

Village of Webster  
Village Board Meeting  
June 9, 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:

Donna Rickard – 68 Lapham Park – Our goal this evening is to apprise the board, our village neighbors, and the public about what has transpired over the past month that has to do with our request for information about tuition payments for a few village employees. We have discovered that for the past several years approximately 31 thousand, or possibly more, has been spent on college tuition for three or four main office exempt employees. What classes did they take? Were they job relevant? Did they pass or fail? Did we pay for books? Were the dollars taxable? On April 26<sup>th</sup>, I filed a Foil. For those of you that don't know a Foil is for information, freedom of information. I requested the following information from the village board hall. Including the years 2005 through and including 2010. Who received tuition payments? How much did each employee receive? Who approved the payments? In early May, I received a copy of the general ledger for the above listed years; however, they did not specifically answer my Foil questions. On May 17<sup>th</sup>, I filed a formal appeal, stating that since the information I asked for was not provided, we could be requesting an article 78 hearing. On June 3<sup>rd</sup> I received a letter from Peter Elder; he is now the appeals officer in the village, denying my request. He stated that the ledgers we received should suffice. The fact that a Foil was denied gave us pause. What does the mayor have to hide? Consequently we may be going forward in pursuit of information in accordance with subsection 89 4b in Monroe County Supreme Court. These payments should never have gone undetected for so many years. During my four years on the board, I never knowingly approved a tuition payment. Nor did the former mayor, Jake Swingly, and our three present trustees: Reynolds, Kildal and Lancy. A month ago I also asked the mayor if he knew about the tuition payments. First he said no, then he said he didn't know, then he said he would have to check his notes. Perhaps he would answer now. Mr. Mayor, were you aware of these tuition payments?

Mayor Elder- Well since you're asking, you actually mischaracterized what I said.

Donna Rickard- That's what was on the tape. I'm just asking you for an answer.

Mayor Elder- Actually it's not what was on the tape if you go back and play the tape again. What I said was that I said that I'm sure that we approved the, I wasn't aware of specific charges of the specific approvals. I can't say that now because I've gone back and looked at all of them.

Donna Rickard- So you're not saying you did or you didn't.

Mayor Elder- No I'm, as you should, taking responsibility for all the bills. If you are a member of this board, you have a responsibility with every motion and second that's made and Donna you made many motions and seconds on the bills, and so did I, I mean I'm with you.

Donna Rickard- That's true, however, but please let me continue. The employee handbook clearly states that any such expenses should be pre-approved by the employee supervisor then brought to the full board for approval before any classes, workshops, etc are taken. Given that taxpayer dollars appear to have been spent without proper knowledge or authorization, we the taxpayers of the village of Webster would like these monies paid back and an investigation by an outside police agency to be conducted. What apparently happened here is a misappropriation of funds, possible impropriety by the former village clerk and anyone else identified who was aware of these actions. No one deserves to have their college tuition paid on the dime of village taxpayers. This requires legal action and we strongly believe the board should take immediate action to have the situation resolved. Thank you.

Mayor Elder- Well first let me see if anyone else has any comments, because I'd like to reply to them, but I'm not going to until...

Darrell Byerts- 36 Elm Street- I have a couple of questions. First of all, you are going to be approving minutes tonight from the May 26<sup>th</sup> meeting. Those minutes were not posted, have not been posted in two weeks since that meeting took place, and I'm wondering why they aren't posted. We don't have a chance to look at them to look at them to review them, and in fact if even today for the agenda for tonight's meeting, that wasn't even posted until afternoon yesterday. So I think that maybe you do need help, in internship, for the summer, in order to get things timely out to the public. Next item that I have, the position held by Jake Swingly, Superintendent of Public Works, I would like to know if that qualifies for an executive employee exemption. Under the labor law. Executive employee exemption.

Mayor Elder- He is considered department head, so the answer is he is an exempt employee

Darrell Byerts- Well if so then I'm wondering how he would be compensated for time spent with the sewage problem on Sunday. You talked about in the last meeting compensation him at time and a half for two and a half or three hours. That seems to me as if it would fall under a right of being exempt for compensation. That would fall underneath his title and his responsibilities from everything I've looked at. You could maybe tell me more, sir.

