

Village of Webster
Village Board Meeting
July 28, 2011

Webster Community Meeting Hall
29 South Avenue
Webster, NY 14580

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

Visitors, Guests, and Residents:

Jodie Byerts- 36 Elm Street- This is to the Mayor and board members: Last week Webster Harold had a front page article regarding issues that are being brought up within the village municipality and how things are being done that have stirred unrest within some village residents. The article, titled Employee Tuition Payment Issue Re-raised, included a quote from village resident Pam Elder from the meeting held on July 13th, 2011. She is quoted as saying: "I remember hearing the bill pay each month, and knowing the board was aware of tuition payments to certain employees" Elder stated. "Any board member or mayor during that time that says they didn't know tuition payments were being made is not telling the truth." I must ask you: doesn't she also say some of you aren't telling the truth? On April 28th, 2011 at a board meeting, village resident and past trustee Donna Rickard asked a question regarding whether or not current trustees and mayor were aware we paid tuition. When ask directly, "Were you aware?" Trustee Reynolds answered "no," Trustee Kildal answered "no," Trustee Lancy answered "no." Mayor Elder, you stated, "I knew there was an education line, I didn't know how much was being spent. I'm confident it was listed correctly, I probably should have looked harder." When Donna asked for clarification, you responded with a qualified no. I wonder, were you all not telling the truth? If not, and you were truly unaware, the why is it a village resident was more aware of village bill pays and what was being paid than those who were elected to know what and where village money is going. Mayor Elder you state in the article that you do not want to rehash history, however I do not think it is history or in the past. We are still paying for college tuition even if it's a new way. I do support trainings, seminars, and classes that will recertify or keep up to date skills needed to keep up with changes and new technologies specific to employee's jobs. But I do not support employees getting college degrees on the taxpayers' dollars. I ask, if the degree or course is necessary to perform the job, why is that employee in the job? In this day in age, with so many people unemployed, I'm sure the village could find a qualified person with a degree. To end, I would like to ask the board to consider two different options- one: allow village residents to present petitions for tuition payments to be removed from contracts, or two: allow village residents to vote in support or against tuition payments for village employees. Let the residents, who pay the taxes, decide. Thank you.

Robert Anderson- 39 Elm Street- Just a couple comments and questions. As mentioned at previous meetings there have been numerous instances where the village board meetings and workshops have not been communicated on your website or have been communicated one day prior or after the meeting has occurred. I believe your response to that was "We don't have to communicate these meetings to the village residents, and we post it on the door as a favor to the residents." This attitude does not promote transparency, which you have noted as your goal in previous meetings. You tried to push through your property maintenance citizen's committee

after numerous citizens and your own attorney raised concerns, also does not promote this transparency within your administration. I've discussed this citizens committee with residents of numerous towns in Monroe County, and they were all astonished that you were trying to implement this. At a meeting on Tuesday to discuss off-track betting, acquiring space in the village for their operation, it was mentioned that the planning board and the zoning board had approved this. Is this true and can you tell me if this was on noted on the agenda that may or may not have been on your website or posted at the door? That this was going to be reviewed by these two boards, can you answer that?

Mayor Elder- You mean specifically the OTB?

Robert Anderson- Specifically the OTB, that's what we were talking about on Tuesday.

Mayor Elder- We had specifically talked on Tuesday and I appreciate you being there by the way, about the fact that the use was within the Central Business District Zone use. So the answer is, I think we had talked about that at some length actually, that the answer is yes. The building had been approved with uses basically in conformance with the Central Business District. And Dorothea maybe, not because I don't know the exact dates but you were there, all those meetings for the issue of the building, the construction of the building were advertised.

Dorothea Ciccarelli- Yes, they were all posted, they had minutes. The building was approved.

Robert Anderson- So you're talking the building itself was approved, which I'm sure it was.

Dorothea Ciccarelli- The OTB, was not mentioned for the building to be built? No.

Robert Anderson- Well the comment that was made was that the board had given it approval for OTB, I think that's how most people took it. So that's why I'm asking for clarification.

Mayor Elder- Well that's not the case. I appreciate that, and thank you for asking, because I try to make it very clear and anybody involved with this would do the same thing. And Jake, you can chime in if you want, but I believe the point of the matter is the use was approved at the time of that building's construction. And the OTB is within the use of the Central Business District. There are other uses, there are a variety of uses in the Central Business District that come to mind, and they are all in the code, but this is one of those uses. Just know that the uses, it's a recreation, to be specific.

