

Village of Webster
Village Board Meeting
June 27, 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

Tom McCoy – 1059 Cherry Hill Lane, - Informed the Board that he has been a Village Business Owner of Performance Hobbies for 23 years. Mr. McCoy discussed with the Board his concerns with recent issues related to his parking his motorcycle on the sidewalk. He was concerned to parking his motorcycle in the back parking lot due to the ease of someone damaging the bike. He did not want to park the motorcycle in the front space to reserve the spots for customers. He felt parking his bike in the widest part of the sidewalk would not interfere with pedestrian traffic. Mr. McCoy had not had received any complaints until recently. He felt the complaints he was receiving was due to a vendetta between himself and the Mayor. He was very concerned with the Mayor's behavior by selectively enforcement and abuse of his power. Mr. McCoy stated the Mayor is not the code enforcement officer and should do the job as elected.

Bill Geer – 219 Curtice Park – Spoke to the Board about his past history working for many public offices and felt that he should offer a suggestion to the Mayor. He felt that the Business Owner and the Mayor should work out an accommodation for the motorcycle parking and do so in a more Village friendly manor.

Resident – Discussed his concerns related to the Board discriminating against public speakers at the Board meeting. He felt if a resident was to provide his name and address at the meeting a caller should also be requested to provide the same. Felt that the Village should look into designating motorcycle parking and also review the oversized vehicle parking on Main Street.

Mayor Cahill – Received two letters and entered them into public comment.

Harold Krieger - 26 Clover Drive - Commented to the Mayor that he felt if the Village fails to enforce its laws and ordinances, there is no longer a need for the Village Board. He also felt that the review of the one hour parking ordinance was a good idea. He felt it was unfortunate that some felt they are above the law and entitled to special treatment.

Anonymous Letter– Wrote to the Mayor that he was doing a great work on Donovan Drive and helping to clean up the area and wanted to thank him.

Village Board Business

Motion Trustee Ippolito Jr. and Seconded by Trustee Balcaen to approve the Village Board Workshop minutes of June 4, 2013 and Village Board Minutes of June 13, 2013, all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Byerts after personal review of claims by Mayor Cahill and Trustee Byerts to accept claims totaling: General - \$38,871.33, Water - \$18,254.66 and Trust & Agency - \$4,198.78, all were in favor and carried.

Motion Trustee Byerts and Seconded by Trustee Lancy to make the following resolution adopt the Uniform Notice of Claim Act, all were in favor and carried.

WHEREAS, on December 17, 2012, Governor Andrew Cuomo signed the Uniform Notice of Claim Act into Law;

WHEREAS, the Uniform Notice of Claim Act became effective on June 15, 2013 and amended the New York General Municipal Law to allow Notices of Claim against Villages to be served on the New York Secretary of State as agent for New York's villages; and

WHEREAS, General Municipal Law §53 requires each city and village to file with the New York Department of State a certificate that (a) designates the New York Secretary of State as the village's agent for service of Notices of Claim; (b) provides the name and address of an officer, person or designee, nominee or other agent in fact to which the Secretary of State will forward any notices of claim; and (c) provides the applicable time limit for filing a notice of claim on the city or village;

NOW THEREFORE, it is resolved by the Board of Trustees of the Village of Webster as follows:

1. The New York Secretary of State is hereby designated as the agent for the Village of Webster for service of notices of claim.
2. Dorothea Ciccarelli as Village Clerk, whose address is 28 West Main Street, Webster, New York 14580, is hereby appointed as the officer to which the Secretary of State will forward any notices of claim.
3. The applicable time limit for filing a notice of claim on the Village of Webster is ninety (90) days from accrual of the claim.
4. The Village Clerk is hereby authorized to file a certificate of designation for service of notice of claim with the New York Secretary of State. Said certificate to be filed by July 15, 2013.
5. This resolution shall take effect immediately and the following vote was taken and recorded.

The Board held discussion on the proposed Local Law on a parking prohibited all time for Lyon Drive, Kircher Park and Baker Street. Trustee Ippolito Jr. commented he agreed with Trustee Lancy's email that we should try sending a letter to the residents before adopting the Law to see if we could resolve the issue. The other Trustee's felt this was a good idea for the residents to work with their neighbors. Mayor Cahill concurred with recommendation and discussed with Superintendent Swingly a letter currently being prepared to send to the residents be modified. He also requested the proposed local law be tabled for 90 days to see if the situation was resolved.