Attorney, Don White- But I think maybe, are you specifically referring to his comp time?

Darrell Byerts- The comp time that you are talking about paying him for being there on a Sunday afternoon, when he is Supervisor of Public Works, that's his responsibility to supervise this activity. He is a salaried employee of this town, not an hourly employee, so I would like to know, what the reason is.

Attorney, Don White- Because he's a salaried employee, that's why he's exempt, that's what the exempt means, it means he's exempt from having to pay overtime, time and a half. I lieu of overtime though, under the Fair Labor Standards Act, which is federal statute, he is absolutely

entitled to paid comp time, compensatory time. Now compensatory time is not cash, that's time off. That's like extra vacation time, in essence. That's what he was given was comp time, he wasn't given cash.

Darrell Byerts- So he is not responsible as supervisor throughout the week. It's like a forty-hour job?

Superintendent, Jake Swingly- 81% of my time is responsible. I'm on call every single night for the Village of Webster and every third weekend I'm on call. And really I'm on call all the time. The first time I really took vacation was between Easter, the week of Easter. I had five days off, four of the five days, the first four days I had phone calls every single day. Didn't get any the last day because no one else was around. I'm very responsible and I take my responsibilities very seriously.

Darrell Byerts- I did read there was comp time where they simply came in or left an hour early or whatever. I'm just wondering about the pay. That's all

Mayor Elder - He wasn't paid, if that's what you're asking. He was given compensatory time off is what comp time stands for.

Darrell Byerts- Ok. Ok. So it wasn't a payment. Because last discussion was time and a half.

Mayor Elder-That's because we have to award him compensatory time at time and a half. At an organizational meeting we did pass a comprehensive policy on comp time. And if you want those minutes, we'd be more than happy to give them to you.

Darrell Byerts- Ok that was my concern.

Attorney Don White- Because it's in lieu of overtime, comp time, or compensatory time off, is calculated at time and a half. But any salaried employee is entitled under federal law to that compensatory time off.

Darrell Byerts- Ok. I'm fine with that. The next thing I would like to comment on is the organization that the last meeting that you had you talked about establishing steps under a title, and when a person reached the highest step in a particular title, you would establish a new one, so that they could continue to progress in their salary. I've never heard of that. Is that part of the plan? Did I misunderstand you?

Mayor Elder- The actual chart that I held up last time, actually says promotion to new title due no planned further salary increase. So what the gist of it is, I don't think I said would, I think I said may, and that's a big difference. What would happen is we would encourage the employee either to seek a new title, with more responsibilities, or without any further salary increase, our anticipation would be to probably find some other employment.

Darrell Byerts- So you encourage them to seek another title that is already established, not establishing a new one.

Mayor Elder- Right, although to be fair about that, we are reviewing all the titles we have recently.

Darrell Byerts- Ok, because I was sort of under the conception that they would reach an end point and then create a new title that they could then move on from.

Mayor Elder- And like I said that's not possible. It is possible, but there are other options.

Darrell Byerts- It would have to go through this board

Mayor Elder- Exactly. Actually if you just hold on to that, any salary increase doesn't get approved until we approve it now, that's another resolution we took last week.

Darrell Byerts- Ok, thank you for the clarification.

Attorney, Don White- As far as your first comment about the minutes, there's no legal requirement to publically post board minutes, especially before they've been approved. As an accommodation, this board, after they're approved, puts them on the website for the public to see. But until they're approved, there are no official minutes of the meeting, so the minutes for May 26<sup>th</sup> are up for approval tonight so they shouldn't be published anywhere before then.

Darrell Byerts- Were they approved for the 6<sup>th</sup> of May.

Attorney, Don White- Probably.

Darrell Byerts- Well they have not been posted.

Attorney, Don White- Well again, there is no legal requirement that they be put on any website.

Mayor Elder- Nor in fact is the agenda. But that's not to say we shouldn't, I mean the answer is that both the minutes and the agenda, while not required, they are something that we strive to do. And I guess we ask your indulgence here because we just went through a transition of our clerk, and obviously we've been loading a lot on Dorothea, so if we could ask you for your indulgence on that, we'll correct that and make it more timely.

