

Village of Webster
Village Board Meeting
March 23, 2017

Webster Community Meeting Hall
29 South Avenue
Webster, NY 14580

Present: Mayor Cahill, Trustee Ippolito Jr., Trustee Byerts, Trustee Lancy, and Attorney Don White
Late Arrival: Trustee Balcaen 7:35 p.m.

Mayor Cahill asked for a moment of silence and prayer for the passing of Richard Batzing, the former Webster Historian and founder of the committee to organize the Village Museum.

Public Comments

Eric Reynolds – 64 Kircher Park – Chair of the Webster Citizen’s Action League, made comment to the Board in regards to the recent “rant” by Mayor Cahill over the flyer they handed out to encourage people to come and voice their opinion at the last Board Meeting on the proposed Brittney Woods Townhome development. Mr. Reynolds said the flyer was not intended for any particular person it was simply a notice that there was a meeting and people could speak out and give an opinion on Brittney Woods. He said Mayor Cahill did not read the flyer and made an issue of the WCAL to target the elderly was ridiculous and mean spirited. Mr. Reynolds also said Monroe County had a weather travel ban that night and the State of New York was declared a State of Emergency and the Board meeting should not have taken place. Mr. Reynolds accused Mayor Cahill of using the situation to condemn the WCAL and asked for an apology.

Richard Walter – 20 Elm Street – Made comment to the Board in regards to the proposed Brittney Woods Townhome development and believes this is spot zoning. He also commended the DPW crew for their great job of cleaning up after the wind storm.

Kimberly Schwenzer – 1449 Ridge Road – Made statement to the Board in regards to the proposed Brittney Woods development and she is not in favor of the project and also mentioned her concern with the drainage problem.

Paul Bruns – 1455 Ridge Road – Addressed the Board in regards to the open house for Brittney Woods held on March 21st and said he attended and was impressed with the explanation from the Engineer who described the water infiltration system at the proposed site. Mr. Bruns said he still has reservations for future drainage problems and said he would hold the Village liable for damage.

Michael Broikou – 83 North Avenue – Made comment to the Board and said he is in favor of the proposed Brittney Woods Townhome development and believes it will be good for the Village. He also applauded the efforts of the DPW crew for their help to clean up after the recent wind storm on his own property.

Village Board Business

Motion Trustee Lancy and Seconded by Trustee Balcaen to approve the Village Board Workshop Minutes of February 28, 2017, all were in favor and carried.

Trustee Byerts made comment in regards to the Village Board Minutes of March 14, 2017. He said on page 5 where Mayor Cahill describes the flyer and the last part which says “the flyer was not true in regards to the proposed Brittney Woods development.” Trustee Byerts confirmed and said there were a number of true statements in the flyer. He confirmed; the wooded area is one of the last. It is located east of Phillips Road and south of the intersection. It does have 13.4 acres of woods. It will be high density and it does have wetlands on the property and those were things in the flyer and they are true. Trustee Byerts continued and said it states there was no meeting scheduled for March 14, 2017 regarding the proposed Brittney Woods development, and that is true, however the flyer did not address that but it simply said comments were important and comments could be made during the Public Comment period at the Village Board Meeting. Trustee Byerts said there was a meeting on that date and he believes this is what the flyer addressed. He said it is true there was no specific Brittney Woods meeting but there was opportunity for public comment and he wanted to make exception to that.

Mayor Cahill said he takes exception to Trustee Byerts comments and said the flyer denotes on the top that the “March 19 meeting has been changed to March 14 after the 7pm workshop” which is completely untrue. Mayor Cahill said this is what he was referring to in his comments. He also noted that 2 people did call and complain regarding the flyer which was put on their doors. He said he personally spoke to a number of residents at Heartland Estates who were equally upset with the disinformation that was put out by the Webster Citizen’s Action League which he brought to the attention of the Board. He said that is why he wanted the flyer put into the record.

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to approve the Village Board Meeting Minutes of March 14, 2017, Vote on motion: Trustee Ippolito Jr. – Aye, Trustee Balcaen – Aye, Mayor Cahill – Aye, Trustee Byerts – Nay, Trustee Lancy – Nay, motion passes.

Motion Trustee Ippolito Jr., and Seconded by Trustee Lancy to accept claims totaling: General – \$39,328.12 and Sewer – \$21,762.73, and Trust & Agency \$1,196.62, all were in favor and carried.

