

Village of Webster
Village Board Meeting
July 13, 2011

Webster Community Meeting Hall
29 South Avenue
Webster, NY 14580

Present: Mayor Elder, Trustee Reynolds, Trustee Lancy, Trustee Balcaen and Attorney Don White

Absent: Trustee Kildal and Superintendent Jake Swingly

Notes of Interest:

- The Jazz Festival had between 3,800 and 4,000 attendees
- Public Forum to discuss the OTB on Tuesday, July 26th at 7 PM

Visitors, Guests and Residents:

John Cahill- Judson Street- I have a few questions on two different topics, the first is the education and training policy, and the second topic is the water committee. To my understanding it was initiated a year in January? 2010? Is that correct?

Mayor Elder- About then, yes.

John Cahill- With regards to the education and training policy, I was just would like to know what is being done to recoup the money for all the tuition and courses that we not pre-approved but paid for.

Mayor Elder- It is my position, I'm not sure how the board feels individually, but it is my position that those were approved; they were a benefit that was given to our employees, there is nothing illegal about what was done, those were policy decisions the board set. You and I have talked ourselves about section 506 of the employee handbook, and we agree to differ, I guess, on the interpretation of that, but the practice of the board, regardless of whatever the policy you choose to look at, the practice of the board was different from the policy. The practice was similar to a resolution each time that it was passed, so the answer is...

John Cahill- your interpretation was not what the policy said, it clearly states that the department head of these employees, which was you, was responsible for bringing this up before the board.

Mayor Elder- Just to clarify, it wasn't always me specifically.

John Cahill- For a lot of these courses, it was you.

Mayor Elder- Actually no that's not true, the department head for these employees would have been Kathy. I would have been Kathy Vendel's specific department head, as well as Jake Swingly's.

John Cahill- You were Kathy's department head, how many course did you bring before the board?

Mayor Elder- Again, well we are talking about two different things here.

John Cahill- We're not talking about the policy here, the policy clearly states that the approval of their department head, before the request is brought to the village board. You were her department head

Mayor Elder- Actually it doesn't clearly state that, but we'll agree to disagree

John Cahill- We don't have to disagree, it's black and white, would you like a copy of it?

Mayor Elder- no I've read it several times, in fact I read it to you.

John Cahill- No I read to you, over the phone, six times. Let's see, next question: Was a \$1,500 tuition bill submitted by Kathy Vendel paid? There was a meeting I think on the 7th of June, a motion was made to pay that bill?

Mayor Elder- Actually that's not correct, there was not a motion made.

John Cahill- That's what I said, no motion, so what it paid?

Trustee Lancy- That's right, so there was no pay.

Mayor Elder- No it cannot be paid sir, as we talked about on the phone, until the motion is made, until the motion is passed by the board, the bill is not paid.

John Cahill- Right, so no motion was made at that meeting. So the question is, subsequent to that meeting, there been several meetings, and I haven't been there, so I was asking the question: was a motion made, subsequent to that meeting, to pay that bill?

Mayor Elder- No

John Cahill- It is also my understanding that there is a new policy, or language, with respect to education and training? Is that true or no?

Mayor Elder- That is correct.

John Cahill- What is the purpose of that, do you know?

Mayor Elder- There are a few parts to it, and we went over it on the phone about it again

John Cahill- No we didn't, I never talked to you about the change in the policy.

Mayor Elder- Actually we did. Actually the policy is \$1500, there has to be pre-approval, and if they do not receive a passing grade they have to reimburse the village.

John Cahill- Ok that's in the union contract, that's not in the non-union employee handbook, so what you're going to do is rewrite that

Mayor Elder- Actually at one of the meetings you missed, the board had approved the forming of a group to rewrite the employee handbook.

John Cahill- Ok, so the language hasn't been rewritten yet, but that's the verbiage it's going to be when it's rewritten, correct?

Mayor Elder- Well actually we could theoretically change the verbiage, but I believe that is what it will be, yes.

John Cahill- Well it should be, just so everybody's clear.

Attorney Don White- Just to be clear, it may not make it into the employee handbook. Who's to say in the future there's going to be an employee handbook? To answer your specific question that that exact language is going to be in the employee handbook, nobody knows that, there is no answer to that question.

John Cahill- What about the specific policy?

Attorney Don White- A policy was already adopted. There was a resolution by this board, and that's all it takes to have a policy in the Village of Webster, is a board resolution. So the policy exists, it doesn't have to go in an employee handbook.

