the slope, for subsurface drainage as necessary and to prevent materials from washing across or upon the property of another.
- H. Ponds and retention or detention facilities shall be employed as required by the **Designated Engineer**.
- I. All drainage systems and storm water sewer capacity shall be designed to handle the anticipated flows from the entire upstream drainage basin when fully developed according to existing zoning, and these anticipated flows shall be determined by the **Designated Engineer** unless approval is given by the **Designated Engineer** to size otherwise.
- J. In order to expedite surface drainage, a minimum grade of 0.5% shall be employed on all newly finished swales, unless otherwise required.
- K. Sedimentation basins shall be employed during or after construction as required by the **Designated Engineer** to prevent siltation or turbidity in watercourses or drainage systems.
- L. Surface waters and drainage, where identified as being significant sources of groundwater replenishment and where such resources are being utilized as a potable water supply, shall not be revised or altered except by approval of the **Designated Engineer**.
- M. Any of the above requirements may be waived by presentation of sufficient evidence as

determined by the Town Board. 7. Editor's Note: See Ch. 140, Part 2, Sewer Use.

§ 81-4. Prohibited acts.

Except as hereinafter provided, it shall be unlawful for any person, firm, entity or corporation to:

- A. Modify the topography or surface qualities of any area greater than 20,000 square feet so that the water retention or discharge characteristics of the area are modified, unless the action has been approved by the Town Board through its Designated Engineer recognized agricultural procedures in active agriculture areas as defined by New York State Division of Agriculture and Markets are exempted from the regulations herein defined.
- B. Place, deposit or permit to be placed or deposited any debris, fill, sand, stone or other solid materials of any kind or nature or construction of any kind into or across any watercourse, including culverts, pipes, or other drainage systems that may cause the obstruction or alteration of flow through the area.
- C. Fill, obstruct, dam, divert or otherwise change or alter the natural or artificial flow of waters or drainage or the intensity or quantity of flow through any stream, ditch, pipe, culvert, watercourse or other improvement or drainage system.

§ 81-5. Design of drainage system.

A. Hydrologic.

- (1) The drainage channels for watercourses numerically identified in the Town of Williamson Storm Drainage Study of 2002 (or any updates) shall be provided to accommodate not less than the minimum flows indicated in that drainage study or the latest similar study accepted by the Town. These values shall be independently verified by the developer or landowner using hydrologic technology described in § 81-5B, and the hydrologic analysis thereof shall become a part of the supporting data of the proposed drainage plans.
- (2) The capacity of the channel that will occupy the ultimate drainage easement within the development shall be based upon both the existing degree and anticipated rate of urbanization within the development watershed and the type of development possible under the Zoning Ordinance of the Town, as the same may be modified from time to time.⁸ Whenever a development may be located within a watershed undergoing initial stages of urban development, the proposed drainage system shall adequately pass the flows that would develop from continued urbanization within the useful life of the proposed channel improvement or system. Proposed drainage systems within developments located in watersheds that may be in the advanced stages of 8. Editor's Note: See Ch. 178, Zoning urbanization shall be designed and constructed to pass the project designs flow determined for the ultimate urbanization of the tributary watershed. Where this is not practical, storage basins may be provided to increase the capacity of the drainage systems and control flows to downstream drainage systems and/or structures such that the capacity of the latter will not be exceeded
 - (a) These storage basins may be two types, as follows:
 - [1] A detention basin, drained by gravity through a control-sized pipe located at the downstream end of the basin.
 - [2] A retention basin utilizing a normal water level, completely drained usually by pumping. Usually a low water level will remain in the basin with freeboard designed to accommodate storm flows.
 - (b) Storage basins should be analyzed and the opportunities for multiple use presented to the Town. Such uses include but are not limited to:
 - [1] Playing field.
 - [2] Picnic area.
 - [3] Parks.
 - [4] Ice skating.
 - [5] Open spaces and trails.
 - (c) Storage basins are sized to accept excessive flow over and above the capacity of downstream drainage facilities. They may be used to change, in a beneficial way, flows through a proposed development or from a proposed development.
- (3) For undeveloped areas of the tributary watershed, the surface permeability classification shall be

based upon the Town of Williamson Zoning Maps and correlated with projected land uses developed by the Town Master Plan. Wherever a development watershed contains excessive permanent land uses, such as railroads, public parks, cemeteries and parkways, such factors may additionally be considered in determining an appropriate coefficient of runoff.

- (4) Drainage systems classed as "minor" shall be checked by engineering computations to pass the flow requirements of the next higher design level.
- (5) Prospective developers and their engineers should consult the "Guidelines for Erosion and Sediment Control in Urban Areas of New York State" by the United States Department of Agriculture, Soil Conservation Service as a publication that contains many resources for handling and controlling storm water.

