

Village of Webster  
Village Board Meeting  
June 13, 2013

Webster Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

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

## Public Comment

No Public comment was received.

## Village Board Business

Motion Trustee Lancy and Seconded by Trustee Byerts to approve the Village Board minutes of May 23, 2013, all were in favor and carried.

Motion Trustee Byerts and Seconded by Trustee Ippolito Jr. after personal review of claims by Mayor Cahill and Trustee Ippolito Jr. to accept claims totaling: General - \$30,052.24, Water - \$14,042.38, Trust & Agency - \$6,351.22 and Prepaid - \$11,240.12, all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Ippolito Jr. to appoint Jill Malley, 111 Fuller Avenue to the Historic Preservation Commission, All were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Byerts to appoint David Wentling as an Honorary Member to the Historic Preservation Commission, All were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Ippolito Jr. to authorize the Mayor to sign a quit claim deed for Rail Road Street, All were in favor and carried.

## Attorney

Village Attorney Don White discussed the Robb Cemetery with the Village Board and the need for the boundary line agreement with neighbor. Attorney White indicated the neighbor was looking to have a lifetime use of the blacktop area and when they passed the use would seize and return to the Village. In addition they were looking to received 5ft on their driveway entrance from the Village. Mayor Cahill, commented on the difficult sometimes of getting an agreement with a neighbor and felt the Village should be willing to negotiate on these items. Attorney White informed the Board he would contact the attorney for the neighbor.

## Village Board Business – Continued

The Village Board opened the Public Hearing on local law #1 “Anti-Nepotism”, no public comment was received.

Motion Trustee Byerts and seconded by Trustee Lancy to adopt Local Law No. 1 of 2013 of The Village of Webster Enacting a New Article II to Chapter 13 Entitled “Anti-Nepotism”, all were in favor and carried.

WHEREAS, the Village Board has the authority to adopt local laws having to do with the management of Village government and finance for the purpose of securing the public health, safety, welfare, comfort, peace and prosperity of the Village of Webster and its inhabitants; and

WHEREAS, by Resolution of May 23, 2013, the Village Board of the Village of Webster established a date, time and place for a public hearing to consider enacting a local law with respect to anti-nepotism in the hiring of Village employees; and

WHEREAS, in accordance with the Village Board Resolution of May 23, 2013 a notice of this public hearing was published in the Webster Herald on May 29, 2013 and was posted on the Village bulletin Board at 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 June 13, 2013; and

WHEREAS, all interested persons were heard; and

WHEREAS, this action is an unlisted action under the New York State Environmental Quality Review Act; and

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

WHEREAS, it is in the public interest to enact the proposed local law with respect to anti-nepotism in the hiring of Village employees;

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

1. A new Article II of Chapter 13 entitled “Anti-Nepotism” shall be added to the Code of the Village of Webster. Said chapter shall be as follows:

## **CHAPTER 13 OFFICERS AND EMPLOYEES**

### **ARTICLE II. Anti-Nepotism**

#### **§ 13-2. Intent.**

The Village Board of Trustees of the Village of Webster hereby finds that the enactment of this article, which is designed to address the employment, supervision, transfers or recommendation of immediate family members, regardless of time worked, of elected and appointed officials as defined under this article, shall promote the public interest, avoid the possibility of personal bias, and

strengthen public confidence in the integrity of the Village government. This article will ensure public confidence in the integrity of municipal personnel practices by requiring Village Board approval of the hiring, transfer or promotion of municipal officials' relatives who are assigned positions not subject to competitive examination pursuant to New York Civil Service Law.

**§13-3. Applicability.**

The provisions of this article shall apply to all appointments (including transfers) made on or after the effective date of this article. This article shall not apply to employment and supervisory arrangements which existed and which were in effect in accordance with applicable Village policy prior to the effective date of this article. However, any future changes in employment or relationship status shall be governed under this article.

**§13-4. Definitions.**

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

**APPOINTED OFFICIAL**

All members of the Zoning Board, Planning Board, Historical Preservation Commission, Parks and Recreation Advisory Board, Village Clerk, Village Treasurer, and Superintendent of Public Works.

**ELECTED OFFICIAL**

The Mayor and all members of the Village Board of Trustees.

**IMMEDIATE FAMILY**

Spouse, grandfathers, grandmothers, grandsons, granddaughters, fathers, mothers, stepfathers, stepmothers, sons, daughters, stepsons, stepdaughters, brothers, sisters, uncles, aunts, nieces, nephews, first cousins, fathers-in-law, mothers-in-law, brothers in-law, sisters-in-law, daughters-in-law, or sons-in-law and the spouses of any members of the employee's immediate family. Immediate family also includes a person who is in a spouse-like relationship to the employee.

**§13-5. Prohibited Employment.**

- A. The employment of any individual to a position not being filled pursuant to Civil Service Law competitive examination, or which is not being filled pursuant to the requirements set forth in a collective bargaining agreement between the Village and a representative union, shall be prohibited when that individual is an immediate family relative of an elected or appointed official.
- B. Any individual holding an elected or appointed position as defined under this article, for which payment is made from funds administered by the Village of Webster, shall be prohibited from supervising, employing, appointing, or voting for the appointment of members of his or her immediate family, in or to any position or employment when the

salary, wages, pay or the compensation of such appointee is to be paid out of such funds administered by the Village of Webster.

