

Village of Webster  
Village Board Meeting  
April 25, 2013

Webster Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

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

## Public Comment

Donna Rickard – 68 Lapham Park – Complimented Superintendent Swingly on his staff and the work they were doing. In addition, she wanted to comment on the nepotism policy and felt it should apply to all staff members and not just to the Board.

Peter Elder – 59 Dunning Avenue - My comment tonight is about something you did last meeting which was a resolution taken regards to negotiating with Monroe County Water Authority, and I would just encourage the Board and especially the Mayor to do a little more research on the topic because this the fifth and sixth paragraphs of that resolution said for as the Village of Webster has engaged in a lengthy review of the best method to provide softer water to the residents of the Village of Webster and whereas, as a results of that review it has been determined that it is in the best interests of the residents of the Village of Webster that the Village of Webster switch its water supply from the wells maintained by the Village of Webster at its Dewitt Road well field to water supplied by the Monroe County Water Authority. The only reason I mention this is because the fact the Village never engaged any such review. The fact the review we engaged in actually was a long process starting in March of 2010 where the water committee was formed to compose a plan for the future of the water supply for the Village of Webster. It was not in fact to look into softening the water. The water committee did not even recommend softening the water they made several recommendations on December 7, 2010 about possible alternatives to the future of the water system. In fact, the Village of Webster Water Department actually did comment on softening the water but in fact determined that the reverse osmosis was the best alternative and the quote from that report was we feel this course of action would offer residents the best of both world's softer water and safe drinking water from a quality source. That was May 4, 2011.

The Village Board than passed a water action plan on October 27, 2011 and had some goals and findings in there but again did not talk about softer water as a result of the that action plan several presentations were made that again did not address softer water. This long history was meant to show that at no time has any review been made by Village Government to talk about softer water or to negotiate with Monroe County Water Authority. So my suggestion is that should be something done to actually do, because your resolution in inaccurate. For instance at the last meeting, Trustee Lancy suggested one option, which may or may not be the best option was providing water softeners to those residents that who wish to have them. Never was investigated, never, great suggestion the reason it wasn't, was because the investigation was never determined about softer water. I do have one question for the Board, of course you don't have to answer if you don't wish but at the last meeting Trustee Lancy expressed her opinion the Village Water is safe. Trustee Balcaen has expressed in the past he believes Village Water is safe. My question to the three new board members is do you believe Village Water is safe? Because is your answer is anything but yes, then we should be switching tomorrow, because the safety of the Village residents is at stake. Thank you very much.

Mayor Cahill responded, that there is a reason we are up here, a reverse osmosis system for softening water was numerated very many many times and each Board member June of last summer stated that option was too expensive. So we will be moving forward and I will be giving a brief update this evening as to are meeting with Monroe County Water Authority. We will be moving forward.

Eric Reynolds – 64 Kircher Park – In the process of campaigning towards Monroe County Water, you and some other people, Mr. Cahill had a meeting down at the Library and you brought. Mayor Cahill commented “ that was not during the campaign”. Mr. Reynolds commented, but you were campaigning for Monroe County Water at that time. Mayor Cahill responded “no we weren’t. It was an informational meeting”. Mr. Reynolds continued ok, so at that meeting, the whole premise of the meeting was Webster Water was contaminated, that the aquifer that we draw the water from is contaminated. Mayor Cahill commented “I don’t know that the word contamination was ever used.” Mr. Reynolds responded “that is exactly the word that was used and I was there was many other people there”. The exact premise was that when the bridge went thru over Irondequoit Bay. Mayor Cahill responded “correct”. Mr. Reynolds continued “that there was holes punched into the aquifer”. Mayor Cahill commented “correct”. Mr. Reynolds continued “at that point that made are aquifer contaminated”. That was the premise that was why you brought the professor in with the forty year old data to show us that is was contaminated. At that point, you said you were going to test the water and ensure that it was indeed contaminated and I’m here. Mayor Cahill questioned “are you saying that I said that” Mr. Reynolds responded “You were involved in this whole” Mayor Cahill responded “I was confused, because I thought you said I said that, there was a Geologists who has his doctorate” Mr. Reynolds commented “I’m sorry it was Mrs. Anderson who actually said that it was going to be tested and you concurred. I spoke to you after the meeting and you concurred that you were going to test the water. I am here to ask you what are the findings of that test. Mayor Cahill “I do not have those results but I can get them to you if they are available” Mr. Reynolds “Has it been tested?” Mayor Cahill “ I do not have knowledge of personally of that” Mr. Reynolds “ I am following up on Peter’s feeling, if the water is unsafe why are we not doing something about it.” Mayor Cahill “ok” Mr. Reynolds “this was six months ago at least, I don’t know the exact date.”

