

Village of Webster
Village Board Meeting
October 9, 2014

Webster Community Meeting Hall
29 South Avenue
Webster, NY 14580

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

Presentation – Laura Landers from Freed Maxick presents Financial Annual Update Document of Auditors report for the fiscal year ended May 31, 2014.

Public Comments

Eric Reynolds – 64 Kircher Park- Commented to the Board regarding four large trees that were cut down on the west side of Kircher Park. Reynolds said there should have been prior notice that the trees were to be removed. He was told it was because of the Lyon Drive Project. Jake Swingly, Superintendent of Public Works, said cutting down trees is not the first choice but the representatives from the company that RG&E hired had to make clearings for the new wires and to upgrade the system on the street. It is necessary to leave room for the wires and the new poles. Some of the trees needed to come down for safety reasons. It was unfortunate but the trees did have to come down and it was better for the taxpayer that this company did the work. Attorney White said utility companies have easements and do not need prior notice to trim or cut down trees.

Village Board Business

Motion Trustee Lancy and Seconded by Trustee Balcaen to approve Village Board Meeting Minutes of September 25, 2014, all were in favor and carried.

Motion Trustee Byerts and Seconded by Trustee Balcaen to approve Village Board Workshop Minutes of September 30, 2014, abstained by Trustee Ippolito Jr., all others were in favor and carried.

Mayor Cahill opened the Public Hearing at 8:10 p.m. on amending Section 50-6 of Chapter 50 of the Village Code Flood Damage Prevention.

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 October 9, 2014 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 amend Village Code Section 50-6 in order to reflect revisions to certain flood insurance rate maps in order to continue the Village of Webster's participation in the National Flood Insurance Program.

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.

Eric Reynolds- 64 Kircher Park – Commented to the Board and asked what do the new changes entail? Mayor Cahill said the old flood maps showed parts of the Village in particular on Barrett Drive as being in a flood prone area.

Richard Walter- 20 Elm Street- Commented to the Board and asked if there are any areas not included in the flood zones that were included before? Mayor Cahill said the only area not included would be on Barrett Drive. Mr. Walter asked if this revision is taking areas out of the flood plain and not adding any new areas in. Mayor Cahill said yes, that is what this revision is.

Mayor Cahill said if no one else wants to speak the time is 8:15pm and we will close the Public Hearing.

The following resolution was offered by Trustee Lancy and Seconded by Trustee Ippolito Jr., and all others were in favor and moved for its adoption:

WHEREAS, pursuant to New York Village Law Section 4-412, the Board of Trustees is empowered to adopt Local Laws with respect to the safety, health, comfort and general welfare of the inhabitants of the Village of Webster and the protection of their property; and

WHEREAS, an amendment to Village Code 50-6 is necessary in order to continue the Village of Webster's participation in the National Flood Insurance Program; and

WHEREAS, by resolution of September 25, 2014, the Village Board of the Village of Webster established a date, time and a place for a public hearing to consider enacting a local law with respect to amending Village Code Section 50-6 "Basis for Establishing Areas of Special Flood Hazard;" and

WHEREAS, in accordance with the Village Board resolution of September 25, 2014 a Notice of this public hearing was published in the Webster Herald on October 1, 2014 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 on October 9, 2014; and

WHEREAS, all interested persons 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 (17), (19) 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, an amendment to Section 50-6 of the Code of the Village of Webster is required in order to insure the Village of Webster's participation in the National Flood Insurance Program; and

WHEREAS, the Flood Insurance Rate Map, Map Panels Numbers 36055C 0229G and 36055C 0233G have been revised; and

WHEREAS, because this a physical change to the Village of Webster's Flood Insurance Rate Map it is necessary for the Village to formerly adopt this map revision before it can issue permits pursuant to Chapter 50 of the Code of the Village of Webster; and

WHEREAS, this Board has been presented with and has introduced a draft Local Law No. 1 of 2014 titled "Amendment to Village Code 50-6 Basis for Establishing Areas of Special Flood Hazard":

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

1. An amendment to Village Code Section 50-6 "Basis for Establishing Areas of Special Flood Hazard" shall be made to Chapter 50 of the Code of the Village of Webster. Said amendment to Section 50-6 shall be as follows:

A. The areas of special flood hazard for the Village of Webster, Community Number 360437 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

1. Flood Insurance Rate Map Panel Numbers:

36055C0227G, 36055C0229G, 36055C0231G, 36055C0232G, 36055C0233G, 36055C0234G

whose effective date is August 28, 2008, and any subsequent revision to these maps panels that do not affect areas under our community's jurisdiction.

2. A scientific and engineering report entitled "Flood Insurance Study, Monroe County, New York, All Jurisdictions" dated August 28, 2008.

3. Letter of Map Revision Case Number 13-02-0260P, effective December 3, 2013, amending Flood Insurance Rate Map Panels 36055C0229G and 36055C0233G, and Flood Insurance Study Floodway Data Table 9 and Flood Profile 152P

B. The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at: the Office of the Building Inspector of the Village of Webster.

C. This Local Law shall take effect immediately.

2. A copy of this Resolution and Local Law shall be published once in the Webster Herald and the Affidavit of such publication shall be filed with the Village Clerk.

Village Board Business Continued

Motion Trustee Balcaen and Seconded by Trustee Ippolito Jr., to approve claims and trust & agency totaling: General - \$55,965.62 and Trust and Agency - \$642.30, all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Byerts to approve authorization for Josette Amalfi, for training on Harris Program Tax System at a cost not to exceed \$300.00 to be charged to budget line 01-01-1325-404 Conferences/Higher Education, all were in favor and carried.

Motion Trustee Ippolito Jr., and Seconded by Trustee Lancy to approve Robert Fantauzzo to attend the training for Fall 2014 Regional Local Government Workshop on November 14, 2014 at a cost not to exceed \$75.00, all were in favor and carried.

