

Village of Webster
Village Board Meeting
May 12, 2016

Webster Community Meeting Hall
29 South Avenue
Webster, NY 14580

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

A presentation by Frank Harmon, Team Captain for the Webster Community Team of the Tour de Cure discussed a bike riding fund raiser for diabetes which will take place here in Webster on Saturday, June 11, 2016.

Mayor Cahill presented a Proclamation to Andy Reynolds, member of the Free Masons - New York Widows Sons Kings Guard Chapter a non-profit organization for their charity events.

Public Comments

Patricia Dietz – 172 Seasons Trail – Commented to the Board in regards to the condition of the roads in her neighborhood, Seasons Trail and Serene Park. Ms. Dietz said the binder on the roads is falling apart and the potholes are very dangerous. She said potholes do get filled but only last a couple of months before they are an issue again. She said the cutters are being destroyed because the binder has sunk and sidewalks have not been installed as of yet. Ms. Dietz asked the Board what recourse the homeowners have in Scenic Village to have the roads and other maintenance completed.

Michael Yanus – 159 Seasons Trail – Discussed with the Board similar issues in Serene Park in regards to insufficient lighting in the neighborhood and unfinished roads. Mr. Yanus said there is a safety issue in the neighborhood and asked the Board to visit and walk the property.

Mayor Cahill said because the roads in question are private drives the Village does not have jurisdiction over the area. Mayor Cahill said the Village Code Enforcement Officer has been looking into the lighting problem. Mayor Cahill said there is not much the Village can do because of the zoning law and code.

Mr. Yanus asked who would be responsible if someone fell and got hurt.

Attorney White said the person who owns the land would be responsible. If you have an HOA they would be responsible and you should make sure there is insurance but each situation is different. Attorney White said the HOA may have recourse against the developer to make him finish the road.

Robert Ross – 155 Serene Park – Made a statement to the Board in regards to the condition of the private roads and concerns in Scenic Village.

Judy Gurnett – 157 Serene Park – Addressed the Board in regards to the private road issues at Scenic Village. Mrs. Gurnett said she has filed papers with the State Attorney General.

Attorney White said the State Attorney General may be better able to enforce finishing the roads than the Village.

Laurie Reynolds – 138 Judson Street – Directed her question to the Mayor and asked him why he was at a Public Meeting in regards to the dissolution of the Village of Brockport. Mrs. Reynolds also asked Mayor Cahill if he was interested in dissolving the Village of Webster.

Mayor Cahill said he was invited to the meeting and was in attendance to show support for the Mayor of Brockport and the non-dissolution of the Village. He said the meeting was put on by NYCOM to address the issues of dissolving the Village. He said other Mayors from Honeoye, Spencerport and Fairport were also in attendance at the meeting. Mayor Cahill said he has no interest in dissolving the Village of Webster.

Peter Elder – 59 Dunning Avenue – Commented to the Board in regards to the issue of Cable 12 TV wanting some kind of a guarantee from the Village Board so no profanity will ever be heard at any Village Board meeting. Mr. Elder continued to say to the Board that such a condition is impossible and the Board should not make such an agreement.

Village Board Business

Motion Trustee Lancy and Seconded by Trustee Byerts to approve the Village Board Meeting Minutes of April 28, 2016, all were in favor and carried.

The Workshop Minutes were read by Mayor Cahill, and Motion Trustee Byerts and Seconded by Trustee Lancy to approve the Village Board Workshop Minutes of May 5, 2016, all were in favor and carried.

Motion Trustee Balcaen and Seconded by Trustee Lancy to accept claims totaling: General - \$49,205.04 and Trust & Agency - \$2,026.75, all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Byerts to authorize Jo O'Neill to attend Basic Government Accounting Class in June at a cost not to exceed \$85.00 (hotel cost not to exceed \$120.00 per day for a 3 day period) and to attend an Advanced Accounting Class in October at a cost not to exceed \$85.00, all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Byerts to authorize LMT Computers to set up Spam Guard Protection at a cost not to exceed \$1,350.00, all were in favor and carried.

