

Village of Webster
Village Board Meeting
June 11, 2015

Webster Community Meeting Hall
29 South Avenue
Webster, NY 14580

Present: Trustee Balcaen, Trustee Ippolito Jr., Trustee Byerts, Trustee Lancy and Attorney Don White
Absent: Mayor Cahill

Public Comments

Peter Elder – 59 Dunning Avenue – Commented to the Board in reference to fire hydrant pressure regarding a recent fire on Sunday June 7, 2015 on Route 104 in Webster. Mr. Elder asked if the Village receives reports regarding fire hydrant water pressure from the County. He questioned how often the Village fire hydrants are checked and if the hydrant pressure is low how are they corrected?

Don White, Village Attorney, said there was an article in the Democrat and Chronicle which referred to Sandra Frankel, requesting the Monroe County Water Authority to perform an investigation regarding the low water hydrant pressure related to that fire. The Union Hill Fire Chief said there was nothing wrong with the hydrant or with the water pressure. MCWA said they annually inspect every hydrant within their jurisdiction to make sure they work but they do not check for water pressure. The way to solve water pressure problems is to increase the size of the main, but in this case, MCWA is leasing the hydrants and they maintain the infrastructure but they will not upgrade them. The Town or the Village still owns the hydrants and any upgrades will be done by them to the infrastructure not by MCWA.

Eric Reynolds – 64 Kircher Park – Addressed the Board and read an unsigned letter from a former employee of the Village Hall. The letter made alleged complaints against the Village administration and because of this the employee no longer works for the Village. Mr. Reynolds commented that the letter rings true in some aspects to what he has seen before and read the letter because he felt it was important for the Board and the Village residents to hear it.

Trustee Byerts questioned if there was a reason why the letter did not mention the name of the person who wrote it and also why was the letter not signed by that person? Trustee Byerts felt the letter could have been written by anyone.

Mr. Reynolds said the letter was received without a person being named in it.

Don White, Attorney, asked if the letter was anonymous and not signed.

Mr. Reynolds said the letter is not signed.

Richard Walter – 20 Elm Street – Commented to the Board and the Attorney and said that the Mayor has on occasion read anonymous letters to the camera and if the Mayor can read them so can everyone.

Village Board Business

Motion Trustee Balcaen and Seconded by Trustee Ippolito Jr., to approve the Village Board Meeting Minutes of May 28, 2015, all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Ippolito Jr., to approve the Village Board Workshop Minutes of June 2, 2015, all were in favor and carried.

Motion Trustee Balcaen and Seconded by Trustee Ippolito Jr., to accept claims totaling: General - \$31,011.95 and Trust & Agency - \$268.22, all were in favor and carried.

Trustee Byerts opened the Public Hearing at 7:53 PM regarding the Term of Office of Deputy Village Offices.

NOTICE IS HEREBY GIVEN that there has been duly introduced at a meeting of the Village Board of Trustees of the Village of Webster held on May 14, 2015, a proposed Local Law No. 2 of 2015 entitled "Term of Office for Deputy Village Clerk and Deputy Village Treasurer;" and

NOTICE IS FURTHER GIVEN that the Village Board of Trustees of the Village of Webster will conduct a public hearing on the aforesaid proposed Local Law at the Community Meeting Room, 29 South Avenue, Webster, New York on June 11, 2015 at 7:45 p.m., or soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

The proposed Local Law seeks to add an Article III to Chapter 13 of the Code of the Village of Webster "Officers and Employees" to provide that the term of office for the Deputy Village Trustee and the Deputy Village Treasurer shall be two official years.

PLEASE TAKE FURTHER NOTICE, that all interested persons will be given an opportunity to be heard on said proposed Local Law at the place and time aforesaid. Copies of the Local Law described above are on file at the Office of the Village Clerk of the Village of Webster where the same are available for public inspection during regular office hours.

Peter Elder – 59 Dunning Avenue – Commented that this is an opportunity to fix something that every Board thought was set in stone. Mr. Elder suggested that the 2 year term for Deputy Officials should remain a 1 year term which would allow the Board more flexibility in its appointment to Deputy Officials. Mr. Elder suggested keeping the term to only 1 year.

Eric Reynolds – 64 Kircher Park – Commented and also agreed with Mr. Elder and said it is easier to remove someone who is not working out if they are on a 1 year term and not a 2 year term. Mr. Reynolds also suggested keeping the term to 1 year.

Richard Walter – 20 Elm Street– Commented and also felt that the term should only be 1 year.