Trustee Ippolito Jr. Responded “I appreciate your questions, but I think I said this at the last meeting as well, the three of us are up here. You noticed the signs during our campaign has water faucets in the corner, we ran on water, the election is over. The residents voted for us for that reason. Mr. Reynolds “That has absolutely nothing to do with my question” Trustee Ippolito Jr. “We did not run on a campaign saying that the water was contaminated or unsafe. We wanted to bring softer water to the Village Residents” Mr. Reynolds “That leads me to another question, what is softer water. You’re bringing us softer water?” Trustee Ippolito Jr. “Softer water yes, there is measure in grains, and there is a significant difference.” Mr. Reynolds “I know the difference but Monroe County Water is considered hard” Trustee Ippolito Jr. “Well 5 -7” grains vs. 17, so yes there is a difference, softer.” Mr. Reynolds “Softer, but if you want soft water you still need a water softener, Well Mr. Cahill “I appreciate your questions Sir and with respect to the Water Committee it’s over.” Mr. Reynolds “When I get those determinations on the quality of the water.” Mr. Cahill “I will look into that and I would say I will have an answer for you within a week that does not mean I will have results for you, because I can’t personally say that those results are available”. Mr. Reynolds “ok”

Richard Walters – 20 Elm Street – I just have one question, your campaign was totally on water, and that is your justification, for not doing what you said you would do, two days after the election in the paper. Which was to have a referendum on water before you make the actual switch, this was quote from the paper two days after the election. My question is why is there not going to be a referendum, you did campaign on other things, the Saturday before the election a brochure came out with a whole list of new ideas, your party supposedly came up with all which we have heard here, and have been worked on before, but they were fresh ideas but they were quoted as fresh ideas in the campaign. So if these don't mean anything can I ask what percentage of the vote you got? Mr. Walters "I asking for a percentage and I am talking to Mr. Cahill, what percentage of the vote did you get. I believe it was about 53 or 54%, so what you're saying here, your comment was you got elected by water, so you got about 4% of the votes for your merits alone. Mayor Cahill "Thanks sir and have a great evening"

## Village Board Business

Motion Trustee Byerts and Seconded by Trustee Ippolito Jr. to approve the Village Board Workshop minutes from April 2, 2013 and Village Board Minutes from April 11, 2013 with corrections, Trustee Lancy abstained from the approval of the April 2, 2013, Trustee Byerts, Trustee Ippolito Jr., Trustee Balcaen and Mayor Cahill were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Byerts after personal review of claims by Trustee Byerts and Trustee Balcaen to accept claims totaling: General - \$24,252.14, Water - \$8,590.66, Trust & Agency - \$4,526.97, Capital - \$110.23, Prepaid - \$8,337.66 and reimbursement - \$30.00, all were in favor and carried.

The Board requested public comment, none was received.