**§13-6. Affidavit.**

Any individual hired or promoted to a position not being filled pursuant to Civil Service Law competitive examinations, or appointed pursuant to the requirements set forth in a collective bargaining agreement between the Village and a representative union, shall sign a sworn affidavit at least five business days prior to the commencement of employment with the Village of Webster stating whether or not such individual is a relative of any Village official, elected or appointed, as defined under this article. This affidavit shall be filed with the Village of Webster Clerk at least one business day prior to the commencement of employment with the Village of Webster.

**§13-7. Exceptions.**

The Village Board may authorize an exception to the prohibitions under this article in cases where it is determined to be in accordance with applicable law and in the best interest to grant an exception. Requests for exceptions shall be submitted as a resolution by a member of the Village Board in accordance with this article. The Village Board shall hold a public hearing at a regularly advertised and scheduled meeting. The Village Board may have the opportunity to question the proposed employee at said hearing. A majority vote of the Village Board present at the meeting shall be required to approve such an exception for employment.

**§13-8. Sanctions.**

Any individual who fails to file an affidavit required by §13-6 of this article shall be guilty of an unclassified misdemeanor punishable by a fine of \$1,000 and/or a term of imprisonment not to exceed six months and immediately terminated from employment at the Village of Webster. Additionally, any false statement submitted on the affidavit or any other violation not covered by this section may be punishable in accordance with New York State Penal Law.

**§13-9. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this article or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or shall be rendered.

1. 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.

Motion Trustee Ippolito Jr. and Seconded by Trustee Byerts to rescind the Nepotism policy, all were in favor and carried.

## Office

Village Clerk, Dorothea Ciccarelli reviewed the Com. Time and Overtime Report with the Board, she discussed the balances were reduced. Mayor Cahill expressed concern over the Water Department comp. time seeming to earned mostly by one employee, Superintendent Swingly, said he would look into the situation.

Motion Trustee Byerts, Seconded by Trustee Lancy and all were in favor to approve the following budget transfers:

### 2012-2013 Budget transfers

From:

01-05-5410-100	Sidewalks Personnel	7,237.79
01-08-8170-100	Street Cleaning Personnel	8,145.89

To:

01-02-1620-100	Buildings/Village Hall Personnel	1,496.52
01-05-5010-100	Street Administration Personnel	667.80
01-05-5142-100	Snow Removal Personnel	356.09
01-06-6410-101	Landscape Maintenance Personnel	3,455.35
01-08-8020-101	Planning Board	232.28
01-08-8110-100	Sanitary Administration Personnel	464.62
01-08-8120-100	Sanitary Sewer System Personnel	2,665.26
01-08-8130-100	Sewage Treatment Personnel	4,761.17
01-08-8130-800	Social Security-STP	328.47
01-08-8160-100	Refuse Collection Personnel	956.12

Reason: Final transfers among payroll lines

From:

01-08-8170-100	Street Cleaning Personnel	2,035.98
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To:

01-01-1325-403	Office Supplies	99.97
01-01-1325-417	Computer Assistance	195.00
01-01-1325-421	Financial Advisor	269.89
01-05-5182-401	RG&E Maintenance Cost	1,471.12

Reason: Lines over budget

From:		
02-23-8320-100	Wells Personnel	775.75
02-24-8340-100	Water Personnel	1,877.53
02-25-9089-800	Clothing	678.18

To:		
02-22-8310-100	Water Administration Personnel	2,027.41
02-25-9030-800	Social Security	1,304.05

Reason: Final transfers to payroll lines

From:		
02-23-8320-411	Repairs/Replacement Equipment	5,750.00
02-23-8320-423	Lab Fees Contractual	3,000.00
02-24-8340-405	Operation/Maintenance of Equipment	2,500.00
02-24-8340-410	Other Materials/Supplies	4,250.00
02-24-8340-401	Conferences, Licenses, Training	1,182.01

To:		
02-22-8310-421	Electric	16,682.01

Reason: Line over budget

2013-2014 Budget transfers

From:		
01-01-1325-100	Records Retention	2,000.00
01-01-1420-400	Village Attorney	3,250.00
01-07-7510-403	Summer Events	1,000.00

To:		
01-01-1325-410	Code Updates and Legals	6,250.00

Reason: Needed Code Book updates higher than budgeted

Motion Trustee Balcaen, Seconded by Trustee Lancy to authorize the Village Clerk to sign the amended Time Warner contract, all were in favor and carried.

## Department of Public Works

Motion Trustee Lancy, Seconded by Trustee Ippolito Jr. to hire Steven Youngs as Seasonal Labor from June 14, 2013 thru September 14, 2013, all were in favor and carried.

## Water Department

Motion Trustee Byerts, Seconded by Trustee Ippolito Jr. to declare 72 Bare Meters as surplus Property, all were in favor and carried.

## Call In

Resident – Called in regarding the condition of Krieger Road.

Donna Rickard – Called in to thank the Mayor Cahill and Trustees Byerts and Ippolito Jr. for attending the grand opening of the Farmers Market. Also commented that she felt a sign in a business on Main Street was distasteful.

Resident – Called and commented he felt the meeting was professional.

Resident – Called in questioning when McDonald’s would be moving and if we knew what would be replacing. Mayor Cahill informed caller he heard it would be moved in August and McDonalds has a Real Estate Division which would handle the vacant property.

## Adjournment

Motion Trustee Byerts and Seconded by Trustee Balcaen to adjourn the meeting at 8:20 pm, all were in favor and carried.

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Dorothea M. Ciccarelli, Village Clerk

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John J. Cahill, Mayor