Trustee Byerts closed the public hearing at 7:59 PM and read the following resolution;

WHEREAS, pursuant to New York Village Law §3-302(4) the term of office of a Deputy Village Clerk or Deputy Village Treasurer is one official year or the remaining portion thereof; and

WHEREAS, New York Municipal Home Rule Law §10(1)(ii)(a) allows a village to adopt a local law relating to the terms of office of Village Officers; and

WHEREAS, traditionally, the term of office of the Deputy Village Clerk and Deputy Village Treasurer has been two official years; and

WHEREAS, by Resolution dated May 14, 2015, the Village Board of the Village of Webster has established a date, time and place for a public hearing to consider enacting a Local Law with respect to adding an Article III to Chapter 13 of the Code of the Village of Webster providing that the term of office for Deputy Village Clerk and Deputy Village Treasurer shall be two years; and

WHEREAS, a notice of this public hearing was published in the Webster Herald and was posted on the Village bulletin board of the Village Hall, 28 West Main Street, Webster, New York; and

WHEREAS, a public hearing on the matter was held by the Webster Village Board of Trustees on June 11, 2015; and

WHEREAS, all interested person were heard; and

WHEREAS, this action is a Type II action under the New York State Environmental Quality Review Act. Specifically, it is a Type II action pursuant to 6 NYCRR §617.5(20) and (27); and

WHEREAS, as a Type II action it is not subject to review under the New York State Environmental Quality Review Act and is deemed not to have a significant impact on the environment and is otherwise precluded from environmental review; and

WHEREAS, the Board has been presented with and has introduced a draft Local Law No. 2 of 2015 titled “Term of Office for Deputy Village Clerk and Deputy Village Treasurer;”

NOW THEREFORE, be it enacted by the Board of Trustees of the Village of Webster as follows:

1. A new Article III is added to Village Code Chapter 13 “Officers and Employees” to be designated §13-9. Said section shall read as follows: The terms of office of the Deputy Village Clerk and Deputy Treasurer shall be two official years, or the remaining portion thereof.

2. This Local Law shall take effect immediately.

No motion was made resolution did not pass.

Trustee Byerts said the completion of Part 2 of the Short Environmental Assessment Form for “Amendment to Zoning Local Law with Respect to Temporary Fences and Driveways” has to be filled out and he began to read the 11 questions and filled out the form.

The following resolution was offered by Trustee Lancy and Seconded by Trustee Balcaen and moved for adoption:

WHEREAS, pursuant To New York Village Law Section 7-700 the Board of Trustees is empowered to adopt Local Laws regulating the location and use of building structures and land for trade, industry, residence or other purposes;

WHEREAS, this Board has been presented with and has introduced a draft Local Law titled “Amendment to Zoning Local Law with Respect to Temporary Fences and Driveways”; and

WHEREAS, a public hearing on the matter was held by the Webster Village Board on April 23, 2015 at 7:53 p.m.; and

WHEREAS, all interested persons were heard; and

WHEREAS, a short form Environmental Assessment Form for the proposed action was prepared and submitted to the Village Board and reviewed by the Village Board; and

WHEREAS, the Village Board has reviewed and discussed the short form Environmental Assessment Form; and

WHEREAS, the Village Board has considered the related long term, short term, and cumulative effects on the environment including simultaneously or subsequent actions which are likely to be undertaken as a result of this proposed action; and

WHEREAS, the Village Board has assessed the significance of likely consequences, whether they be material, substantial, large or important as a result of the proposed action; and

WHEREAS, the Village Board specifically considered Part II of the Environmental Assessment Form regarding the projects impacts and their magnitude on land, water, air, plants, animals, agricultural land resources, esthetic resources, historic resources, archeological resources, open space, recreation, transportation, energy, noise, odor, public health, growth and the character of the community or neighborhood; and

WHEREAS, the Village Board considered the probability of an impact occurring, the duration of the impact, the permanency of an impact, the control of an impact, local needs, local gains and objections related to the impact;

NOW THEREFORE, be it resolved:

1. The proposed action is classified as an UNLISTED ACTION under the New York State Environmental Quality Review Act.

2. The Webster Village Board is a lead agency.
3. Based upon all information available to the Board, it concludes that there is no potential large probability of an environmental impact occurring.
4. The Village Board finds that the proposed action will not result in any significant environmental impacts.
5. The Village Board finds that the proposed action will establish appropriate developmental controls and land use policies.
6. The Village Board of the Village of Webster determines that the proposed action to amend the Local Zoning Law will not have a significant adverse environmental impact and a draft environmental impact statement will not be required to be prepared.
7. The Superintendent of Public Works of the Village of Webster is to give any and all notices that may be required by the environmental quality review act for this action.