Darrell Byerts- Are they available if I came in?

Mayor Elder- Oh yeah, absolutely. I'll email them, give me your email address or your address at home and I'll drop them off for you myself, problem solved.

Dorothea Ciccarelli- If I may just, I apologize, my goal will be to get the agenda out on Monday and to get the minutes out in a more timely manner, we were just hard pressed for staff last week with the changes that were made, and unfortunately dealing with those and trying to get other things done, and wanting to do an accurate job and prepare the packet as needed, I had to take more time. So, the next time, it should be smoother.

Trustee Lancy- She's trying to get all that Foil information together too, and she is now doing the job of two people, so I wish somebody would have a little consideration for her.

Mayor Elder- I would like to respond to the first speaker, because I think it's important to, I want to, in fact I have nothing to hide, so I think the answer here is to read what we've written. This is the response I gave to Donna from her Foil request and what happens is, lacking a formal appeal, lacking any appeal officer, the mayor is the appeal officer, so I'm not sure if you made that clear enough, that the mayor is the appeal officer, if there is no other one designated.

“Dear Donna, this letter is being sent to you in response to your appeal. Your initial request was for the following, and this was how it was written: years 2005, 2006, 2007, 2008, 2009, 2010, who received tuition assistance? How much each year each person received? Who approved requests? Your appeals claim that the village did not fulfill your Foil request, however, there is no specific document or documents maintained by the village that compile tuition or who receives it. The village does not have to create records that otherwise do not exist in order to respond to a Foil request. Please reference Public Officers Law 89 3a, the records that most easily match your request are the printouts of the general ledger, which you received, and I have them, and that was what was provided to you. There are of course underlying bills for each ledger entry. The final request to know who approved the requests was noted on the documents provided to you. The board approved the request when the bill pay was approved. The motion, second, and vote for each bill pay appeared on the minutes for each meeting. I encourage you to make further inquiries for documents if you wish, please note however that each copy will be twenty-five cents per page, and the village will comply with provisions 87 1b and c and 89 3a.”

So in fact there is no incidence or no attempt to hide anything. The ledgers are the easiest way for us to provide the information to you because there is no other document that compiles that information. And as it says in the Foil, reason for that is to protect village tax payers, protect all tax payers, is that because the underlying document doesn't exist, we can't provide it to you. So that's why. The other thing is, of course when requesting documents, you need to talk about the documents you are requesting, so that's the other thing, you really didn't ask for the specific documents. We gave you the documents we thought best suited your request.

Donna Rickard- I believe you have more specific Foils.

Mayor Elder- We certainly do. We do and we are looking at them right now and Dorothea, I think, has responded already and they're going out.

Dorothea Ciccarelli- Actually, I responded to two Foil requests today.

Mayor Elder- Ok. So in each instance we will and in each instance when the documents are requested we'll attempt to provide the documents to the person. As for the other raised issue of the 31 thousand dollars or whatever it is that you had mentioned, I would point out that you said a “few” years, actually that's, you requested I think, what? Five years? Six years? Something like that. That's a lot of years. The second things is that each of those years there was a budget line for each of those particular educational expenses. And each of those, in each of those years,

the board approved those lines. Like any other line in the budget, those lines can be expended. And the board had the power to say no or yes to each bill that came up before it. You were elected I believe in 2007, so for most of that you had the ability to approve or not those particular lines in those particular bills as well, as did I. So when, in fact several times like I said, we motioned and seconded together. So the fact of the matter is that there is no question that those lines could be expended since the lines were approved.

Donna Rickard- If we knew what we were approving. The rest of the trustees didn't know either. The former mayor didn't know either. I asked Jake.

Mayor Elder- You had that private conversation with him, but I think that, I don't want to speak for Jake here. I took responsibility for

Donna Rickard- I didn't know specific tuition payments, and they didn't know specific tuition payments. And none of them were even pre-approved. Any workshop that Bill Southwell or Jake ever puts forth always comes before the board. Not once, ever, did a tuition payment ever come before the board. Ever.