The following resolution was offered by Trustee Lancy and was seconded by Trustee Byerts, all were in favor and moved for adoption:

WHEREAS, it has been determined that there are adequate funds in the Village of Webster Water Repair Reserve Fund and;

WHEREAS, \$24,000 is needed in order finance the completion of the water main replacement project on Commercial Street and Martin Street; and

WHEREAS, \$24,000 has been included for this project in the Village of Webster budget for 2013 – 2014; and

WHEREAS, completion of the water main replacement project on Commercial Street and Martin Street is to be financed by a transfer from the Water Repair Reserve Fund to the Water Capital Reserve Fund; and

WHEREAS, a public hearing on the appropriation of \$24,000 from the Water Repair Reserve Fund to be transferred to the Water Capital Reserve Fund was held by the Village of Webster Board of Trustees on April 25, 2013 at 7:45 p.m.; and

WHEREAS, all interested persons were heard.

NOW THEREFORE, be it resolved:

1. The treasurer of the Village of Webster is hereby authorized to appropriate the sum of \$24,000 from the Water Repair Reserve Fund and transfer the said \$24,000 to the Water Capital Reserve Fund to be used to complete the water main replacement project on Commercial Street and Martin Street.
2. A further Resolution of the Village of Webster Board of Trustees will be required in order to expend these funds from the Water Capital Reserve Fund. Said Resolution shall be subject to a permissive referendum pursuant to § 6-c of the General Municipal Law.

Motion Trustee Lancy, Seconded by Trustee Ippolito Jr. to adopt the 2013 -2014 General and Water Budgets, all were in favor and carried.

The following resolution was offered by Trustee Byerts and was seconded by Trustee Ippolito Jr., all were in favor and moved for adoption:

WHEREAS, pursuant to General Municipal Law §6-h, the Village of Webster maintains in the Water Fund a reserve fund for payment of bonded indebtedness (“Water Debt Reserve Fund”); and

WHEREAS, the first interest payment on the Water Fund’s portion of the \$1,300,000 serial bond was made on March 15, 2013 in the amount of \$3,004.17 from Water unreserved operating funds; and

WHEREAS, the foregoing interest payment is more appropriately made out of the Water Debt Reserve Fund; and

WHEREAS, a total expenditure of \$26,237.50 from the Water Debt Reserve Fund was included in the 2013-2014 adopted budget for the Village of Webster for payment of the Water Fund’s portion of the \$1,300,000 serial bond; and

WHEREAS, General Municipal Law §6-h (5) provides that an expenditure from a debt reserve fund may only be made by appropriation pursuant to a resolution of the governing board of the Village;

NOW THEREFORE, be it resolved:

1. The Treasurer of the Village of Webster is hereby authorized to retroactively appropriate and expend from the Water Debt Reserve Fund the sum of \$3,004.17 to be used to make the payment due on March 15, 2013 for interest on bonded indebtedness attributable to the water system of the Village of Webster.
2. The Treasurer of the Village of Webster is further authorized to appropriate and expend from the Water Debt Reserve Fund the following sums at on or about the following dates to be used for the Water Fund’s share of the \$1,300,000 serial bond:

\$20,000 on September 15, 2013 for principal payment;  
\$3,218.75 on September 15, 2013 for interest payment;  
\$3,018.75 on March 15, 2014 for interest payment.

Mayor Cahill discussed with the Board and public his discussion with Attorney White and samples of other nepotism policies and felt the current policy should be amended. Attorney White indicated as well that most municipalities actually make this policy a law. Mayor Cahill and the Board requested the policy be placed on the workshop meeting agenda for further discussion.

Mayor Cahill welcomed Planning Board Chairman, Peter Adams, Zoning Board Chairman, Mark Nicholson and Attorney for the Boards, David Mayer to the meeting and requested they give an overview of how the current Incentive Zoning Law worked. It was determined by the Board they would like to discuss the law further and requested it be placed on the workshop meeting agenda.

Mayor Cahill discussed with the public his discussion with the State Comptroller's Office who will be returning to do a follow up audit and he is looking to seek the return of any funds that were not spent properly.