The following resolution was offered by Trustee Ippolito, Jr. and Seconded by Trustee Balcaen and moved for its adoption:

WHEREAS, pursuant to New York Village Law §7-700 the Board of Trustees is empowered to adopt Local Laws regulating the location and use of building structures and land for trade, industry, residence or other purposes; and

WHEREAS, this Board has been presented with and has introduced a draft Local Law titled “Amendment to Zoning Local Law with Respect to Temporary Fences and Driveways”; and

WHEREAS, by Resolution dated March 10, 2015, the Village Board of the Village of Webster has established a date, time and place for a public hearing to consider enacting a Local Law with respect to amending Sections 175-53 and 175-65 of the Zoning Local Law; and

WHEREAS, a Notice of this public hearing was published in the Webster Herald and was posted on the Village bulletin board of the Village Hall, 28 West Main Street, Webster, New York; and

WHEREAS, a public hearing was held by the Webster Village Board of Trustees on April 23, 2015; and

WHEREAS, all interested persons were heard; and

WHEREAS, all notices and/or referrals as required by law to be given or made have been given and made; and

WHEREAS, in accordance with Sections 239-M and 239-N of Article 12-b of New York State General Municipal Law, the proposed action was referred by the Village of Webster to the Monroe County Department of Planning and Development; and

WHEREAS, the Monroe County Department of Planning and Development returned the referral without comments; and

WHEREAS, this action is an UNLISTED ACTION of the New York State Environmental Quality Review Act; and

WHEREAS, the Village Board has determined this action will not have any significant impact upon the environment; and

WHEREAS, it is in the public interest to enact the proposed amendment to the Zoning Local Law;

NOW THEREFORE, be it enacted by the Board of Trustees of the Village of Webster as follows:

1. Sections 175-53 and 175-65 of the Zoning Local Law are amended as follows:

A. Section 175-53(H) Parking requirements is hereby amended by adding the following at the end of subparagraph (H): No driveway shall be placed closer than three (3) feet from the property line.

B. Section 175-65 (A) Fences is amended by adding the following: (3) A temporary fence as defined in subsection (I) shall not require a permit.

C. Section 175-65(F) is amended to add: A temporary fence as defined in subsection (I) shall not be used as a permanent fence.

D. Section 175-65 is amended by adding a new subparagraph (I) as follows: (I) A temporary fence is defined as fencing of a temporary nature such as a snow fence, construction fence, special event fence, or any other type of temporary fencing used as a barrier to protect construction, to prevent public access or is installed in the interest of public safety for an event.

(1) Construction and event fencing shall be allowed only during the length of the project or event. A snow fence shall be allowed from October 1st to April 1st of any year.

(2) All temporary fences shall be adequately maintained and be structurally sound. No temporary fence shall be placed in the public right-of-way without permission from the Superintendent of Public Works.

2. This Local Law shall take effect immediately.

Motion Trustee Lancy Seconded by Trustee Balcaen to authorize Mayor Cahill to sign the letter of agreement with The Leahy Company for Workers Compensation Insurance Premium Recovery Service, all were in favor and carried.

Attorney

No Report

Office

Jake Swingly, Superintendent of Public Works reviewed with the Board the Comp and Overtime Report for May 2015. He said the overtime was for the household hazardous waste collection between Webster, Penfield and Monroe County.

Motion Trustee Ippolito, Jr. and Seconded by Trustee Lancy to approve the following budget transfers and modifications: all were in favor and carried.

From:	01-01-1325-412	Tax Bills	\$131.06
To:	01-02-1680-401	Payroll Processing Service	131.06
Reason:	Line was under budgeted for 2014/2015		

From:	01-01-1325-404	Conferences/Higher Education	\$452.10
From:	01-01-1325-412	Tax Bills	118.94
From:	01-01-8020-101	Planning Board	27.94
From:	01-01-1325-418	Website	2,155.15
From:	01-01-1420-401	Bond Counsel	1,000.00
From:	01-02-1620-205	Copier	1,624.00
From:	01-01-1325-421	Financial Advisor	472.30
From:	01-02-1910-409	Fixed Asset Appraisal	856.74
To:	01-02-1620-401	Gas	6,707.17
Reason:	Line was under budgeted for 2014/2015		

From:	01-05-5112-100	Chips Personnel	\$10,437.17
To:	01-02-1620-402	Electric	10,437.17
Reason:	Line was under budgeted for 2014/2015		

From:	01-01-8010-101	Zoning Board	\$235.28
From:	01-01-8020-101	Planning Board	215.61
To:	01-02-1620-410	Refuse Removal	450.89
Reason:	Unexpected charge for roll off service at 831 Dewitt Road		

From:	01-02-1990-400	Contingency	\$1,058.99
To:	01-02-1620-412	Building Maintenance	1,058.99
Reason:	Emergency gutter repair on Village Office Bldg west side		