John Cahill- Ok, thank you for that clarification. With respect to the Water Committee question I had, I read some of the options that were presented to the board by the Water Committee, and one of the options was to switch over to Monroe County Water. One thing that was missing was a cost comparison to the reverse osmosis system to hooking up to the Monroe County Water. And as a village resident, I would like to know what those associated costs are if that's something the board is contemplating looking into.

Mayor Elder- At the last workshop you were there, we discussed that as well, the fact that we are still looking at both systems, at what the costs are going to be. We haven't come to a final conclusion yet, part of our study is looking at the infrastructure now and what it will take to

upgrade it to the standard by which we might be able to hand it off to someone else. So the answer to your question is: we are still looking at the cost and the Water Department is working on it.

John Cahill- Ok and you will get the associated cost from Monroe County? Because I know in the last meeting I know there was an issue where the people from Monroe County were here and they weren't real happy with the input you got.

Mayor Elder- We got some really decent guidelines from them.

John Cahill- But there are no hard core numbers yet, right?

Mayor Elder- No, no hardcore numbers yet. It's just a difficult process that you have to be careful with.

John Cahill- Right, which is why we would like to see those numbers. Who exactly in the village is doing any research on the reverse osmosis and the associated costs?

Mayor Elder- The Water Department is doing that, so basically Jake Swingly and Fred. Basically our water department in general gets together and has looked at it, it's also Jason in the Water Department. But they are all working together to try to come up with the answers to those questions.

John Cahill- Have they scheduled a date at the board meeting to present this information from a cost standpoint?

Mayor Elder- They have actually presented preliminary information at a past meeting, but that was not cost oriented, and in a future meeting they will be doing more cost review.

John Cahill- But they haven't scheduled a meeting to identify cost and all that yet, right?

Mayor Elder- No not yet

John Cahill- With respect to the decision to utilize the reverse osmosis system,

Mayor Elder- We haven't decided that yet.

John Cahill- Ok, I ask the question because I know a SEQR was requested to be done by MRB Group, so that's part of preliminary information before you decide to go with a certain system, it is typically done where you pay for a SEQR before that.

Mayor Elder- We would need to have a SEQR done regardless

John Cahill- I understand that, but if you're not going to go with the reverse osmosis system, because you haven't done a cost analysis of reverse osmosis versus hooking up with the county, I just didn't understand the logistics behind before the decision was made, why would you have a SEQR done?

Mayor Elder- It's very similar to the reason we have engineering done, it's so basically we can have another way of looking at the cost orientation. We also can get, sending that SEQR out to other agencies allowed us to get information back from those agencies so we can look at how the system could be done. Actually to tell you the truth, by doing it we actually cut costs, already, in that system, if we actually get that system.

John Cahill- How does it cut costs? Because you've already got the SEQR done before you decided to use the reverse osmosis?

Mayor Elder- The agencies that get the SEQR can look at the parameters of the SEQR and tell us better how to use the system, which we actually got better information from DEC because of that.

John Cahill- What was the cost of that SEQR? What budget does that come out of?

Mayor Elder- It comes out of the water budget, and the cost was a little bit under \$3,500.

John Cahill- My next question is will the board hire an outside consulting company to do a comprehensive study and then board members aren't exactly experts in this area. I know the

town did that in 1997, had a comprehensive study done and I was kind of wondering if the board was contemplating utilizing it. And MRB does those studies also, I don't know if you discussed that option yet or not.

Mayor Elder- Well I think that, again I'm not speaking from the board, but once we put the water committee together, I think, from my perspective, we have a number of good people on that board. And I think that spending money on another study, as the former chair of the Water Committee talked about, is a waste. We have good people looking at that, they spend a lot of time looking at it; I have a good Water Department to look at it now. All we would be doing is spending more money, and we have a lot of studies. As you just pointed out, there is a good study from the town itself, which we've actually got many parts of that study, to be able to look at it in terms of how it would apply to our system. So we've actually got a lot of data already

John Cahill- You have a study that was done from 1996 as well, regarding reverse osmosis, don't you?

Mayor Elder- As I recall, and this is in your FOIL, I think you might want to try 2006.

John Cahill- 2006? Ok that'll help, but you do recall that study?

Mayor Elder- I do recall that study.

John Cahill- Was that presented to the Water Committee so that they could take a look at it?

