

Village of Webster  
Village Board Meeting  
September 28, 2017

Webster Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

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

Mayor Byerts presented a Proclamation to the Village Band for their dedication and service to the Village of Webster for 50 years of sharing music.

**WHEREAS** the Webster Village Band was established fifty years ago this year by its founders Stanley Maruszak and Gerald Barrett on September 11, 1967, and

**WHEREAS** the Webster Village Band started with a stage in a converted school bus, then for many years was at the Band Shell at Spry School, and now performs at the Band Shell on Foster Drive, and

**WHEREAS** the Webster Village Band started fifty years ago with ten members, and has grown into an organization of approximately sixty members, and

**WHEREAS** the Webster Village Band has played over six hundred concerts, including many special concerts and the traditional Christmas Concert has become a main stay in our community.

**THEREFORE**, be it resolved that I, Darrell Byerts, Mayor of the Village of Webster, do hereby declare Thursday, September 28, 2017 as Webster Village Band Day in the Village of Webster to commemorate fifty years of wonderful music and beautiful melodies made by our outstanding Village Band.

## Public Comments

Richard Walter – 20 Elm Street – Made comment to the Board and requested more information in regards to the STP lawsuit. Mr. Walter said in addition to the \$25K already spent on the case are there further updates.

Mayor Byerts said the case is progressing and all the depositions have been taken at this time. He said he believes it will go to trial in late October.

Gordon Hartley – 240 London Road – Discussed with the Board the clock in Vetrans Park and asked if something could be done to fix it because it does not work properly.

Jake Swingly agreed with Mr. Hartley and said the clock has a synchronizer in it and it is very expensive to replace parts. It is also pitting at the base and we do need to look into it.

Peter Elder – 59 Dunning Avenue – also wanted to compliment the accomplishments of the Village Band and congratulated them on their achievement.

# Village Board Business

Motion Trustee Balcaen and Seconded by Trustee Lancy to approve the Village Board Workshop Minutes of September 5, 2017, all were in favor and carried.

Motion Trustee Laurer and Seconded by Trustee Ippolito Jr., to approve the Village Board Meeting Minutes of September 14, 2017, all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Ippolito Jr., to accept the claims and warrants totaling: General – \$31,273.94 and Sewer – \$17,789.25, and Capital – \$76,835.94, all were in favor and carried.

Motion Trustee Balcaen and Seconded by Trustee Laurer to approve Standard Work Day Reporting for Attorney David Mayer and Thomas Indiano, Band Director – Seasonal, based on their record of activities, all were in favor and carried.

Peter Elder, member of Parks & Recreation Committee and also member of the Historical Preservation Commission (HPC), introduced a welcome packet to new residents of the Village of Webster. He said this is a start which will contain a lot of contact information for the Village, organization information, and website information. The packet can be handed out to new homeowners and it can also be located on our website. He also described a Parks Survey for residents.

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to authorize Mayor Byerts to sign the Lease and the Memorandum of Lease for T-Mobil Site Lease Agreement, all were in favor and carried.

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

**WHEREAS**, buildings are the single largest user of energy in the State of New York, the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village of Webster is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Village of Webster Board of Trustees desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Webster; and

**WHEREAS**, the Village of Webster Board of Trustees desires to establish procedures or guidelines for the Village of Webster staff to conduct such Building Energy Benchmarking;

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED,** that the following specific policies and procedures are hereby adopted:

## **BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

### **§1. DEFINITIONS**

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the Superintendent of Public Works.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Village of Webster that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Department of Public Works.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

### **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 1 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

### **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2018, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

### **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2018 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 4(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

### **§5. MAINTENANCE OF RECORDS**

The Village shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Village for a period of three (3) years.

### **§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Board of Trustees, including but not limited to

summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

**§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The vote on the foregoing resolution was as follows: Mayor Byerts – Aye, Trustee Lancy – Aye, Trustee Balcaen – Aye, Trustee Laurer – Aye, Trustee Ippolito, Jr. – Aye. Motion carried.