Motion Trustee Ippolito Jr. and Seconded Trustee Lancy to table to review of the proposed Local Law on Section 156-40, Schedule X – Parking Prohibited at all times with the addition of no parking areas upon Lyon Drive, Kircher Park and Baker Street be tabled for review for 90 days, all were in favor and carried.

Discussion was held on the current one hour parking limitation on Main Street in the Village. The Board discussed getting feedback from the business owners and residents before removing the limitation. Trustee Byerts felt discussion should be had with Tom Spoonhower, President of the Business Improvement District, for their feedback as well. Mayor Cahill spoke in addition, he felt we should speak to the Business owners for their suggestions of motorcycle parking, whether we should designate areas on East and West Main Street that would be safe for motorcycles. The Board decided to generate a letter to the local businesses regarding the parking limitation as well as their thoughts related to the motorcycle parking.

Attorney

Village Attorney Don White informed the Board he had heard from Assemblyman Johns that the Robb Cemetery had passed the Assembly and Senate and was awaiting signature by the governor. As soon as that was completed the Town Board should be taking the necessary actions to transfer the Cemetery to the Village.

Code Enforcement

Will Barham, Code Enforcement officer reviewed the May 2013 Building report with the Board. He discussed with the Board the status on some complaints and informed the Board he would be pursuing one item in court. He also discussed with the Board that he was working with Mr. Guck and they had called in stakeouts to determine where the utilities and easements were located on his property. Will also informed the Board that he was working with Superintendent Swingly on the proposal for Monroe County related to new sidewalks for Baker Street and placing the project out to bid.

Office

Motion Trustee Lancy and Seconded by Trustee Byerts to approve the May 2013 Financial Statements for General (01) and Water Fund (02), all were in favor and carried.

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

2012-2013 Budget transfers

From:

01-07-7510-400	Historian Contractual	810.59
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To:		
01-07-7550-404	Halloween in the Village	547.00
01-07-7550-401	Memorial Day Ceremonies	263.59

Reason: Event lines have gone over budget Halloween in the Village-reclassified advertising that was incorrectly coded to BID Memorial Day Ceremonies-last year's portion to the Town should have been accrued.

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

2013-2014 Budget transfers

From:		
02-24-8340-400	Engineering	10,000.00
02-22-8310-413	Training and Seminars	1,900.00
02-24-8340-401	Conferences, Licenses, Training	875.00
02-21-1930-401	Village Attorney	925.00

To:		
02-21-1910-409	Fixed Asset Appraisal	13,700.00

Reason: Fair market value appraisal of water assets currently have \$1,300 budgeted

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

Budget expansion 6/27/13

Rev:	01-50-3501-000	CHIPS	6,200.00
Exp:	01-02-1910-409	Fixed Asset Appraisal	6,200.00

Reason: Re-appraisal of general assets for insurance purposes

Currently have \$1,300 budgeted
CHIPS is coming in higher than budgeted

Village Clerk, Dorothea Ciccarelli reviewed the quotes summated through the recent RFP for appraisal services, the Board wanted to review the contract for Industrial Appraisal Services and requested it be placed on the next agenda.

Department of Public Works

Superintendent Swingly informed the Board he would forward the letter regarding Kircher, Baker and Lyon Streets for their input before it would be mailed. The Superintendent, in addition, spoke to the Board regarding the condition of Krieger Road. He hoped after he completed his scheduled road projects he would be able to see what work they could do on the road towards the repairs needed.

Water Department

Superintendent Swingly informed the Board they were making good progress on the water line on Commercial Street.

Call In

Mark – Concerned with the three wheel bike parked on sidewalk.

Jack Dewolf – 259 Dunning Avenue - Called in to question the transfer of the water system. The Mayor hoped to have further information on the transfer in the next couple weeks.

Fritz Hamel – 46 Kircher Park – Called and questioned the Mayor regarding a rumor the water system would be transferred in the next 2 ½ weeks and employees would be laid off in that time frame. The Mayor commented that he was mistaken.

Adjournment

Motion Trustee Lancy and Seconded by Trustee Ippolito Jr. to adjourn the meeting at 9:00 pm, all were in favor and carried.

Dorothea M. Ciccarelli, Village Clerk

John J. Cahill, Mayor