Mayor Elder- Well when Jake Swingly was at the meeting he was able to do that, also Derek Anderson from MRB was at those meetings, so he was involved in the initial study too, so they were both able to reference that so they could talk to the lawyer

John Cahill- Because I talked to Jake Swingly and he said he couldn't get it, he said asked for it and he was told they couldn't find it.

Mayor Elder- I don't know what your conversation with Jake was, but in my discussion with him, he had spoken to Bill Southwell who was involved with that study.

John Cahill- He specifically told me he asked for that study, and was told they couldn't find it. So obviously

Mayor Elder- Well maybe your FOIL will help us find it, he spoke to Bill Southwell, and well I believe he did, because I spoke to Bill Southwell.

John Cahill- Last question I have regarding the Water Committee is: Will the board put this up for a referendum and a vote as the Town Of Webster did years ago so that the village residents will be able to be heard, and that the cost will be borne by the residents?

Mayor Elder- Again I don't speak for the board, but for myself I say it's a little too early to talk about that, we don't know what will be the parameters, we have to look at that. I'm certainly not going to say no.

John Cahill- So you decide to go one way or the other, there are five options, and you pick one of those options. At some point you will consider, say for example you decide 'here's cost comparison for reverse osmosis, here's what it's going to cost us to go to county water,' alright? We decided to go with option 2, out of the 5 options. Residents appear, here's all the information, here's the associated costs, the projected maintenance costs, and we will allow you to vote one way or the other, that is an option, with respect to the referendum, that the board will consider.

Mayor Elder- That is true.

John Cahill- Ok thank you for your time, I appreciate it.

Donna Rickard- 68 Lapham Park- Over the past two months, I have addressed the issue of tuition payments for four main office personnel. After a lengthy search for documents and other

research, we have discovered that exorbitant amounts were spent on tuition payments, mostly to the former clerk. Courses for other employees included: public speaking, psychology, and writing. Also covered were student fees, books, and lab fees. Today the Democrat and Chronicle covered this story. They felt it had merit and needed to be told. They discovered that four trustees did not know of the payments, former mayor Jake Swingly did not know, and former mayor Jake Judge was also unaware of these payments. So far the only two that were in the loop were the former clerk and the present mayor Peter Elder. The board has said that they will re-evaluate the process and put a new one in place. We would strongly recommend to the village that we do not pay any further tuition payments, period. Since the union contract allows for payments, we believe that stipulation must be honored. However, that should be something to be renegotiated. We are a small village, and do not have the financial resources to fund such extravagant programs. It's time that we put extra funds into maintenance projects and village beautification. If money is left in the budget line, and this is an example, for example \$2,000, it should not be used to purchase a new Apple computer for the mayor. He and the trustees already have computers for their use. When we hire a new employee, he or she should possess the educational and work record to fit the position. We should of course continue to support growth for our employees through workshops and conferences, but not college tuition. Thank you for your consideration.

Mike Broikou- 83 North Avenue- I just had a question on the workshops that you have. How are those handled as far as notifications? Are they handled like Village Board Meetings or they're posted in the Webster Harold or that kind of thing?

Dorothea Ciccarelli- It's the timing of the agenda to the workshop time Tuesday, by the time we have it completed, it is too late to post for the meeting.

Mike- Ok so for the workshops you don't really know what you're going to be...the reason I'm asking is because I didn't know there was going to be one, what was it, last Wednesday? Or Tuesday?

Mayor Elder- We had one on Wednesday.

Mike- Yeah, and there was nothing posted on the website until the day after.

Dorothea Ciccarelli- No it was posted.

Mike- No, I looked that day.

Dorothea Ciccarelli- Well then it is a glitch in the system.

Mike- Oh ok so it's a practice of posting?

Mayor Elder- It's also posted on the doors of the Village Office. If we are going to have a meeting, it is always posted on the village doors.

Mike- Even the workshops, then?

Mayor Elder- Yes absolutely.

Fedele Noto- Farmer's market president- Status update on the farmer's market: 6 weeks into the season (1/4 of the way through). Thank to the Highway Department for the new parking lot and thanks for the banners all around. Three vendors were lost due to economic problems, but six vendors were gained. Vendors are now allowed to buy product and re-sell it when they cannot produce it, but once they have the ability to produce it again, that is not allowed. Nutritional programs are available for purchase of food products, such as FMPC, EBT, and WIC. Looking for a possible volunteer to help with market staff and administering the wooden nickel program for produce. Rules and Regulations: live music is not allowed due to copyright infringement, so

licensing would be required. Also would like to be able to have the firehouse sign and the BID sign mention the Farmer's Market on Saturdays to direct people. Businesses would also be encouraged to come to Farmer's Market once a season to set up a booth and offer a promotion or advertise themselves.