Mayor Elder- That is because there is no policy to do so.

Donna Rickard- It was in the handbook.

Mayor Elder- Actually the handbook was always interpreted, we had gone through this several times, made sure the handbook was always interpreted I believe it's section 506, as...

Donna Rickard- Peter, I read the handbook, don't tell me it was always done that way, because that's not going to (wash here).

Mayor Elder- Well Donna, it was always done that way at the time.

Donna Rickard- That doesn't mean its right!

Mayor Elder- No, and that's why we fixed it. And in fact this year, after you left the board, we actually fixed that, ok?

Donna Rickard- Well that's nice. Because the money's gone. The fact remains, it's misappropriation of funds and people have were paid college tuition when they should not have been paid. We don't even know what courses were took. I said all that. Let's have an investigation on this. That's all, and if you don't want to, that's your call. But the citizens, the people in this village, are asking for this.

Mayor Elder- Well I'm sure if there's more people asking, I'll hear more about it. Ok, would anybody else like to address the board?

The following resolutions were made:

Motion Trustee Lancy and Seconded by Trustee Kildal to approve the minutes from May 26, 2011, all were in favor and carried.

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

Old business- Mayor Elder- There is one instance of old business that is not listed on the agenda, and that's for a tuition payment that was given to us last meeting. We talked about this I think a little bit, everybody said they wanted to take another look at it. I'm not sure if you all remember, it was a course that was taken by Kathy Vendel. The amount was for, the request was fifteen hundred dollars, the current grade in the class was 98.61, and I think the course title was Quant Reasoning and Analysis. She took the class, the bill date was 2/1/2011, but it wasn't submitted to us until May...Dorothea what was the submittal date on this? It was basically the last part of May.

Dorothea Ciccarelli- The last board meeting, and somehow it had been missed.

Mayor Elder- I think we need to decide what we're going to do with it.

Trustee Kildal- I say she didn't break any of the rules, which wasn't apparently.

Trustee Reynolds- It's from a class and the bill date was February, and we cannot pay a February bill from last year's budget in this year's budget.

Mayor Elder- And that is my problem as well, is this is being paid off in this year's budget, it's hard to see how that's ok.

Dorothea Ciccarelli- I wouldn't be using this year's budget, I would use last year's budget for that. We're still paying our last year's budget, because anything with a date before May still is paid with last year's budget. The budget ended May 31<sup>st</sup>, but the bills still come in, because you approved bills right up until the end of May.

Mayor Elder- Isn't that somewhat unusual though?

Dorothea Ciccarelli- You're approving a bill from a previous budget, but you're doing that, actually you did that with your bill pay tonight. You approved these bills, and you approved June for two budget years. That's the only thing I can tell you, if I issue it, I'll be using the date of February to pay it because it actually occurred in February.

Mayor Elder- What does that line look like right now in the budget?

Dorothea Ciccarelli- I don't have last year's, I don't think it was fully expended. But I can't tell you exactly what is left in it.

Mayor Elder- I don't have a financial, do you recall when the last financials were? That would tell us, right? I have to be honest with you; I'm kind of uncomfortable paying for the bill now that we're in the next budget year.

Dorothea Ciccarelli- As I said it was submitted last meeting, we will bring it back. It was placed in old business.

Robert Anderson- 39 Elm Street-Are you saying that was a budget error, and no one knew about this until May?

Dorothea Ciccarelli- It's up to the employee to submit the tuition bills, and it was never submitted.

Robert Anderson- So again I go back to, doesn't anybody approve this stuff? That somebody within your organization could go take a class. How much was it? Fifteen hundred. Well the only reason you're doing it now is because some village members brought these issues up to you, otherwise you'd just be going just like you used to.

Mayor Elder- It was actually an internal comment, I don't think (they take credit for everything)

Michelle Anderson- Nobody's taking credit now Peter, come on now, come on.

-Excuse me, if you have any comments, please (step onto the floor. Otherwise we are closed for public comment.)