From:	01-05-5112-100	Chips Personnel	\$3,930.80
To:	01-05-5010-100	Street Administration Personnel	3,930.80
Reason:	Line was under budgeted for 2014/2015		
From:	01-05-5112-411	Schools/Conf/Seminars	\$1,131.35
To:	01-03-3620-100	Safety Inspection Personnel	1,131.35
Reason:	Line was under budgeted for 2014/2015		
From:	01-02-1910-409	Fixed Asset Appraisal	\$365.08
To:	01-04-4010-401	Physicals/Licenses	365.08
Reason:	Line was under budgeted for 2014/2015		
From:	01-05-5112-419	Operation/Main of Equipment	\$4,542.05
To:	01-05-5142-401	Operation/Main of Equipment	4,542.05
Reason:	Various emergency repairs to snow blower equipment were necessary		
From:	01-05-5142-403	Road Salt	\$56.85
To:	01-05-5182-100	Street Lighting Personnel	56.85
Reason:	Line was under budgeted for 2014/2015		
From:	01-05-5410-200	Sidewalks Equip & Capital Outlay	\$8,498.59
To:	01-05-5182-401	RG&E Street Lights	8,498.59
Reason:	Line was under budgeted for 2014/2015		
From:	01-05-5410-200	Sidewalks Equip & Capital Outlay	\$189.96
To:	01-05-5182-402	Electrical Supplies	189.96
Reason:	Emergency repairs needed to street lights in March 2015		
From:	01-05-5560-200	Shade Trees Equipment	\$1,835.00
From:	01-05-5560-100	Shade Trees Personnel	38.12
To:	01-05-5560-400	Shade Trees Contractual	1,873.12
Reason:	Urban Forestry Consulting services were higher than anticipated		
From:	01-01-1325-100	Clerk/Treasurer Personnel	\$778.59
To:	01-01-1325-410	Code Updates & Legals	778.59
Reason:	New code books were under budgeted for / PO was done for \$3,251.50 but cost ended up being \$4,477.50		
From:	01-05-5410-414	Equipment Maintenance	\$942.82
To:	01-05-5560-401	Removal (Trees)	942.82
Reason:	Line was under budgeted for 2014/2015		
From:	01-05-5410-414	Equipment Maintenance	\$134.00
To:	01-06-6410-100	Economic Assistance/Publicity	134.00
Reason:	Line was under budgeted for 2014/2015		

From:	01-08-8120-416	Grouting	\$288.00
To:	01-08-8120-200	SanitarySewer System Equipment	288.00
Reason:	Vac Con needed many repairs this past year		
From:	01-09-9060-800	Group Health Insurance	\$8,329.59
From:	01-09-9030-800	Social Security	3,182.41
To:	01-09-9010-800	Retirement	11,512.00
Reason:	Line was under budgeted for 2014/2015		

Motion Trustee Balcaen and Seconded by Trustee Lancy to authorize Trustee Ippolito, Jr. to be the Village Hall Liaison instead of Mayor Cahill, all were in favor and carried.

Department of Public Works

Motion Trustee Ippolito, Jr. and Seconded by Trustee Balcaen to authorize the renewal of NYSDEC Commercial Pesticide Applicator License for Michael Bradshaw at a cost not to exceed \$450.00, all were in favor and carried.

Motion Trustee Ippolito, Jr. and Seconded by Trustee Lancy for authorization to hire Brandon Boutillier for the position of Laborer at a rate of \$15.81 per hour with a start date of on or after June 15, 2015, pending positive per-employment checks, all were in favor and carried

Jake Swingly, Superintendent of Public Works reviewed with the Board and said NYS is doing a mill and pave project on Main Street, North Avenue and South Avenue. Part of that will include curb improvements, crosswalks, driveways, and some sidewalk work. They are doing preliminary work before they do the gutters. Once we have more schedules we would like to put it on the website with a link to the DOT website. The best information will be from the contractor and we will pass it along as we receive it and as always we will say subject to change.

Mr. Swingly also said the North Avenue Connector Project which is secured with a Grant by the Federal Government has started and he met with Lu Engineers' about scoping and preliminary design approvals. He said there will be about six phases to the project and it will be finished in 2017.

Call In

No phone calls were received.

Motion Trustee Ippolito, Jr. and Seconded by Trustee Balcaen to adjourn for private session due to attorney/ client privilege regarding potential litigation at 9:02pm., all were in favor and carried.

Adjournment

Motion Trustee Balcaen and Seconded by Trustee Ippolito, Jr. to adjourn the meeting at 9:17 pm, all were in favor and carried.

Josette Amalfi, Village Clerk

John J. Cahill, Mayor