Robert Anderson- You mentioned in another recent newspaper article that the college tuition being paid for by the residents of the village is legal, or not illegal I believe is what it said. I do not believe this statement was accurate based on the general municipal law article 5 section 77B, which states the following regarding expenses of certain public officer's employees attending conventions, conferences, and schools: the governing board of the municipality may by a majority vote, authorize any of its members, officers, or employees to attend a conference. Conference travel shall be for official business, and shall be made utilizing a cost-effective and reasonable method of travel. Authorization must be by resolution, adopted before such attendance, entered into the record of the proceedings of the municipality. Authorization to

attend a conference shall have been granted by any executive officer or administrative board, no claims or expenses shall be audited, allowed, or paid unless there shall be a travel order or similar document signed by such executive officer or chairman of the administrative board authorizing the payment to attend such conference. No person shall be entitled to any compensation for time spent attending such conference. My question is: was article 5 section 77B being followed by this administration at that time?

Mayor Elder- As I said before, this policy for educational benefits goes back far beyond this present board. But what I would like to do is Dorothea's got this in the minutes now, and our village attorney will review it for you and we'll get back to you. It's another good question.

Robert Anderson- What I do know is that I'm struggling with a few of the things related to these expenditures and would like some clarification. While reviewing one account in the general ledger, schools and conferences, I notice that there are many transactions with no descriptions of what the expenditure was for. Is a common practice here not to identify your expenditures in your general ledger?

Dorothea Ciccarelli- No it's not, usually there is a description with the item. I guess I would question what you're looking at.

Robert Anderson- We can look at that sometime, because there are quite a few of them.

Dorothea Ciccarelli- Ok. But no, that is not a practice.

Robert Anderson- I've done my best to summarize what is reflected in this account for the period of 2006 to 2010. And what I see are tuition payments for Vendel with \$16,204 Ciccarelli \$9,788 Barham \$3,435 Bellows \$1,255 Moranz \$985 and conferences which are mostly unidentified transactions \$37,213. This total was \$68,880 for that period of time. It was mentioned at the last village meeting that all tuition related expenses were approved by the board, however I remember at a previous board meeting, and I'm not going to read this, because she just read that, so we won't do that again. But I do have a question, were these expenses approved by each individual's manager?

Mayor Elder- The department heads I think? Yeah each department head at the time, and they have changed much over the four or five year period you're talking about, the department heads change over time, but they did approve those expenditures.

Robert Anderson- Alright. I reviewed some of the invoices in question, actual invoices and noted that there were several instances where the employees themselves approved their own invoices, there was not manager's approval on these invoices.

Mayor Elder- I think, if I may, I think you may be getting mixed up. Are you talking about the stamp on the invoice itself?

Robert Anderson- Yeah there is a stamp for account coding, somebody puts their name on it, and it's usually the person who is filling out the document.

Mayor Elder- Right, and that's not specifically an approval for that expense, what it is is a receipt for that expense. Dorothea and I had talked about this; I understand it might be confusing if you're not quite aware of the procedure as a bill comes in. But as the bill comes in, they stamp it and then they continue on that process of recording those bills, so that's not an actual approval of that expense, it's a, what would you call it, record keeping.

Dorothea Ciccarelli- Yeah, the final approval for any bill does come to the village board, and it's not paid.

Robert Anderson- I understand what you're saying, however I believe the rumor out there is that a manager signs that document, whether it be a purchase order prior to that or the actual invoice. You have some people on your staff who were hired for specific positions and are paid very well. In the real world, employees are required to have obtained their college education prior to being hired for certain positions. In the Village of Webster however it seems individuals are hired and their college education is paid for by the taxpayers. Our tax dollars have been spent toward associates, undergrad, graduate degrees and even a PhD in public relations, degrees that these employees should have had prior to being hired or paid for on their own. I also do not believe you need a PhD in Public Relations or even a Masters to be Village Clerk or Treasurer of a small village. Why was this allowed to happen? It makes me wonder what else is going on. I would that if you believed paying college tuition was unacceptable, you would have eliminated it when you took office, not after it was found by others. It had also been determined that your Code Enforcement officer has taken the following courses: psychology, public speaking, and writing. Do we need to be paying for these type courses for a person in the position of code enforcement? And my last comment is, a few months ago you stated at a village board meeting that you were going to have the comptroller's office come in to perform an audit. Has this occurred?

Mayor Elder- Yes. It wasn't really an audit, what it is, I clarified that at the time, basically it was a preliminary examination in anticipation of an audit. And what I understand is they are getting the documentation together at this point as to whether they would conduct a full audit of what we do.