Pam Elder- 109 Baker Street- I sit at most of these meetings for the last five years, and I just wanted to put my input. I can remember, as a village resident, hearing the bill pay, and knowing that the bill was paid, and knowing that the board knew it. I heard the board vote on it, and any trustee or mayor that says it was not there, was not listening, was not educated, and was not doing their job that they took an oath to uphold for the residents of the village of Webster. And I also voted for them, and that hurts. And as far as tuition payments now, I don't see why, where you guys have put down the limit very well, why they can't have any kind of schooling. In this day and age, that's the only way to go; people have to keep being educated. I know, I have a 23 year old. Thank you.

Motion Trustee Lancy and Seconded by Trustee Reynolds to approve the minutes from the June 7, 2011 workshop, all were in favor and carried.

Motion Trustee Balcaen and Seconded by Trustee Reynolds to approve the minutes from the June 23, 2011 meeting, all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Reynolds to approve the minutes from the July 6, 2011 meeting, all were in favor and carried.

Motion Trustee Reynolds and Seconded by Trustee Balcaen to approve the payrolls and claims, all were in favor and carried.

Motion Trustee Reynolds and Seconded by Trustee Lancy to rotate bills through the board to review before the meeting, all were in favor and carried.

Property Maintenance Citizen Committee- The mission would be to assist the Building Inspector identifying property maintenance issues as defined under Section 175-3 and collectively refer issues to the Building Inspector. Objective would be to inform the Village Board, Building Inspector, Code Enforcement Office, and village residents about possible violations to the village code as defined under 175-3 Use and Condition. And odd number of voting members: up to 4 residents, up to 3 business owners with tenants, and the designated Building Inspector or Code Enforcement Officer. Meetings would be the first Monday of every month at 7 pm in the Village Meeting Hall. The committee would serve as another set of eyes. The current system is that Will Barham reviews all areas of the village for violations.

John Cahill- Does not want to have people going through the neighborhoods looking for violations. There is a process for this; people should just make the phone call if they have a problem.

Donna Rickard- 'Why pay a Code Enforcement Officer?' She presented issues of homes that never mow their lawns and never move their car. Wants to know why this committee is needed

when calls were already made to the Code Enforcement Officer and it took a month for the lawn to be mowed. Thinks people are being paid exorbitant salaries and people are not getting their money's worth.

Michelle Anderson – 39 Elm Street- I think it's wildly inappropriate to have people either in the neighborhood who are from the neighborhood walking through the neighborhood and deciding whether somebody's yard or something they have in their yard is inappropriate enough to bring in the Code Enforcement Officer. I think you can all appreciate the potential for a huge problem here. And I'm talking to all of you and nobody but you. Do you understand? The potential for ridiculous...

Trustee Lancy- I'm writing, I don't have to look at you to hear you.

Michelle Anderson- I can appreciate you're writing, but this is ludicrous, Peter, come on!

Eric Reynolds- 64 Kircher Park- I think you're being silly, this is a great idea. The whole idea of Webster is a walking community, and you're railing against people walking around and seeing your property, that's silly. This is a good idea, we have a code enforcement office, we have a huge village, we could definitely use some help getting people out there and seeing the problems.

Attorney Don White- Felt that it would not be a legal issue, but might be a personal one

Michelle Anderson- So I just want to be clear, you're going to appoint these people even though it hasn't been put to a vote with more people from the village than are here right now? You're just going to put it through even though some of us have stated our problem with it? Correct me if I'm wrong, I'm asking: is that what you're going to do?

Mayor Elder- The board is making a decision about what they are going to do.

Michelle Anderson- About voting it in, or not voting it in?

Mayor Elder- Well that's what we are discussing right now.

Michelle Anderson- What I'm saying to you is you have people that dissented, and your attorney has said it's not a good idea.

Mayor Elder- Well he didn't actually say that, he said personally he didn't think it was a good idea, but legally it was fine.

Michelle Anderson- So you have people that are present in this room that have stated that it's not a good idea, and you're going to disregard the statements of the majority who have spoken and stated that it's not a good idea, you're just going to disregard that and just vote it in?