B. Hydraulic.

- (1) The hydraulic design of development drainage systems shall be in accordance with modern standard procedures and shall conform to the latest professional manuals dealing with the many considerations required for a comprehensive drainage system. The hydraulic design of all drainage systems shall conform in basic details to the American Society of Civil Engineers Manual of Engineering Practice No. 37 and such other applicable manuals as would supplement the ASCE Manual or integrate advanced and proven hydraulic principles and basic assumptions. Open and closed drainage systems shall be designed to provide complete drainage for all elements within the development and shall include all appurtenances essential for the adequate performance thereof. The size of conduits shall be selected at grades which produce a minimum velocity of three feet per second when flowing full.
- (2) A development-grading plan indicating a contour interval suitable for the map scale shall be provided to show detailed comprehensive and efficient surface drainage for all lots within and immediately adjacent to the development.

D. Structural. Catch basins, manholes, inlet structures and other appurtenances placed within the development shall be designed to conform to standard specifications approved by the **Designated Engineer**.

- (1) Channels. The minimum center-line radius of constructed curved channels shall be at least three times the bottom width of the channel for subcritical flow. The minimum bottom width of constructed channels shall be four feet. The creation of excessive numbers of curves in open channels shall be avoided by reason of the increase in friction loss and the potential erosion due to spiral flow. Outer bank protection, especially at the downstream end of the curve and, to a lesser degree, on the inner bank at the beginning of the curve, may be required by the Town. Earth channels constructed within the development shall have side slopes of one on four or flatter, unless otherwise approved by the Town.
- (2) Enclosed conduits. Except for adequate natural watercourses, all storm drainage within the development which is capable of being transmitted in a forty-eight-inch diameter pipe shall be carried in an enclosed conduit. If it is deemed in the public interest by the Town, this size may be varied, either increased or decreased, according to topographic conditions or an economic analysis of the cost of the conduit against an equivalent open channel, including the occupied land value. The minimum conduit size shall be 12 inches in diameter. Manholes shall be provided at all changes in grade and direction. Spacing of manholes and minimum cover of conduits shall conform to the standard practice endorsed by the American Society of Civil Engineers. Inverted siphons shall not be permitted.

§ 81-6. Correction of existing conditions.

All preexisting obstructions or deposits or alterations or diversions of the natural flow of water or the intensity or quality of flow through any watercourse or drainage system which cause the inundation of real property, buildings or other premises or, in the opinion of the Town Board through its **Designated Engineer**, constitute an undue burden upon the drainage system or hamper the proper present or future course of development of the drainage system, or, in the opinion of the Town Board through its **Designated Engineer**, presently constitute or in the reasonably foreseeable future will constitute a danger or hazard to the well-being, safety or general welfare of the residents of the Town or any property located therein, may be

removed or corrected by the Town upon 10 days' notice by the Town. The Town will endeavor to replace improvements necessary for essential use of the property, such as driveway culverts.

§ 81-7. Easements for drainage facilities.

- A. Easements for enclosed conduits and appurtenances. An easement not less than 20 feet in width, sufficient to contain the enclosed conduit and appurtenances thereof and to provide working space for personnel and equipment for the servicing thereof, shall be indicated on the map of the development and designated as follows: "Drainage Easement to the Town of Williamson." Drainage easements for enclosed conduits shall, insofar as possible, be placed along or adjacent to lot boundary lines in a parallel and straight alignment.
- B. Natural and/or man-made watercourses which traverse a development shall be preserved by an easement of sufficient width, including overbanks, which will adequately pass the project design flow. The gross allowable depth of flow shall not create a flood hazard to existing or proposed development and improvements. The channel and over bank widths, together with a continuous maintenance way as specified by the Town, shall constitute the floodway encroachment limits. Wherever such natural watercourses are endowed with significant natural beauty and have adequate capacity or have been determined to have value for fish and wildlife, the developer may dedicate widths in addition to those required above on the map of the development with the following designation: "Drainage Easement to the Town of Williamson."

§ 81-8. Detailed drainage plans.

The developer shall submit detailed drainage plans with a report containing sufficient data for the Town to check the feasibility of the drainage system as proposed by the developer. The following data shall be included:

- A. Hydrologic (at all critical points within the development):
 - (1) Tributary drainage area delineated on the map.
 - (2) Times of concentration.
 - (3) Rainfall intensity.
 - (4) Runoff coefficient.
 - (5) Design flow and protection level.
 - (6) Peak flow rates and velocities before and after development.
- B. Hydraulic:
 - (1) The plan and profile of all drainage systems shall be provided.
 - (2) Sizes and types of drainage improvements, including special structures, typical sections, easement, etc.
 - (3) When required, supporting calculations for upstream and downstream channel capacities as they affect water surface levels and backwaters within or adjacent to the development. Such calculations shall be supported by such additional survey information as may be required to determine a profile and cross section of the upstream and downstream channel reaches of the development under construction.
 - (4) A detailed development-grading plan prepared to suitable contour intervals with grading details to indicate proposed street grades and elevations, watercourse grades and elevations, building site elevations and surface elevations at critical points throughout the development.
 - (5) In certain cases, the Town may waive the requirement for detailed drainage plans of one- or two-lot parcels when the work proposed involves only minor modifications or alterations to the drainage system. In the event that detailed plans are waived, the developer shall be required to submit a drainage plan containing sufficient data for the **Designated Engineer** to check the feasibility of the drainage system as proposed by the developer.