## Attorney

The following resolution was offered by Trustee Lancy and was seconded by Trustee Balcaen, all were in favor and moved for adoption:

WHEREAS, by resolution adopted on November 8, 2012, the Board of Trustees for the Village of Webster approved the form of certain draft special legislation to be requested from the New York State Legislature for the purpose of authorizing the Town of Webster to transfer to the Village of Webster a certain abandoned pioneer cemetery known as the Robb Cemetery located adjacent to 256 East Main Street, Webster, New York; and

WHEREAS, such draft special legislation has been introduced into the State Senate as Bill #S3752 and into the State Assembly as Bill #A3779 in the form attached hereto as Exhibit A (the "Special Legislation"); and

WHEREAS, as a condition precedent to the approval of such special legislation by the State Senate and Assembly, the Board of Trustees is required to adopt a home rule request in the form attached hereto as Exhibit B (the "home rule request") requesting the enactment thereof and declaring that necessity exists for such an act;

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

1. The submission of the request for enactment of the special legislation by the State Legislature is hereby approved and the Board of Trustees hereby declares that a necessity exists for such enactment.
2. The Village Clerk or Deputy Village Clerk is hereby authorized and directed to complete the home rule request in the form presented to the Board of Trustees and attached hereto as Exhibit B, evidencing the Board of Trustees request for enactment of the special legislation; and it is further authorized to certify to the approval of such home rule request by the Board of Trustees and to submit the same to the State Legislation on behalf of the Village.

Attorney White discussed the current Time Warner Franchise agreement with the Board he indicated the agreement had expired in 2010 and need to be updated and suggested the Board contact the public service commission for assistance with the negotiations after they had decided on items they would like to see from the contract. Mayor Cahill requested the item be placed on the workshop agenda for further discussion.

## Code Enforcement

Mayor Cahill informed the public and the Board that Code Enforcement Officer Will Barham would be appearing at the second meeting of each month to review his monthly report on activities with the Board and public. Will Barham discussed in general with the Board and public his duties and reviewed items from his report and actions taken.

## Office

The Comp. Time and Overtime report was reviewed with the Board and Mayor Cahill informed the Board he had previously spoken to the Village Clerk and Superintendent and they had already taken action on his concerns.

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

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

From:	01-09-9010-800	Retirement	1,146.42
	01-01-1325-402	Postage	1,500.00
	01-09-9063-800	Health and Dental Payout	1,270.00
	01-08-8140-401	DI Repairs	1,546.37
To:	01-01-1325-421	Financial Advisor	5,462.79

Reason: Received final invoices for the year from financial advisors covering their professional services with respect to the \$800,000 serial bond and sewer exclusion

Village Clerk, Dorothea Ciccarelli discussed with the Board actions the office was taken to recover lost Gross Utility tax. Village Treasurer, Jamie Allman had received input from Attorney White on a letter being sent to all the utility providers in the area which service the Village. Attorney White also suggested contacting Rochester Gas and Electric to see if they would provide a list of providers as well for ongoing enforcement.

## Department of Public Works

Motion Trustee Ippolito Jr., Seconded by Trustee Balcaen to declare the WINCO Three Pont Hit Generator Model 25 PTOC-3/F Serial number 22069-G91 surplus property, all were in favor and carried.

Superintendent Swingly reminded the public that brush pickup would begin on Monday, May 6<sup>th</sup> and to have the brush placed at the road by the Sunday evening.

Superintendent Swingly reviewed with the Board news from New York Conference of Mayors that the Village of Webster actually received a 26% increase in CHIPS funding for road improvements.

The Superintendent reminded the public that on Saturday, April 27 at 9 am at Case Park Ian Fike would begin his Eagle Scout project and everyone was welcome to help.

## Water Department

Superintendent Swingly informed the Board and public they would be starting the completion of the Commercial /Martin street Water main project. Mayor Cahill thanked employee Fred Holley for his efforts related to the project which saved the department over \$10,000.00.

## Call In

No calls were received.

## Adjournment

Motion Trustee Byerts and Seconded by Trustee Ippolito Jr. to adjourn the meeting at 9:10 pm, all were in favor and carried.

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Dorothea M. Ciccarelli, Village Clerk

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John J. Cahill, Mayor