Michelle Anderson- So now you're going to tell me that I can't speak? The last time I checked, this was the United States of America, and I have the right to free speech, and so does everyone else in this room.

Michelle Anderson- 39 Elm Street- The fact that things were approved or weren't approved by the board or that the trustees knew or didn't know, is almost irrelevant. The tuition should never have been paid. I think you all know that. When Donna stood up here at one of the meetings, and asked each and every board member if they knew that the tuition was a matter of knowledge of public knowledge or knowledge of each member of this board, every trustee said that no they had no idea. So it can be voted on, it can go to the supervisor, or in the handbook, it should never have been paid. And now you're backtracking. And I'm offended that you think that we're all a little too stupid to catch on to this. Judy, really? You and I? Seriously? I wouldn't say a word.

Mayor Elder- I don't think we need to go that far.

Michelle Anderson- No no, no. I've had enough. This is nonsense. You're all elected officials and you can all be voted out. The nonsense needs to stop.

Mayor Elder- I'm not exactly sure what nonsense you're referring to, but that's ok.

Michelle Anderson- Look it up, in the dictionary.

Mayor Elder- Again, I do want to go back to that, I want to respond to that because I'll go back one more time and say that at the time, that was the policy. And so at the time, the policy was followed.

Robert Anderson-What was the policy again?

Mayor Elder- The policy in effect was to set the budget line and expend the budget line, which is what we do for just about everything else in the village or in the town governments.

Robert Anderson-That budget line, you guys were all aware that that includes tuition.

Mayor Elder- Oh absolutely.

Robert Anderson- For somebody who wanted to go get their college degree.

Mayor Elder- Actually, It said it several times and in fact I have meetings where we had discussed it, and Donna and I both at that meeting said we understood the educational way we did it, we approved of it.

Donna Rickard- I did not know about tuition. We knew about workshops, classes, courses, things relevant to licenses and so on, but we never were told we were paying college tuition. If you knew, you're better than the four of us then.

Mayor Elder- Next meeting I will make sure I play that section of tape.

Donna Rickard- Go ahead. I mean, I was here. So you're saying that you were the only one that knew, and the four of us were stupid?

Mayor Elder- No, I didn't say stupid.

Donna Rickard- Judy, you didn't know.

Trustee Lancy- You didn't know, I didn't know. We're trying to fix something from the past couple years.

Donna Rickard- I'm just saying, we didn't know, so let's make sure that that's in the record.

Trustee Lancy- You didn't know, I didn't know, he didn't know.

Donna Rickard- Well actually he's not saying he didn't know.

Mayor Elder- I take full responsibility for passing a budget, I understand what the lines were, I asked questions about them and I did. And I will continue doing that, that's what I do.

Donna Rickard- Not knowing it and perpetuating this saying that well we didn't know before but now it and we're still going to continue to pay tuition, that doesn't fix the problem.

Mayor Elder- Actually we are. Our policy is we will pay up to fifteen hundred dollars for each employee, as long as they get prior approval for tuition. That is not, the town actually does that for union employees too, we extend that to our union employees as well. We have six of those thirty-seven employees that are non-union, who in effect, have been given the same benefit as the union people are. So that, in fact, is what we've done.

Donna Rickard- You used the term "pre-approved." Was that pre-approved?

Mayor Elder- What was?

Donna Rickard- This bill. I missed that part, it was dated in February? When did the course start?

Trustee Reynolds- I thought it was March

Mayor Elder- Yes it started in March until, it was that semester.

Donna Rickard- But pre-approved means, in my opinion, prior to taking a course.

Mayor Elder- You're right.

Trustee Reynolds- The problem that we had was that the course part went in before we approved the part about it has to be pre-approved, it can only be this certain amount.

Donna Rickard- But in the handbook, it's clear as a bell. Pre-approved. Every place anyone works pre-approved. All of a sudden we're saying no. That's what it says in the handbook. Every course that Jake sends his people to or Bill Southwell did, pre-approved.

Jake Swingly- Well they had to be pre-approved because they contained travel. It's a New York State Law.

Mayor Elder- Well I know that I don't need to argue this, because we're just going back and forth, and we can certainly just take your request, and respond to it great too, but the end result is we can talk about the employee handbook

Donna Rickard- You're going to do what you want to do.