§ 81-9. Detailed construction plans.

- A. The final construction plans for drainage within the development shall conform to the provisions of the Town of Williamson Planning, Zoning Board or Master Plan regulations, subsequent amendments thereto and any particular conditions as required by the **Designated Engineer** in approving the proposed plans and supporting data thereof. The construction plans for the drainage requirements shall

be approved by the **Designated Engineer** prior to the construction of any drainage facilities within the development.

B. The plans shall bear the certification of a licensed professional engineer as evidence of the professional responsibility for the drainage planning within the development and shall contain the following information:

- (1) A vicinity sketch and boundary line survey of the site on which the work is to be performed.
- (2) Location of any existing buildings, structures, utilities, sewers, water storm drains and natural features on the site where the work is to be performed.
- (3) Location of any building or structure on land of adjacent property owners within a minimum of 50 feet of the site and further as necessary to show directly affected parcels.
- (4) Spot elevations and existing and proposed contours, dimensioned extent of all work proposed to be done and existing shrub masses and trees to be accurately located and labeled.
- (5) A computation of the volume of excavation and fill involved and the quality of fill.
- (6) Detailed plans of all drainage provisions, retaining walls, cribbing, vegetative practices, erosion and sediment control measures; excavations or ponding areas, outfall control devices, outlet weirs, etc., and other protective devices to be constructed in connection with or as a part of the proposed work; together with a map showing the drainage area of land tributary to the site and estimated cubic-foot-per-second runoff of the area served by any drain, computed in accordance with current Town development criteria.
- (7) A timing schedule and sequence indicating the anticipated starting and completion dates of the development sequence, stripping and/or clearing, rough grading and construction, final grading and vegetative establishment and maintenance and the time of exposure of each area prior to the completion of effective erosion and sediment control measures and any traffic or noise problems.
- (8) The depth to bedrock as determined during site evaluation.
- (9) The depth to water table as determined during site evaluation.
- (10) The types of soils encountered as determined during the site evaluation.

C. All drainage construction shall be subject to inspection by the **Designated Engineer**. Any field changes which affect the intent of these provisions shall have the prior approval of the **Designated Engineer**.

D. In certain cases the Town may waive the requirement for detailed construction plans and certification of plans by a licensed professional engineer on parcels when the work proposed involves only minor modifications or alterations to the drainage system. In the event that detailed plans are waived, the developer shall be required to submit construction plans containing sufficient data for the Town to check the feasibility and adequacy of the drainage system as proposed by the developer.

§ 81-10. Penalties for offenses.

A. Any person, firm, corporation or entity found to be violating any of the provision of this chapter shall be served with a written notice by the Town stating the nature of the violation and providing a thirty-day time limit for the satisfactory correction thereof, subject to appeal to the Town Board within 10 days.

B. Any person, firm, corporation or entity who shall continue any violation beyond the time limit provided for in Subsection A shall be guilty as follows:

- (1) For a first offense or violation, punishable by a fine of not more than \$250 or by imprisonment not to exceed 15 days, or by both fine and imprisonment; and
- (2) For a second offense occurring within one year after the conviction of a first offense of a Class A misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed one year, or both fine and imprisonment; and
- (3) In addition to the foregoing, by a penalty of \$500 to be recovered by the Town of Williamson in civil action.
- (4) Each and every day that a violation of any of the provisions of this chapter exists shall constitute a separate violation.

C. Any person, firm, corporation or entity violating any of the provisions of this chapter shall

become liable to the Town for any expense or loss or damage occasioned by the Town by reason of such violation. The Town shall have the right to assess all such expenses against the land on which the violation occurred and to bring legal action to recover such expenses.

§ 81-11. Liability.

The approval of plans for proposed drainage systems and flood hazard prevention requirements shall not constitute a representation, guaranty or warranty of any kind or nature by the Town of Williamson or by an officer or employee thereof of the safety, operation, adequacy or intent of the proposed facilities and shall create no liability upon or cause for action against such public body, officer or employee for any damage that may result from construction pursuant thereto.

§81-12.