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

WHEREAS, the Village Board of Trustees has the authority pursuant to §7-702 and 7-706 of the New York State Village Law to adopt and amend a zoning ordinance and to include a map adopted in connection with such amendment; and

WHEREAS, pursuant to Webster Village Code section 175-5, all zoning districts are bounded and shown on a map entitled “Official Zoning Map of the Village of Webster, 1976”; and

WHEREAS, a certain revision or amendment to the “Official Zoning Map of the Village of Webster, 1976” has been proposed; and

WHEREAS, the lands to be rezoned from PUD (Planned Unit Development) to Residential RM consists of two parcels of land comprising approximately 13.4 acres located on the south side of Ridge

Road at the south east corner of Ridge Road and Phillips Road commonly known as 1419 Ridge Road and consist of the following Tax Identification Nos.: 080.11-1-12 and 080.15-1-49.1; and

WHEREAS, a public hearing on the matter was held by the Webster Village Board of Trustees on February 9, 2017 at 7:51 p.m.; and

WHEREAS, all interested persons were heard; and

WHEREAS, a Full 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 Full Environmental Assessment Form; and

WHEREAS, the Village Board has considered the related long term, short term and cumulative effects including simultaneous 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 Two of the Full Environmental Assessment Form as to the project's impacts and their magnitude on land, water, air, plants, animals, agricultural land resources, aesthetic resources, historic resources, archeological resources, open space, recreation, transportation, energy, noise, odor, public health, growth and the character of 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, 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 the 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 on any of the following: land, existing air quality, noise levels, drainage flow or patterns or surface water run off, threatened or endangered species, particular or significant wildlife habitat, unthreatened or non-endangered species, migratory fish, shell fish or wild life species, agricultural land resources, aesthetic, historic or other natural or cultural resources, open space and recreation, transportation, the community resources of fuel or energy supply, public health and safety,

character of the existing community or neighborhood, growth, subsequent development or related activities likely to be induced by the proposed actions and long term, short term, cumulative or other effects not identified by any of the above 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 zoning map 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 of the review act for this action.

The following resolution was offered by Trustee Byerts and Seconded by Mayor Cahill and moved for adoption:

WHEREAS, the Village of Webster Board of Trustees has the authority pursuant to sections 7-702 and 7-706 of the New York Village Law to adopt and amend a zoning ordinance and to include a map adopted in connection with such amendment; and

WHEREAS, pursuant to section 175-5(A) of the Code of the Village of Webster, all zoning districts are bounded and shown on a map entitled “The Official Zoning Map of the Village of Webster, 1976”, which map is made a part of Chapter 175; and

WHEREAS, certain revisions or amendments to the official zoning map of the Village of Webster have been proposed; and

WHEREAS, by Resolution of January 12, 2017, the Village Board established a date, time and place for a public hearing to consider amendments to the Village’s zoning map and ordinance; and

WHEREAS, in accordance with the Village Board resolution of January 12, 2017, a notice of this public hearing was published in the Webster Herald on January 18, 2017 and posted on the Village bulletin board at the Village Hall, 28 East Main Street, Webster, New York; and

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

WHEREAS, in accordance with §§239-m and 239-n of Article 12-B of the 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 comment; and

WHEREAS, a public hearing on the matter was held by the Webster Village Board on February 9th, 2017 at 7:51 p.m.; and

WHEREAS, all interested persons were heard; and

WHEREAS, it is in the public interest to enact the proposed amendments to the Village's zoning map and zoning ordinance; and

WHEREAS, the proposed rezoning is in compliance with and in furtherance of the Village of Webster's comprehensive plan,

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

1. This local law shall be titled "A Local Law to Amend the Zoning Map to Rezone Two Parcels of Land from PUD (Planned Unit Development) to Residential RM."
2. The zoning map of the Village of Webster, New York (Code of the Village of Webster §175-5) be and hereby is amended to rezone two parcels of land on the south side of Ridge Road at the southeast corner of Ridge Road and Phillips Road, commonly known as 1419 Ridge Road, containing the following tax identification numbers: 080.11-1-12, 080.15-1-49.1 from PUD (Planned Unit Development) to Residential RM.
3. The amendment to the zoning map shall not become effective until this amendment has been entered on the zoning map and as otherwise provided by law.
4. A copy of this Local Law shall be published once in the Webster Herald and the affidavit of such publication shall be filed with the Village Clerk.
5. This local law shall take effect upon filing in the Office of the Secretary of State.

Motion Trustee Ippolito Jr., and Seconded by Trustee Byerts to reset the standard Work day for the Building Inspector/Assistant Superintendent of Public Works from existing 30 hrs/wk to 35 hrs/wk effective June 1st, 2017, all were in favor and carried.

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

WHEREAS, the cost of repairs of the buildings, equipment and structures at the Village of Webster Sewage Treatment Plant is not always known at the time of the adoption of the budget for the Village of Webster; and

WHEREAS, repairs do not always recur annually or at shorter intervals; and

WHEREAS, the Board of Trustees deems it necessary to create a Repair Reserve Fund to pay for the cost of major repairs on capital improvements or equipment at the Village of Webster Sewage Treatment Plant;

NOW THEREFORE, be it RESOLVED:

1. Pursuant to Section 6-d of the General Municipal Law, as amended, there is hereby established a Repair Reserve Fund to be known as the Sewage Treatment Plant Repair Reserve Fund (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to fund current repairs of capital improvements or equipment at the Sewage Treatment Plant that do not recur annually or at shorter intervals.