Mayor Elder- Well I'm going to do the right thing to do, not what I want to do. Yeah that's what I'm here for.

Robert Anderson- Were you her supervisor? Your previous treasurer, were you her supervisor or was someone else?

Mayor Elder- No I was, absolutely I was her supervisor, I was more than supervisor was too, I'm the direct supervisor and every mayor that she serves with is her direct supervisor.

Robert Anderson- But you did not know that she was taking this class that she had signed up for this class.

Mayor Elder- I knew she was taking classes, but I didn't know exactly what the class was, no. But I've said that multiple times.

Robert Anderson- This particular one in February, she must have been taking this class the last couple months, and you did not know that, and didn't think 'did we pay for this? Where's the bill?'

Mayor Elder- Ok let me do that one more time. I knew that she was taking classes; I didn't know the specific class that she was taking. So the answer to your question is I wouldn't know, under the old way we did it, not the new way, the old way we did it, I wouldn't know that someone was taking a class until they submitted a bill for the class. Ok? Now I will, because now they have to get pre-approval. So now the board will, because they need to get pre-approval. But prior to that, prior to the organization, we would only know that someone had taken a class when we received the bill from that particular college, or university. Then we would know that they had taken a class.

Robert Anderson- What is a bill pay?

Mayor Elder- That's what we do in the very beginning, when we do the resolution to approve

Robert Anderson- I hear you talking about it, but what's the definition?

Mayor Elder- It means we have an invoice that we're approving, or set of them. Is that a correct definition?

Dorothea Ciccarelli- Yeah, it's a list of bills that have been requested to be ok, so that we can make the payments.

Attorney Don White-The item on the agenda, this resolution to approve payrolls and claims, it's that.

Michelle Anderson- So who's the person that signs them in order to pay for the classes? Who was the person?

Mayor Elder- The board is responsible for approving the bills.

Robert Anderson- Isn't there a pre-approval though before it gets to the board?

Mayor Elder- Now there will be, but there was not before. There was no pre-approval before.

Robert Anderson- Wasn't it in the handbook that there was a pre-approval?

Mayor Elder- There was always, and that gets to this other question, and it's a good question, there was always been some ambiguity as to whether that applied to education. I can grab you the paragraph if you want, but it doesn't specifically mention education there, although there is a reference there to conferences, and that's the problem, it doesn't specifically deal with education. I'm not saying it shouldn't, but it didn't, it doesn't, it still doesn't.

Greg Rickard- So I just have one more question: you were talking about you knew that she was taking classes, or somebody was taking classes, but you didn't know what they were taking? So they could be taking anything, and then when it comes up, you go on and say 'yeah we approved it.' So they could be taking anything, it doesn't matter whether it's related to their job, or if it's to be a minister or to be a similar (clerk) or whatever, you don't know what they're taking ahead of time, and then you go ahead and pay it.

Mayor Elder- We do have, we did have an insurance from each of them, you're being very specific here talking about our former clerk treasurer here, because what would happen was she would have approved of the employees that worked under her, so we're being very specific here about one employee, so I want to be very specific about that one employee as well. What she

Greg Rickard- So she would approve her own?

Mayor Elder- No she had told us multiple times that she was pursuing first a master's degree then a PhD. So at that point we understood that she was pursuing that course work. And at various times, she told us all, I think it's fair to say, except you, Al, because you're new, that she was pursuing that PhD course. So yeah we would have assumed that she was pursuing courses that were relevant to that PhD, which if you look at this, she did. So you're making an assumption, which is interesting, but I don't know that it's relevant here, is that you're making the assumption that she was inherently dishonest.

Greg Rickard- No, what I'm saying is, apparently what you said was that you had no idea what courses she was taking. I didn't say it, you said it. You knew she was taking classes, but you didn't know what she was taking, and how many village clerks had master's degrees and were working on PhDs? Do we really need someone to have a masters or a PhD to be a village clerk?

Mayor Elder- The answer may be in the resolutions that we did last week.