The following resolution was offered by Trustee Byerts and Seconded by Trustee Balcaen, all others were in favor and moved for its adoption:

WHEREAS, pursuant to New York Vehicle and Traffic Law § 1640, the Village Board has the authority to adopt local laws regulating traffic upon Village highways; and

WHEREAS, by previous Resolution, the Village Board of Trustees of the Village of Webster, enacted local laws with respect to the restriction of parking within certain parking lots owned, leased or controlled by the Village which are included in Chapter 156 of the Code of the Village of Webster; and

WHEREAS, included in Article III of Chapter 156 of the Code of the Village of Webster is Section 156-15 (D), which provides “*Time limitations on parking in sections of parking lots owned, leased or controlled by the Village of Webster shall be set by the Village Board, and signs and markings giving due notice of the permitted parking times shall be installed. All use of parking lots shall comply with the posted times. In the event of any violation, the village may have the vehicle removed and impounded, with costs of removal and storage charged against the owner thereof*”; and

WHEREAS, a request has been made to the Village to adjust the permitted parking times within the parking areas owned and leased by the Village which are located on the north side of the buildings located at numbers 1 through 19 West Main Street ; and

WHEREAS, this request was made to promote public safety by ensuring that parked vehicles will not impede snow removal operations, and to have the parking times allowed conform more closely with the current conditions and use; and

WHEREAS, the Village agrees that in the interest of public safety, and to promote the usage of the parking areas that reflect the most suitable conditions for the area residents, businesses, and the general public, that the parking times allowed in the aforementioned parking areas shall be amended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Webster as follows:

1. That the Village of Webster, Board of Trustee's hereby establishes a 72 Hour Maximum parking time for all parking spots within the Village owned and leased lots located to the north side of the buildings at numbers 1- 19 West Main Street
2. That the parking spaces on the West side of the lot north of 19 West Main Street be further restricted between November 1st and April 1st to include No Parking between the hours of 3AM and 8AM
3. That the parking spaces on the South side of the parking areas of the lot located north of 1-17 West Main Street be further restricted between November 1st and April 1st to include No Parking between the hours of 3AM and 8AM. This additional restriction shall not apply to the two spaces included in a separate lease agreement for 7 West Main Street and signed in accordance with that agreement.
4. That the Superintendent of public works is hereby directed to install, or allow to be installed, any signage necessary to identify and delineate the areas of parking restrictions.

The following resolution was offered by Trustee Ippolito Jr., and Seconded by Trustee Balcaen, all others were in favor and moved for its adoption:

WHEREAS, the Village of Webster is a member of the Monroe County Stormwater Coalition;
and

WHEREAS, the Coalition has prepared a new Stormwater Coalition Intermunicipal Agreement;
and

WHEREAS, the Village Board of Trustees of the Village of Webster has determined it is in the best interest of the Village to continue its participation in the coalition.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Mayor is hereby authorized to execute the Stormwater Coalition Intermunicipal Agreement upon the review and recommendation of the Village Attorney.

Sec. 2. That this resolution shall take effect immediately.

Attorney

No report

Office

The comp and overtime report for September 2014 was reviewed and discussed by Jake Swingly, Superintendent of Public Works. Swingly said the overtime was due to the holiday and he schedules all employees' right down the list.

Department of Public Works

Jake Swingly, Superintendent of Public Works reviewed with the Board and said next week the crew will start leaf pick up and reminded everyone not to put the leaves in the gutters because it plugs the storm sewers. Swingly said that brush pick up is year round and it is the first full week of the month.

Jake Swingly also asked for authorization for Fred Holley to attend an annual meeting for Cross Connection Control. The meeting is a half day event in Batavia at a cost of \$30.00 but attendance is not required for him to maintain his license. He does the backflows for us and he works with the schools.

Mayor Cahill stated that he was not in favor of sending Fred Holley to the annual meeting for Cross Connection Control in Batavia primarily because it was not required for Mr. Holley to maintain his Backflow certification and it would be costing the taxpayers approximately \$140.00.

Motion Trustee Lancy and Seconded by Trustee Byerts to approve Fred Holley to attend Annual Meeting for Cross Connection Control (backflow prevention) at a cost not to exceed \$30.00. Trustee Lancy aye, Trustee Byerts aye, Mayor Cahill nay, Trustee Balcaen aye, Trustee Ippolito aye, motion passes.

Call In

Andrew Harold – Called in and asked if Barrett Drive would be paved before the winter. Mayor Cahill said because of the ongoing construction there is nothing scheduled right now and if the area were to be patched it would not hold because of the heavy machinery. Mr. Harold also asked about the length of time left for the Board of Trustees. Mayor Cahill said two and a half years and 2 Trustees are up for re-election in March of 2015 and they are Jude Lancy and Al Balcaen. Mr. Harold thanked the Board for their work.

Jerry Mouldenhauer- Love of Webster Concert- called in and said he liked the article related to Attorney Don White's father in the Webster Herald. He said he remembers the musical bands in the 70's and 80's that Mr. White played in. Mr. Mouldenhauer also commented that the concert was a great success and raised \$42,000.00 dollars for the seven charities.

Mayor Cahill thanked Mr. Mouldenhauer for his time and effort. He also thanked all the businesses and volunteers in the Webster Community that came together in support of the concert. Mayor Cahill stated his appreciation to Supervisor Nesbitt and Mark Yaeger who were also very involved in the success of the event.

Adjournment

Motion Trustee Balcaen and Seconded by Trustee Ippolito to adjourn the meeting at 9:01 pm, all were in favor and carried.

Josette Amalfi, Village Clerk

John J. Cahill, Mayor