Drainage District Fund Matrix

<i>Unit Category</i>	<i>First Acre (or portion thereof)</i>	<i>Excess Acreage (rounded to the nearest acre*</i>
<i>Vacant/farm land (no structure)</i>	<i>25 units</i>	<i>1 unit per acre</i>
<i>Vacant/farm land (structure)</i>	<i>50 units</i>	<i>1 unit per acre</i>
<i>Residential land with single family dwelling</i>	<i>50 units</i>	<i>1 unit per acre</i>
<i>Residential land with multiple-family dwelling up to 4 living units</i>	<i>2 units: 60 units 3 units: 70 units 4 units: 80 units</i>	<i>1 unit per acre</i>
<i>Manufactured house park</i>	<i>100 units</i>	<i>100 units per developed acre; 1 unit per undeveloped acre</i>
<i>Commercial or industrial developed</i>	<i>125 units</i>	<i>125 units per developed acre; 1 unit per undeveloped acre</i>
<i>High-density development exceeding 1 acre</i>	<i>125 units</i>	<i>125 units per developed acre; 1 unit per undeveloped acre</i>

Determination of exemptions:

A. Property owners apply to the Town Board to determine the allowable amount that would be permitted for the project.

B. To qualify for fee exemption, the project must:

- (1) Involve at least five acres of land.*
- (2) Impact at least two properties and impact at least two property owners*
- (3) Benefitting involves maintaining own surface water systems that collect water from more than one property.*

C. The Town Board has the authority to grant exemption for fees or partial fees.

D. Fee exemptions may extend up to five years of fee relief but may not exceed the overall project cost, or, in cases of joint projects, the relief may not exceed the expenditure by the participating property owner.

**Note: Rounding of excess acreage is based on the notion that 0 to .5 is not an additional acre.*

§81-13 Criteria for Obtaining Funding

- 1. Two or more property owners will be directly impacted by the project.*
- 2. There shall be evidence that the Town of Williamson had not properly provided for easements, maintenance or repair of drainage systems critical to providing the health, safety or welfare of persons or property.*
- 3. Flooding of property has been documented to occur on an annual basis or more frequently.*
- 4. Flood waters have been documented to back up into basements, garages, homes, or other buildings on the property, or across public roadways adjoining the property, or otherwise have threatened the structural integrity of such structures or facilities.*
- 5. The property owners shall provide plans to correct the problem which have been properly designed as determined by the Williamson Watershed Management Advisory Council.*
- 6. Reimburse costs at 50% of project cost not to exceed \$10,000 (ten thousand dollars).*

§81 – 14 Watershed Management Council

Comprised of 3 at large residents and Superintendent of Highways

Purpose - To review drainage complaints/issues and make recommendations to residents. Make recommendation to Town Board on drainage related issues.

Process – Complaint received will be given to Superintendent of Highways for first disposition.

If complaint needs further review it will be sent to Watershed Management Council.

Section 4. This local law shall take effect immediately.

* * * * *

Bids having been opened at 2:00 PM on Friday, September 8, 2017 for the WWTP Sludge Drying Bed Enclosure project were as follows:

	Bid	Allowance	Total
Empire State Mechanical Contractors 3039 Sherwood Road Palmyra, New York 14522	\$119,900	\$10,000	\$129,900
Secor 13140 W. Church Street Savannah, New York 13146	\$109,583	\$10,000	\$119,583

Councilman Watson presented the following Resolution and moved its adoption. It was seconded by Councilman Bixby.

WHEREAS: Bids were received and opened on September 8, at 2:00 PM for the WWTP Sludge Drying Bed Encl., and

WHEREAS: The bids were examined by the Engineer and Town Attorney to determine if they meet all bid requirement specifications and are in the best interest of the Town,

NOW THEREFORE BE IT RESOLVED: That the bid be awarded to Secor for the Total Amount of \$119,583.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Anthony Verno
Councilman Gary Orbaker
Councilman Michael Bixby
Councilman Thomas Watson

NAYES: None

The Resolution was declared adopted.

Public Comment: No one wished to comment.

Supervisor Verno announced an information meeting has been scheduled on September 27, 2017 from 7 – 9 PM regarding Farmland Protection. Lorna Wright with the Genesee Land Trust Co. will be doing a presentation.

Supervisor Verno also announced the Town Board Meeting scheduled for September 26, 2017 has been cancelled.

Supervisor Verno made a motion, seconded by Councilman Bixby to pay the following bills as audited:

Abstract Number: # 17
Voucher #s: 17-866 – 17-946

GENERAL FUND	\$ 27,920.27
HIGHWAY	\$ 19,949.80
WATER	\$ 221,450.11
SEWER	\$ 14,531.51
LIGHTING DIST.	\$ 3,295.02
GRAND TOTAL:	<hr/> \$287,146.71

The motion was carried.

Supervisor Verno, made a motion, seconded by Councilman Orbaker, to adjourn the meeting at 7:50 P.M. The motion was carried.

Respectfully Submitted,



Marlene A. Gulick
Williamson Town Clerk