Robert Anderson- So there's been no results?

Mayor Elder- As of yet, but they were in the office, I don't know though, how long were they in the office?

Dorothea Ciccarelli- They were in the office for a week.

John Cahill- Judson Street- Just a couple things: just want to comment briefly on the committee that's going to assist Will. Just want to reiterate that I've only lived here for a year, and I've traveled through the village quite often. There is one thing I've noticed, not only in my own neighborhood, but throughout this entire village is that people in this village really really care about their properties. They take care of their properties; I see them out working on their properties, mowing, hedging. Very very few properties, I don't think I've seen one in such a condition that would warrant a task force of citizens walking through neighborhoods worrying

about possible citation violations. And I would ask this board to seriously reconsider putting a committee together to distribute them throughout these neighborhoods. I think it's an insult to the people of this village. I think it's a waste of time, and quite frankly I think our current code enforcement is more than capable of doing that job of which he's paid for. I filed a FOIL request for years 2010 to current for the amount of citations that have been written with respect to that specific code. In a year and a half, there have only been seven. That's it. So I don't see this overwhelming need to go through neighborhoods looking for citations. I think it's a really bad idea, and I really hope this board would reconsider that aspect of this proposed committee. The other thing, and Dorothea I want to thank you, I know it took you a lot of time to get all this information together, and I really appreciate it. The other thing I asked for, among a multitude of other things, was a copy of the reverse osmosis study that was done by MRB Group. My question is: there were several board members I think currently, and I think Jake you're on Water Committee too, who else was on the Water Committee?

Mayor Elder- Dave was, there were number of people who volunteered their time, Charlie Stiles was.

John Cahill- Ok have you seen this report, those of you that were on this? Have you read through this entire report?

Trustee Kildal- No I have not.

Jake Swingly- Yes I have. I don't have it memorized of course.

John Cahill- You read through the whole thing? Well yeah, it's pretty comprehensive; I don't think I could even come close to memorizing it. I know at the last recent meeting I had asked for a commitment, you gave it, that you would do a cost comparison of hooking up to Monroe County versus the Reverse Osmosis system. I haven't had a chance to go page by page by page, but I did look at the summary of the costs, and they're pretty significant, not only on the construction, but projected cost on the Bond issues is pretty significant. And the thing that concerns me with respect to this report is that it's five years old. I think everybody in this room would agree that the constructions costs of 2007 versus 2011 are significantly different. Therefore my question for you, Mr. Mayor and the board, is will you get updated construction costs and analysis from MRB Group so we can have accurate numbers when do a cost comparison between reverse osmosis and hooking up to Monroe County water to present to the taxpayers of this village? Which I think is a reasonable request.

Jake Swingly- We're working on that now, and getting updates and figures on that. In fact a lot of the construction costs would be dropping off of that, because the cost of the constructed wetlands is no longer an option that we're looking at. The cost of building construction has changed quite a bit, we went down there and started entering things and looking at existing buildings that would suit our needs without having to run the length of things they were discussing running at the time. If we could fit it in an existing building in the equipment building we have now, the garage that's down there, we could replace the use of that with a place to hold our equipment in and put the reverse osmosis system in there and save a ton of those construction costs, I believe it's about \$224,000 that they were talking about for the construction

for the building, plus the additional figures and things like that that would go away. So we're constantly looking at those things and seeing where we can maximize, and it's an aspect that we're pursuing and trying to get all the final numbers out and all the information, but we have to have a destination before we're heading out on a road. We're looking, certainly we looked and if we get closer we want to see if that's really where we want to go. We're working on getting all the information together, and unfortunately it's not a fast process, but fortunately it's not a fast process, because there are so many aspects of it that are being handled.

John Cahill- Right, and of course with your diligence. Who's working with the county to get their numbers, specifically?

Jake Swingly- We were starting to discuss it with MRB the other day, they'll have to get specific numbers from the county, because what they had when they first came in there was very vague and not very specific in general, and they didn't really provide numbers. I talked to other communities in other areas of that switched over and tried to get a sense of what the switch was like and what kind of figures and what kind of things the county would do and basically when somebody came in and asked me to discuss the infrastructure, there was a need if we were going to have to realign this meter or replace this meter if it was going to cost to switch to county, the county's not going to take it if we don't realign it we don't fix it they're not going to take on that burden or that debt.

John Cahill- I'd just like to see someplace of what the cost would be to align. I think that, would you have to realign some of those pipes even with the reverse osmosis system?

