

Village of Webster  
Village Board Meeting  
November 9, 2017

Webster Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

Present: Mayor Byerts, Trustee Balcaen, Trustee Ippolito Jr., Trustee Laurer, Trustee Lancy

Meeting was called to order at 7:30pm.

Mayor Byerts asked to take a moment to honor and reflect on our Veterans past and present who placed their lives in harm's way, many having made the ultimate sacrifice for their families, all of us and our families, and for the liberties that we enjoy as a nation.

Mayor Byerts also asked that we remember in our thoughts and prayers, the families of those people who were murdered in a small country church last Sunday, and those who are still in the hospital.

## **Presentation**

Matt Chatfield, from the Webster Economic Development Alliance, spoke about the Restore New York Program application the Village hopes to complete for East Main Street. In September of this year, Empire State Development opened up an application period for the Restore New York Program. The program would provide funds up to \$1 million for the rehabilitation, renovation, reconstruction or demolition of vacant, abandoned or surplus properties. The caveat is that the properties cannot be more than 49% occupied. We identified an area along East Main Street where we have had trouble with vacancies, to apply for funding for three separate properties: the Harmony House, 15-21 East Main Street, and a portion of vacant buildings on the north side of East Main Street (the Little Bakery and the buildings between R-Salon and Prime Restaurant). In October we were given preliminary approval to apply. We sent in a pre-application for the project describing the properties we identified, and on October 24<sup>th</sup> were given the approval to move forward. It is a reimbursement program which begins with the Village applying with defined projects on certain properties. It requires cost estimates by the private entities. The Village would enter into a contract with the property owners to conduct those improvements, which would be finished with private funds. The invoices would be submitted to the Village, who in turn would submit them to NYS. Once NYS processes the submission, they return funds to the Village, who in turn would disperse the funds to the property owners. They would receive back ninety cents per dollar spent. To get started Matt will need to get cost estimates from the property owners, or the entity in control of the property, for what they wish to do. Mr. Fitzsimmons is on board, and we are working with the Chorus of the Genessee for the Harmony House, and 15-21 East Main Street. Matt is coordinating most of the process, but there is a piece that the Village will need to do. We will need to hold a Public Hearing to discuss the properties, requiring a meeting notice in advance. We would like to hold that meeting on Monday, December 4, 2017. That would allow enough time to complete all of the requirements by the deadline of December 15, 2017. The only cost to the Village is a \$500 non-refundable application fee.

## **Public Comments**

Richard Walter – 20 Elm Street – Webster Citizens Action League, asked the Board if they had reviewed the brochure about the Sewage Treatment Plant they had created. It describes what the plant does for the Village and its residents, and he inquired about leaving some in the Village office.

Mayor Byerts stated that if a brochure about the Sewage Treatment Plant was put out by the Village, he would be in favor of it. He noted that the section regarding revenues would need to be revised. Due to the investigation about the sewer rehabilitation going on with the Town, it may not be the appropriate time to make any statements regarding the revenues.

Trustee Ippolito added that based on Atty. Don White's explanation at the last Village Board meeting, any information available in the Village office should be a product of the Village.

Trustee Laurer also added that the plant has been running since 1939, and will continue to do so unless we decide to work with the town. Everyone knows that and uses it, and there isn't a particular reason to advertise it.

Richard Walter explained that residents should be familiar with what they have now. Most residents have no idea what is done at the plant, and he believes that there should be something explaining that.

Mayor Byerts then asked Jake Swingly if the Village already had something like this, perhaps something John Carnevale uses for the tours they give.

Jake Swingly responded that the Village could develop something informational. There is information currently on our website about the Sewage Treatment Plant.

Atty. Don White addressed Mr. Walter, stating that he could independently disperse information about the Sewage Treatment Plant.

Trustee Lancy, Trustee Balcaen and Trustee Laurer indicated that they would be in favor of an abbreviated factual flyer without any third party's name attached to it.

Mayor Byerts noted that some of the information in the brochure is non-factual, and asked Mr. Walter if there would be any objection to him using some of the factual material to write an article for the Herald, to which Mr. Walter agreed. The Mayor added that he will confer with Jake Swingly as well about other things coming up which he could write about in an article. He also expressed that he has invited the Town to meet for a joint workshop regarding the Sewage Treatment Plants.