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to authorize the renewal contract with Cintas for a term to expire on May 31, 2020 to coincide with the union contract, all were in favor and carried.

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to authorize Michael Bradshaw to attend Pesticide Applicator Training Class for recertification at a cost not to exceed \$275, all were in favor and carried.

## Attorney

Mayor Byerts announced that Attorney White is busy with family matters because his son will be married on Saturday September 30, 2017. Mayor Byerts sent his congratulations to the White family.

## Office

Motion Trustee Ippolito Jr., and Seconded by Trustee Lancy to approve the following general fund transfer and budget modification, all were in favor and carried.

From: 01-10-0909-000	Fund Balance	\$2,034.38
To: 01-07-7140-400	Parks & Recreation-Contractual	2,034.38

Reason: To allow for McMahan LaRue Associates, P.C. invoice to be paid for survey done on North Avenue Properties – for NYSDOT surplus property transfer – originally agreed to by VOW Trustees on 4/14/16.

Motion Trustee Laurer and Seconded by Trustee Balcaen to approve the following sewer fund transfer and budget modification, all were in favor and carried.

From: 04-10-9950-900	Transfer to Reserve	\$4,050.00
To: 04-08-8130-475	Digester Repair / Maintenance	4,050.00

Reason: To allow for additional costs for Crosby Browlie cables & connection ends for the digester repair not previously budgeted for.

The Financial Statements for August 2017 were reviewed.

## Code Enforcement

Will Barham, Code Enforcement Officer reviewed with the Board the building report for August 2017. He said now that the Board approved the T-Mobil lease agreement he would process and issue the permit which he has had since July. He said Maplewood Nursing Home is moving along and has made modifications and rectified some items from the inspection. Mr. Barham said he had to put off the commercial Bakery inspection until next Wednesday because RG&E had accidentally disconnected the power to all of the buildings on that block. He said he will inspect the lower half of the Bakery with the Fire Marshall and then announced the tenant in the upper half of the building is an aerobics instructor and studio. Mr. Barham continued with fire safety tips and stated that smoke detectors are the most useful tool in the house. He said it is not so much as the heat and fire but the smoke and gasses that kill. He urged people to make sure their smoke detectors are in working condition. He mentioned that smoke detectors now have 10 year life span on batteries. He also said a carbon monoxide detector should be in the house. He also urged everyone to have an escape plan and a meeting place outside the home.

## Department of Public Works

Jake Swingly, Superintendent of Public Works, gave an update for the Department of Public Works. He said he is testing the LED lights on Fuller Avenue, Dunning Avenue and in the Business District. He said it is a different color light. He said leaf season will start soon and reminded everyone not to put them in the gutters. He said he is had a demo of a trackless Admar articulating snow blower. He asked for permission to discuss this in the Workshop on October 3, 2017. Superintendent Swingly also asked for the RG&E street light acquisition to be discussed in the Workshop.

## Sewer Department

Jake Swingly, Superintendent of Public Works also gave an update on the sewer department. He said the cables in the digester have been replaced along with the piping. The cover will be put back on the empty tank soon. He also said he would like to send any questions from the Board to LaBella for the STP study so it can move from the draft to the Final Version.

## Executive Session

Motion Trustee Ippolito Jr. and Seconded by Trustee Balcaen to enter into executive session at 8:52 p.m. for the discussion of promotion, demotion, employment, discipline, of a specific individual or individuals, and or Board members, all were in favor and carried.

Motion Trustee Laurer and Seconded by Trustee Lancy to exit from executive session at 9:15 p.m. , all were in favor and carried.

## Adjournment

Motion Trustee Ippolito Jr. and Seconded by Trustee Laurer to adjourn the meeting at 9:16 p.m., all were in favor and carried.

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Josette Amalfi, Village Clerk

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Darrell Byerts, Mayor