Jake Swingly- I think some of the areas you may have to, but like you said it's five years old, there's new technologies, there are permits for existing technologies we have where sometimes you're not even lining, you pull through blast through, split the pipe, pull a new pipe down through it. So there is a value to that because it provides a foundation for questions and to jump from. Gives us somewhere to come from where we've got some base information. But as you mentioned it's very dynamic, the numbers, certainly construction figures in 2005 aren't going to be the same as construction figures for; well they weren't even the same as in 2006. Well actually it was 2007 I believe, so even from 2007 to 2008 they were different, so now they are certainly different. So the value of that now looking back is it provides a foundation to jump from to ask the questions from.

John Cahill- This is obviously a fluid issue. What's the setup as far as something in writing that we could copy, that you guys will be presenting to the village residents with respect to costs comparison?

Jake Swingly- I guess the best answer I can give is when we get the information together. I don't want to jump and give information and give misinformation. I expect within two or three months try to get the information together, there's certainly many things, excuse the pun it is very fluid though. And there's also negotiations that we're going to do that have a great positive impact on what the potential costs are.

John Cahill- Negotiations on what?

Jake Swingly- Regarding the water users and revenue. Potential water users, I don't want to really dive into a whole lot more right now.

John Cahill- Ok thanks a lot.

Gordon Hartley- My question is along the same line, regarding the water. I had a number of people ask me what's going to happen with water, some of them don't have cable, so they're not getting any live feed, so they had some questions as to whether the village board is actually going to pursue the water and if that's the case. Is that true?

Mayor Elder- We are definitely looking at all the options. Like I said we are looking at all the options, but there are only two big options, and those are the ones we're focusing on. Jake started to address this and we're still collecting data as you're aware, and you were there, it's a process.

Gordon Hartley- Did you roll that into the comprehensive plan? To get a SEQR? Or are you going to get one?

Mayor Elder- We are actually looking at getting a SEQR right now on the osmosis system so we have an ability to compare. Also we were talking about last meeting they also gave us the bill for the agencies to be exempt for it. I don't think we did roll it into the comprehensive plan.

Gordon Hartley- You're just going to keep it as stand alone?

Mayor Elder- I think we talked about it and just thought it was not a real good idea legally to do it. Not that it wasn't a good idea on your part.

Gordon Hartley- No I just was curious, because once you do the SEQR it authenticates that the public wants it, and it behooves the village to go ahead and do it. It makes your feet a little concrete a little bit more. Because you say it out of one side of the mouth you're going to do it, then you better.

Mayor Elder- We have to do something, that's why we are pursuing it. And just so you're not confused, the reason why we were doing that is considering the approval to set the public hearing for the time frames.

Gordon Hartley- And I did read that whole report, there's a lot of heavy listings and there's a lot of chunks of money that are saying well this is about what the contingencies, they have even got contingencies, they have a guard against making a mistake. Technology flows forward and like he said, it's a different system, different size. He made some assumptions that weren't necessarily true; it could be done more economical. Bottom line it's going to cost anywhere from five to fifteen dollars for the average consumer per month. On the other hand, if you have a softener like I do, I'm in excess of twenty dollars a month, so I could out way ahead, and the person that doesn't soften water they really come out ahead too in the long run.

John Cahill- Yeah I just want to know what it's going to cost.

Mayor Elder- And we're looking into that, thank you Gordon.

John Uger- I brought to the village's attention on multiple occasions about the condition of flags, not trying to make issues but just to get it corrected out of respect for the flag. The village has graciously in very short order corrected all those issues, therefore I'd like to donate, I'd just like to give this flag to the village.

Mayor Elder- Thank you so much John. John I don't know the entire details about this but I know that you did serve, and this was service, correct?

John Uger- its common practice in aviation, I was a crew member on helicopters, and it's common practice to suspend a flag in the back of your aircraft in the cargo area. That flag spent its service life from January 1996 until December 1996 above army 904 which is a UH-60 Blackhawk. Over 320 flight hours it flew multiple occasions a thousand feet into North Korea while in flight corridors. It flew over Camp Casey on multiple occasions at 16,500 feet, on oxygen, for a pair of drop operations and three para-operations where we were armed to the teeth in case something happened. And the Secretary of State at the time, I don't remember if it was Madeline Albright or the other, but she was in our aircraft too. But that flag has seen a lot of history, and I'm proud that it will spend the rest of its serviceable life in your care.

Mayor Elder- Thank you so much.

Mayor Elder sent condolences to the family of Bob Evans.

