

Village of Webster
Village Board Meeting
January 23, 2014

Webster Community Meeting Hall
29 South Avenue
Webster, NY 14580

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

Public Comments

John Dewolf – 725 Kreiger Road – Said he did not want the Memorials in Veterans Park on North Avenue to be disturbed if the Park was going to be updated. Trustee Ippolito, Liaison to the Parks and Recreation Committee, said no memorials would be disturbed.

Peter Elder – 59 Dunning Avenue – Said at the January 9, 2014 regular Village Board meeting, that Mayor Cahill did not let Trustee Lancy speak and wanted the other Board Members to discuss this problem with the Mayor. He also asked if there was a Civil Rights complaint filed against the Village by one of the Village employees. He asked for information and wanted to know how the Village Board will handle this. Attorney White responded that no Civil Rights complaint had been filed against the Village of Webster. He said if a complaint had been filed against any individual employee of the Village it would be pending, not subject to FOIL at this point, and it would not be proper to comment further.

Village Board Business

Motion Trustee Lancy and Seconded by Trustee Byerts to approve the Village Board minutes of January 9, 2014, Trustee Balcaen abstained, all were in favor and carried.

Motion Trustee Ippolito Jr. and Seconded by Trustee Lancy after personal review of claims by Trustee Byerts and Trustee Lancy to accept claims totaling: General - \$35,214.67, Water - \$7,431.91, Trust and Agency - \$1,507.03, and Prepaid - \$687.51, all were in favor and carried.

Motion Trustee Lancy Seconded by Trustee Ippolito Jr. to approve the appointment of Carol Moranz as Deputy Clerk with the following terms below, all were in favor and carried:

- Term ending March 31, 2015
- Hourly rate of \$21.67
- Start date of Friday, January 24, 2014

Motion Trustee Balcaen and Seconded by Trustee Byerts to authorize Mayor Cahill to sign the Intermunicipal Agreement with the Town of Webster, all were in favor and carried.

Motion Trustee Balcaen and Seconded by Trustee Ippolito to authorize Mayor Cahill and Trustee Byerts to attend NYCOM's "2014 Winter Legislative Meeting" at a cost not to exceed \$796.00, all were in favor and carried.

Motion by Trustee Lancy and Seconded by Trustee Byerts to open the Public Hearing at 7:45 p.m. to authorize approval of the franchise Agreement to provide cable television services with Time Warner Cable Northeast LLC D/B/A Time Warner Cable, all were in favor and carried

Peter Elder – Questioned the Board on the increase from 3% to 5% and asked if this increase would be reflected on the cable bill. Mayor Cahill informed Mr. Elder that the residents with cable would have an increase reflected on their bill like every other municipality. Attorney White stated that the pass thru is allowed by federal law and a line would be added on the bill.

The Village Board noted that the agreement had expired and commended Jamie Allman, Village Treasurer, for her work and participation in the negotiations.

Mayor Cahill stated all municipalities in Monroe County would receive the 5% increase. He continued and said if the ceiling franchise fee increases again during the agreement, it is written whereas the Village can request an increase to that maximum. Mayor Cahill said the Village also benefits because quarterly payments would be received instead of annual payments.

Motion by Trustee Lancy and Seconded by Trustee Byerts to close the Public Hearing at 7:50 p.m., all were in favor and carried.

The following resolution was offered by Trustee Lancy and Seconded by Trustee Byerts and moved for adoption, all were in favor and carried.

WHEREAS, the Franchise Agreement with Time Warner Communications and the Village of Webster expired on or about April 7, 2010; and

WHEREAS, Time Warner Cable Northeast LLC, d/b/a Time Warner Cable desires to enter into a new Franchise Agreement with the Village of Webster to provide cable television services to the residents of the Village of Webster; and

WHEREAS, a public hearing regarding the proposed Franchise Agreement to provide cable television services between the Village of Webster, New York and Time Warner Cable Northeast LLC, d/b/a Time Warner Cable was held by the Village of Webster Board of Trustees on January 23, 2014 at 7:45 p.m.; and

WHEREAS, notice of said public hearing was duly published in the official newspaper of the Village of Webster, New York; and

WHEREAS, all interested persons were heard;

NOW THEREFORE, be it resolved:

1. The proposed Franchisee's technical ability, financial condition and character were duly considered and are approved.
2. The Franchisee's plans for constructing and operating its cable television system within the Village of Webster was duly considered and is found to be adequate and feasible.

3. The proposed Franchise Agreement to provide cable television services is hereby approved and John J. Cahill, as Mayor of the Village of Webster is hereby authorized to sign the Franchise Agreement on behalf of the Village of Webster.

Code Enforcement

Will Barham, Code Enforcement Officer, reviewed with the Board the December 2013 Building report. He discussed the Monroe County Home Improvement Program and stated that the program awards grants and loans to homeowners for home improvement projects. He also said the total number of permits were up for the year. He informed the Board that the Community Development Block Grant monies awarded was in the amount of \$29,000. Will said he is currently working with Superintendent Swingly to review projects for grant monies. He also said he is working with General Code to update the code books.

Attorney

No report was given.

Office

Motion Trustee Ippolito Jr. and Seconded by Trustee Balcaen to approve the budget transfers below, all were in favor and carried.

From: 01-02-1620-412 Building Maintenance \$2,825.00
To: 01-02-1620-200 Buildings/Village Hall Equipment \$2,825.00
Reason: Gas heater needed to be replaced in paint shop.

From: 02-22-8310-402 Postage \$2,600.00
To: 02-21-1930-401 Village Attorney \$2,600.00
Reason: Up to \$7,000.00 is needed in "Village Attorney" to defend the Village's lawsuit filed by Eric Reynolds. Approximately \$4,400.00 is available in that line right now.

Motion Trustee Lancy and Seconded by Trustee Byerts to authorize to fund Josette Amalfi's Health Savings Account \$4,412.00, all were in favor and carried.

Motion Trustee Byerts and Seconded by Trustee Ippolito Jr. to authorize Mayor Cahill to sign the deferred compensation plan audit engagement letter with Fred Maxick CPAs, P.C., all were in favor and carried.

Financial statements for December 2013 were tabled for the next meeting.

Department of Public Works

Superintendent Swingly informed the Board he would postpone proposals related to the tree grant to be reviewed by the next meeting. He also said the Engineering Planning Grant was awarded in the

amount of \$30,000 for the Sewage Treatment Plant study. In addition, Superintendent informed the Board that the parking easement agreement for 47 West Main Street was all set. He also commented that the property owner at 39 West Main Street had the new lease agreement and if there were any concerns he would come back to the Board.

Motion Trustee Lancy and Seconded by Trustee Balcaen to authorize Superintendent Singly to attend A&WMA/NYWEA's Annual Conference at a cost not to exceed \$65.00, all were in favor and carried.

Water Department

No report was given.

Call In

No phone calls were received.

Adjournment

Motion Trustee Byerts and Seconded by Trustee Lancy to adjourn the meeting at 8:43 p.m., all were in favor and carried.

Josette Amalfi, Village Clerk

John J. Cahill, Mayor