Mayor Elder- We're not going to disregard anything, the board hasn't discussed it yet, the board is still deciding what it's going to do. But let me address your concern on a larger level, because you've given me the opportunity to do that. This is not a direct democracy, it's a republic, so

what you do is you elect representatives. And you see I realize that some of you that come up here that are obviously a bit bitter about this board, and I respect that, because I did what you did, myself, for many years. But here's the thing, one person in the audience does not make the whole village.

Michelle- You're right, that's why, why don't you open it up to a public meeting? And have the public come? Advertise it.

Mayor Elder- Well the problem is Michelle, this is a public meeting.

Michelle Anderson- Oh Peter, you know what I mean.

Mayor Elder- No I'm not really entirely sure I know what you mean, because every meeting is advertised, this was on the agenda, right?

Michelle Anderson- But you need to make it known throughout the village that this is something that I think if more people knew about it, you'd surely get more people here tonight, just specifically for that issue.

Mayor Elder- It could be, but the point is, we did make it known.

Michelle Anderson- Because it was on the agenda for tonight's meeting? I don't think for an issue this important, that that was quite enough.

Mayor Elder- Well there are a lot of important issues that we discuss, and I don't know that you can take one issue versus another one.

Michelle Anderson- I think you're trying to slide this through and you're not giving it due process.

Mayor Elder- We aren't trying to slide it through, we are giving it due process, as Donna's talked about many times, we aren't even required to do agendas. We do that because we think it's the right thing to do.

Michelle Anderson- So you're doing us a favor?

Mayor Elder- No we're not doing you a favor, we're doing what we think is right.

Michelle Anderson- According to you, not according to the people who put you in office.

Mayor Elder- I'm not sure about that.

Michelle Anderson- Last time I checked this was a democracy, not a dictatorship, and you are out of control!

Mayor Elder- I am not. I'm sorry, I appreciate your opinion.

Michelle Anderson- It is wildly inappropriate to appoint someone to go through a neighborhood and look for things that they may think are wrong with a neighbor's yard or a neighbor's home, or anything else! Do you get that that's what happened in Nazi Germany? Do you understand that?

Mayor Elder- Well actually I'm a history major.

Michelle Anderson- Well yay! Obviously you are ignoring history!

Mayor Elder- Well I appreciate your comments, I really do.

Michelle Anderson- I'm not done.

Mayor Elder- Oh ok, that's fine.

Michelle Anderson- I'm trying to get an answer from you. Are you going to push this through, as a board, even though you had members of this meeting dissent against it? Are you going to push it through?

Mayor Elder- We are discussing that right now.

Attorney Don White- Give him five minutes here and you'll have your answer.

Mayor Elder- Unfortunately we can't do that until you're done talking.

Michelle Anderson- Ok, but as a group of citizens here, Don, if we don't get to say "no you cannot do that," and they ignore it and vote it through, what is that? What is this?

Mayor Elder- It's called our jobs

Michelle Anderson- Ahhh. Well, thanks for the time, but this isn't over.

Mayor Elder- That's ok, I wasn't expected it will be.

Issue was tabled to old business for the next meeting.

Old business:

Motion Trustee Reynolds and Seconded by Trustee Lancy to approve the Constellation Energy Contract, all were in favor and carried.

Issue of the BAN was tabled to old business for the next meeting.

Motion Trustee Reynolds and Seconded by Trustee Lancy to have a call-in for village board meetings beginning on July 28st, and continued the second meeting of each month.

Phone number for call-ins: 265-3770-27

Electronic meeting with Mayor Elder on July 27th at 7 pm.

Summer Events:

- Village Band 7 pm at Harmony Park on July 28th and August 4th, 18th, and 25th.
- Farmer's market every Saturday from 8 am to 12:30 pm
- Friday Night Concerts 7 pm in Veteran's Memorial Park July 22nd and 29th.
- Movies in the Park continuing. Around 9 pm on Tuesdays, July 19th and 26th and August 2nd, 9th, and 16th.
- Village Days August 12th and 13th, from 9 am to 4:30 pm on West Main Street
- Shakespeare in the Park 8:30 pm August 24th through 28th
- Garden Tour July 16th from 1 pm to 4 pm
- Firemen's parade July 14th
- Webster Yankees are having Webster village days at their game on July 24th, band at 2 pm and the game is at 3 pm at the diamond on Basket Road
- Senior and Disabled Committee meeting is July 18th at 6 pm in the Phillips Village Community Center

Motion Trustee Reynolds and Seconded by Trustee Lancy to go into executive session, all were in favor and carried.

Dorothea M. Ciccarelli, Village Clerk

Peter Elder, Mayor