Peter Elder – 59 Dunning Avenue – informed the board that the Chorus of the Genessee will be having "Breakfast with Santa" on Saturday, December 2<sup>nd</sup> from 9:30 – 11:00am. The cost is \$5/person, or \$20/family. It's a fun time, with multiple singing groups entertaining and leading families in song. Peter will provide a flyer to the Village to post on their website.

## **Village Board Business**

**Motion:** Trustee Laurer and Seconded by Trustee Lancy to approve the Village Board Meeting Minutes of October 26, 2017, all were in favor and carried.

**Motion:** Trustee Balcaen and Seconded by Trustee Ippolito Jr. to accept the claims and warrants totaling: General – \$24,512.18 and Sewer – \$48,920.77, and Capital – \$75,435.94, all were in favor and carried.

**Motion:** Mayor Byerts and Seconded by Trustee Ippolito Jr., to set a public hearing for Monday, December 4, 2017, at 7pm to discuss the Restore NY application and Property Assessment List, all were in favor and carried.

**Motion:** Trustee Ippolito Jr. and Seconded by Trustee Laurer to appoint Heather Halstead as Village Clerk, with a term ending July 10, 2019, annual salary of \$53,000., and a start date of Monday, November 13, 2017, all were in favor and carried.

Mayor Byerts thanked Josette Amalfi, the out-going Clerk, for her time and dedicated service to the board and the Village community. The board wishes her all the personal success and best wishes for her future endeavors.

Mayor Byerts stated that the resolution to accept Brittany Woods Townhome Development Letter of Credit is tabled, as the board has not received the Planning Board's decision for the set amount of the Letter of Credit.

Atty. Don White referenced the Village Code 137-5(i), which states that the Planning Board fixes the amount of the Letter of Credit or Performance Bond, they do not make a recommendation to the Village Board. The Village Board approves the form, sufficiency and manner of execution of the Letter of Credit or Performance Bond.

That information will be reviewed with Will Barham, and put on the agenda for the next Planning Board's meeting.

**Resolution:** A bond resolution, as summarized below, was offered by Trustee Ippolito Jr., and Seconded by Trustee Lancy, all were in favor and moved for its adoption:

#### SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Board of Trustees of the Village of Webster, Monroe County, New York, on November 9, 2017.

1. The resolution is entitled "AMENDED AND RESTATED BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF WEBSTER, MONROE COUNTY, NEW YORK (THE "VILLAGE"), AMENDING AND RESTATING IN ITS ENTIRETY A BOND RESOLUTION OF THE VILLAGE DATED NOVEMBER 22, 2016, RELATING TO THE NORTH AVENUE CONNECTOR PROJECT; ESTIMATING THAT THE TOTAL COST THEREOF IS \$1,230,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$850,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION".

2. The resolution authorized serial bonds of the Village to finance the cost of undertaking the North Avenue Connector Project within the Village consisting of the reconstruction, reconfiguration, repaving and improvement of roads, walkways, bike lanes, cross walks, parking areas, related infrastructure and other ancillary, related and incidental improvements along portions of North Avenue (State Route 250) from Orchard Street to Ridge Road (State Route 404) including, without limitation, (i) from Orchard Street to Kittleberger Park, new street trees, street lawn areas, street lights, landscaping, signage, crosswalks, the striping for bike lanes, pedestrian and bicyclist's safety

improvements and off-street parking areas, (ii) at the State Route 104 interchange, the installation of bike lanes, related lane reduction and reconfiguration, pedestrian crossing signals, removal of slip ramps, an expansion of the central median, restriping and widening of crosswalks and signage, and (iii) from the Route 104 interchange to Ridge Road, restriping of travel lanes and bike lanes, expanded sidewalks, expanded tree lawns, additional street trees, replacement of street lighting, the installation of crosswalks, signage, and the installation of a gazebo.

3. The period of probable usefulness is 5 years.
4. Amount of Debt Obligations Authorized: up to \$850,000.

The complete resolution summarized herein shall be available for public inspection during normal business hours at the offices of the Village Clerk of Village of Webster, located at the Village Hall, 28 West Main Street, Webster, New York 14580.

Mayor Byerts noted that the project went out to bid as of 11/1/17. The bids will be opened on 11/21/17.