Mayor Elder- I would like to address a concern that people have made to me, and again I thank all of you here, the board, for your input as well, and it involved basic conduct at our village board meetings. So the first thing I want to do is be clear that I'm a huge proponent of people speaking at our village board meetings, I really don't even subscribe to the notion of time limits, obviously through our speakers here, and I've always had that particular opinion. However these meetings at their core are business meetings. The five board members are here together to conduct village business, each of us was elected to conduct village business and our job is to move through an agenda and get the village's business done, and we cannot do that if there are disruptions at the meetings. I would just like to remind everyone the resolution that was passed at our organizational meeting, and it is: "meeting conduct: guests and residents are welcome at all public village meetings. Visitors will be recognized to address the board at any topic during the meeting and may speak under visitors, guests, and residents. We may reserve the right to limit the time anyone speak to the village board (probably won't) and viewing audience to five minutes in each subject matter. The speaker must approach the podium to be heard; no shouting from the audience will be permitted." And these are not arbitrary rules, they are meant to keep the meetings orderly. As mayor I'm sharing these meetings and am responsible for enforcing basic rules of decorum. Perhaps I've been a little lacks in doing that and I'm not going to be any longer. I encourage any of you to address the board in the beginning of the meeting, and I encourage any resident to call me, email me, or contact me or any of the trustees between meetings. But during meetings, I would ask those of you that whisper to others to please remove yourself to the hallway. I will ask not to interrupt members of the board. I remind board

members, including myself, to refrain from having dialogue with members of the audience. And finally I would remind members of the audience to direct their comments to the entire board, not individual board members and certainly not to members of the audience. The five board members were elected to represent the residents of the village and conduct village business and that's exactly what we are going to continue to do.

Motion Trustee Lancy and Seconded by Trustee Reynolds to approve the minutes from July 13, 2011 all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Reynolds to accept Payrolls and Claims all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Balcaen to expend \$125,000 from the General Reserve fund for the purpose of partial payment on the outfall sewer pipe, all were in favor and carried.

Motion Trustee Reynolds and Seconded by Trustee Balcaen to approve the Public Hearing and the Legal Notice to adopt the Comprehensive Plan on August 25, 2011 at 7:45 pm all were in favor and carried.

Building Report: Work is still being done on West Main Street at Old Church Mall. 27 permits were issued in May and June, but some people are still trying to install swimming pools without permits, but it is state law.

Citizen's Advisory Committee for Village Government Efficiencies: Formulate recommendations to the Board. Each member would serve a one year term and would work with the Village board to research and make recommendations of Village issues.

Motion Trustee Reynolds and Seconded by Trustee Lancy to approve the creation of a Citizen's Advisory Committee for Government Efficiencies all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Lancy to approve George Chamberlain as the Chairman of the Committee all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Balcaen to authorize declare the surplus office equipment from the list provided all in favor and carried.

DPW: Brush pickup starting Monday next week (first full week of the month) and storm sewer has been repaired. Johnson Controls is still collecting information to create a better audit.

Water: SEQR resolution of intent to become lead agency for water improvements.

Motion Trustee Kildal and Seconded by Trustee Reynolds to authorize the mayor to sign the SEQR resolution designating the board of trustees as the lead agency for the village of Webster Water Treatment Plant improvement project all were in favor and carried.

Summer Events: Movies in the Park August 2nd, 9th, and 16th
Friday night concerts 7 pm in the Gazebo
Farmer's Market every Saturday 8 am-12:30 pm special events August 13th and raffles
Band Concerts in the Band Shell in Harmony Park August 4th, 18th, and 25th
Village Days August 12th and 13th, on Friday Brass Taxi 6-10 pm and Saturday vendors on West
Main Street and bands in the park
Shakespeare in the Park August 24th to 28th Veterans Memorial Park at 8:30 pm
Saturday July 30th at the Parks and Recreation Department there is martial and self defense
seminar as a benefit for a neuroblastoma patient, Simon Harris, from 2:30 to 4:30

Village Board Call In: Mayor Elder addressed the question regarding the water system, stating
that there will be plenty of public meetings before a change occur.
Jake Swingly addressed the brush question, stating that if the 1st falls on a Monday that is when
he sends out people to pick up brush, if Monday is the 31st, then the next Monday is when brush
pickup would begin.
Jake Swingly also addressed the question regarding percentage of outfall stating that the
percentage is based on the flow, but the percent is around 33%.
Next Call In will occur at the second meeting in August.

Motion Trustee Reynolds and Seconded by Trustee Balcaen to move into executive session all
were in favor and carried.