Attorney

Don White, Attorney said he would like to see the latest agreement in regards to the Cable 12 contract with the Town. He said there can be a difference of opinion in regards to how much public participation is involved at the meetings but that has nothing to do with broadcasting the meetings live. Attorney White said the Village pays the same amount to the Town for the cable but the Village is not getting the same services and it is not fair for the Town to say under what circumstances the Village can broadcast its meetings live. Attorney White said it may be better to stream the meetings live over the internet instead of using cable.

Office

The Comp and Overtime Report for April 2016 was reviewed.

Motion Trustee Byerts and Seconded by Trustee Lancy to approve the correction to the Budget transfer and modification from the meeting on April 14, 2016 to reflect the correct amount to be transferred for Pruning & Trimming from Snow Removal Personnel which will be \$4,302.67, all were in favor and carried.

Executive Session

Motion Trustee Lancy and Seconded by Trustee Byerts to enter Executive Session at 9:23 p.m. to discuss current litigation regarding composting at the STP and to discuss CSEA Union – Village contract negotiations, all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Byerts to exit from the Executive Session at 10:44 p.m., all were in favor and carried.

Supervisor Nesbitt was present in the Board meeting room when the Village Board returned from Executive Session. Supervisor Nesbitt without being recognized spoke from the audience regarding the Village Board meetings which have not been aired live on Cable 12 since December 2015. Supervisor Nesbitt directed his comments to Trustee Byerts and said “If you want your seven thousand dollars back prorated for this year I will be more than willing to give it back.”

Trustee Byerts responded to Supervisor Nesbitt and said “You made that clear the other day.”

Supervisor Nesbitt explained he was in attendance because he received a phone call from Karen Buck, Executive Director, of Cable TV 12. Supervisor Nesbitt continued and said Trustee Byerts should have called Ms. Buck directly to discuss the situation.

Attorney Don White said Karen Buck was invited to the workshop but was unable to attend.

Supervisor Nesbitt said the Town does not have a contract between Cable 12 and the Village. He asked Josette Amalfi, Village Clerk to provide him with a copy of the contract if the Village has one. Ms. Amalfi said there is a contract and she would provide a copy to Supervisor Nesbitt.

Mayor Cahill said this issue has been going on for two months and nobody has phoned Ms. Buck to make an appointment to sit down and talk about this. Mayor Cahill said it is her show and there is absolutely nothing wrong with picking up the phone to make an appointment with Ron Nesbitt or Karen Buck. He said it is not appropriate to go after her week after week.

Trustee Lancy commented and said no one was going after her.

Supervisor Nesbitt said Karen Buck made it very clear in an email last week and she asked what the plan would be.

Trustee Byerts said the policy which is in place was given to Ms Buck in an email. He said we as a Board have to be more consistent, vigilant and diligent and this was our conclusion in the workshop. Trustee Byerts referred to the policy and said the Board cannot guarantee number 2 and 3 on the policy that someone will not say something.

Supervisor Nesbitt asked how the Board would respond if someone were out of order. He referred to an incident at a recent Board meeting where the Mayor asked for support to remove someone who was out of order from the meeting and the Board members “just sat there like crickets” and did not support the motion.

Mayor Cahill reiterated the particular situation and agreed that the Board members did not support him. He said we do not have a zero tolerant policy in place regarding outbursts and that is why Ms. Buck has no confidence if this action were to reoccur that the person will be removed from the room.

Supervisor Nesbitt suggested the Board have something in place such as; if someone were to swear then that person should not be able to come to the next meeting. He urged the Board to put something in writing and to sit down and have a discussion with Karen Buck and until then the meetings will not be broadcast live.

Supervisor Nesbitt and other members of the audience continued a heated discussion of the issue. After 13 minutes Mayor Cahill asked for a motion to adjourn.

Adjournment

Motion Trustee Byerts and Seconded by Trustee Lancy to adjourn the meeting at 10:57 p.m., all were in favor and carried.

Josette Amalfi, Village Clerk

John J. Cahill, Mayor