**Resolution:** The following resolution was offered by Trustee Balcaen, and Seconded by Trustee Lancy, all were in favor and moved for its adoption:

WHEREAS, the Village of Webster has obtained Federal aid pursuant to appropriate sections of Title 23 U.S. Code as amended and as administered by the Federal Highway Administration for a highway improvement project known as the “North Avenue Connector Project” that includes gateway enhancements to North Avenue from Orchard Street to the intersection with Main Street (NYS Route 404); and

WHEREAS, funding for the North Avenue Connector Project calls for the apportionment of the cost of such projects to be borne 80% by Federal funds and 20% by local funds; and

WHEREAS, the Village of Webster Board of Trustees desire to establish a Capital Reserve Fund in order to accumulate monies to finance the local portion of the cost of the project; and

WHEREAS, the engineer’s estimates for the project have increased the maximum cost of the capital improvements;

NOW THEREFORE, be it RESOLVED:

1. That pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a Capital Reserve Fund to be known as the “North Avenue Connector Project Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate monies to finance the cost of a specific capital improvement. The specific capital improvement to be financed from the Reserve Fund is the cost of the North Avenue Connector Project to be borne by the Village of Webster. A more specific description of the project is found in the Initial Project Proposal prepared by the New York State Department of Transportation, dated December 9, 2014. The estimated maximum cost of such Capital Improvement is \$1,230,000.00 of which the Village of Webster is responsible to contribute approximately \$418,200.00.

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 such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c of the General Municipal Law.

4. This Resolution is subject to permissive referendum pursuant to Subdivision 4 of Section 6-c of the General Municipal Law.

**Attorney** – No Report.

## Office

The October Comp and Overtime Report was reviewed. Trustee Balcaen inquired about the call-in hours, which appeared to be high. Jake Swingly replied that he was aware of the overtime hours, but not the call-in hours. He will look into it.

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

From: 04-10-9950-900	Transfer to Reserve	\$1,050.00
To: 04-08-8130-455	Engineering/Professional Services	\$1,050.00

Reason: To allow for additional engineering services to pay invoice to Meagher Engineering for internal Digester inspection, not previously budgeted for.

## Sewer Department

Jake Swingly, Superintendent of Public Works, gave an update on the sewer department. He said the digester is working, but still needs to come up to the correct temperature to process everything properly.

# Department of Public Works

Jake Swingly, Superintendent of Public Works, gave an update for the Department of Public Works. He said they will continue leaf pick up until the beginning of December or the first heavy snowfall, and reminded everyone not to put them in the gutters or streets. It can cause flooding when leaves collect in the catch basins, and can be dangerous when left in the streets. In the Village, there is no parking on the streets between 2am – 6am. This is especially important in the winter when the snowplows are out. He continued with updates on several potential grants for the DPW. The DEC notified us that two grants we put in for as part of the Urban Forestry program for the Leaf Vacuum and Chipper were not chosen. Two days ago, the DEC announced a recycling grant which we can apply for. We have applied for this one before and been successful. The Clean Communities Grants have already been awarded to other applicants. There are also zero emission vehicle and infrastructure grants, which can pay up to 80% of the cost. Jake will look into the infrastructure grant and attempt to send it in as quickly as possible. In addition, there is a Community Block Grant which we have been successful with before, that will be looked at for the Village. This one only applies to lower to moderate income areas.

Mayor Byerts mentioned the street lights that are being tested on Main Street (in front of the Music Store), Fuller Avenue, Park Avenue and Dunning Avenue. He and Jake Swingly are asking residents and employees to observe those lights, and give us feedback on what ones they prefer for color and illumination.

## **Public Notification:**

Serial Bond principal and interest payment, on the bond obtained in 2012 for \$800,000, will be made in the amount of \$86,693.75 on November 15, 2017. This bond was issued upon financing of the Sewer Outfall (\$300,000), Street Sweeper purchase (\$180,000) and Milling & Paving Roads & Parking Lots (\$320,000).

## **Public Announcements:**

### 1. Events

Veterans Day Ceremony and luncheon - 11/11/2017, beginning at 11:00am

Bourbon Night – 11/18/2017, at the Harmony House, tickets are available on the BID website

### 2. Next Meetings

Village Board Meeting – 11/21/2017, on Tuesday because of Thanksgiving

Village Public Hearing – 12/04/2017

Village Board Workshop – 12/05/2017

## **Adjournment**

Motion Trustee Balcaen, and Seconded by Trustee Lancy to adjourn the meeting at 8:40pm, all were in favor and carried.

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Jo O'Neill, Deputy Village Clerk

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Darrell Byerts, Mayor