2. The chief fiscal officer of the Village of Webster is hereby directed to deposit and secure the monies of this reserve fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the monies in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Village of Webster. Any interest earned or capital gains realized on the monies so deposited or invested shall accrue to and be made a part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in the manner which maintains the separate identity of the Reserve Fund and shows the date and the amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investment of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the board a detailed report of the operation and condition of the Reserve Fund.

3. Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditures shall be made from this Reserve Fund without the approval of this governing board and only after a public hearing held upon five (5) days' notice (except as provided in Section 6-d of the General Municipal Law in the case of an emergency) and such additional actions and proceedings as may be required by Section 6-d of the General Municipal Law or any other law.

Motion Trustee Balcaen and Seconded by Trustee Lancy to authorize a Driveway and Access Easement for property located at 253 South Avenue and the Village of Webster, all were in favor and carried.

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

WHEREAS, the Village Clerk did present the Tentative Budget to the Board of Trustees for the fiscal year commencing June 1, 2017; and

WHEREAS, Village Law Section 5-508(3) requires that a Public Hearing be held upon the Tentative Budget on or before the 15th day of April;

NOW THEREFORE, be it RESOLVED:

That pursuant to Village Law Section 5-508(3) a Public Hearing on the Tentative Budget for the Village of Webster for the fiscal year commencing June 1, 2017 shall be held on the 13th day of April, 2017 at 7:45 p.m. at the Community Meeting Hall, 29 South Avenue, Webster, New York, and that Notice of the time and place of such hearing shall be published at least once in the Webster Herald at least five (5) days prior to the date specified for the hearing.

Attorney

No report.

Office

The financial statements for February 2017 were reviewed.

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

From: 04-01-1325-201	Computer	\$ 140.00
To: 04-01-1325-425	Computer Hardware	140.00

Reason: The computer line will never be used, in order to capitalize, an item must cost at least \$5,000. Postage has been underbudgeted for and therefore this will fill some of the shortfall in the postage line. The total of all revenues of General Fund recognized or reasonably expected to be recognized in the current fiscal year, including unappropriated unreserved Fund Balance, exceeds the total of all revenues of the General Fund as estimated in the budget, including appropriated Fund Balance.

From: 01-07-7140-205	Benches	\$1,840.00
To: 01-07-7140-414	Benches and Paint	1,840.00

Reason: In order to capitalize, an item must cost at least \$5,000. Since the bench was only \$1,084. it may not be capitalized. Thus the modification to move the funds to the Benches and Paint line. The total of all revenues of General Fund recognized or reasonably expected to be recognized in the current fiscal year, including unappropriated unreserved Fund Balance, exceeds the total of all revenues of the General Fund as estimated in the budget, including appropriated Fund Balance.

From: 01-08-8120-200	Sanitary Sewer System Equipment	\$2,269.68
To: 01-08-8120-404	Sewer Maintenance	2,269.68

Reason: In order to capitalize, an item must cost at least \$5,000. Since the Dival gas detectors fell below the threshold the purchase must be expensed thus the move of funds previously appropriated to equipment now moved to maintenance. The total of all revenues of General Fund recognized or reasonably expected to be recognized in the current fiscal year, including unappropriated unreserved Fund Balance, exceeds the total of all revenues of the General Fund as estimated in the budget, including appropriated Fund Balance.

Code Enforcement

Will Barham, Code Enforcement Officer, reviewed with the Board the building report for February 2017. He said 1250 State Road is a problem property where there is a tree down in the front yard, and there is an unregistered vehicle in the driveway. The house is abandoned because the owner has passed

away. Mr. Barham said he took a cursory look at the property and found it to be in a dilapidated state and notified the Fire Department and said do not go in. He is now researching who he could contact.

Mr. Barham also is attempting to locate the owner of 53 Kittelberger Park also because of a dilapidated condition. He sent a letter to the owner of 91 North Avenue for notice of violation and included an application in regards to Monroe County Improvement Grant. He said he is reviewing the Storm Water Pollution Prevention Plans for the Maplewood Expansion Project. He said since we passed the new law he will have to submit the negative declaration for the unlisted action to the Environmental Notice Bulletin and contact Monroe County for the change in the zoning map.

Department of Public Works

Will Barham spoke for Jake Singly, Superintendent of Public Works, who was absent. Mr. Barham confirmed the Village of Webster has received the Tree City USA Designation.

Executive Session

Motion Trustee Balcaen and Seconded by Trustee Ippolito Jr. to enter Executive Session at 8:50 p.m. to discuss update concerning STP lawsuit and to discuss the potential promotion, demotion, employment history or discipline of a particular employee, all were in favor and carried.

Motion Trustee Ippolito Jr. and Seconded by Trustee Balcaen to exit Executive Session at 9:38 p.m., all were in favor and carried.

Adjournment

Motion Trustee Byerts and Seconded by Trustee Ippolito Jr. to adjourn the meeting at 9:40 p.m., all were in favor and carried.

Josette Amalfi, Village Clerk

John J. Cahill, Mayor