Greg Rickard- Yeah but it may be a little late now, unfortunately. I mean it's thirty-one thousand dollars.

Mayor Elder- Again that was a budgeted amount that was approved by the board.

Donna Rickard- Peter she had said that one meeting that she had shown you her courses. And I asked her, I said 'did you not assume that Peter approved it?' You can check that on the tape.

Mayor Elder- I think the word you used was course and she did tell me she pursued a course.

Donna Rickard- No she showed you all her courses, she said. Well double check it.  
Mayor Elder- I certainly will. Well now the meetings were approved

Donna Rickard- She assumed that you approved it. Evidently that, I can't speak for her, but that seemed to be, to me, what she was saying.

Mayor Elder- Well I appreciate that's your point of view, but again I never saw the full course load. I did however know that she was pursuing a PhD, as did everyone else, I think. So anyway, back to the business at hand here, we do have a bill here, I guess, how about this, do you want to just bring it up for a vote and see what we get? We have to do something.

Mayor Elder entertained the motion to pay the bill submitted by Kathy Vendel for the amount of fifteen hundred dollars dated February 1, 2011, there was no vote.

Motion Trustee Lancy and Seconded by Trustee Reynolds to approve the new Organizational Chart all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Kildal to accept job descriptions of Clerk III and Clerk II as submitted and amended all were in favor and carried.

Motion Trustee Reynolds and Seconded by Trustee Balcaen to place Clerk III at Clerk I scale step 3, percent increase of 1.8%; place Clerk II at Water Assistant I scale step 10, percent increase of 2.2% all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Balcaen to pay for SEQR documents from MRB all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Lancy to approve attendance at the Get Motivated Seminar all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Reynolds to approve appointment of Rick Walter as BID Board Member all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Reynolds to approve the public hearing on Article XIII all were in favor and carried.

Dimitri Stefanou - 206 North Ave- I will speak in favor of this, especially this permit for general industrial. Zoning, specifically there are some buildings in the general industrial district that were never used for industrial use. And therefore it would be welcomed and would give building owners the opportunity to change uses and provide housing for Webster residents, and I think it's great. So I encourage the board to approve it, and maybe good things will come. Thank you.

Peter Adams- 45 Gordon Park- Our code for the general industrial is somewhat outdated. General Industrial as we knew it in the past doesn't exist anymore in Webster, and it probably never will. We don't have that much manufacturing, we do have some but the need for major

manufacturing doesn't exist in Webster, in the Village. We have a lot of underutilized buildings; underutilized property that can't be converted with the use to residents, which I think will be a big draw to this village. We need residents to encourage people to move into the village to support our small businesses. I think our village, as everyone has seen, is starting to thrive. We have a lot of small restaurants going in, small shops, and bringing more people into the village will help businesses thrive. Just keep in mind, this is a special use permit that we want to add to our routine, it doesn't mean that someone can come in and just say 'I want to put apartments in, I want to put condos in, or I want to put loft living in.' It has to be approved by planning, and it is a very hard thing to do. We've done it once that I remember, in the years that I've been on the board, so I encourage you to pass this resolution, and that's all I have to say.

Motion Trustee Kildal and Seconded by Trustee Lancy to make a negative declaration for SEQR all were in favor and carried.

Motion Trustee Reynolds and Seconded by Trustee Lancy to close the public hearing all were in favor and carried.

Motion Trustee Reynolds and Seconded by Trustee Balcaen to approve Local Law No. 1 and amendment to Article 13, special use permit uses in section 175-30, General Industrial DI for allowing for multiple family dwellings all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Reynolds to expend funds from the BID Labor line to have Village personnel "wrap" BID sign-materials to be paid for by BID all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Balcaen to endorse WCCED survey of village residents to gauge business preferences with survey to be in water bills and Town Times all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Balcaen to allow Smith Insurance to examine Village insurance coverage and make recommendations all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Reynolds to authorize the hiring of, Michael Reidy, as summer office intern at \$10.00/hour from June 14<sup>th</sup> to September 1<sup>st</sup> all were in favor and carried.

Motion Trustee Lancy and Seconded by Trustee Reynolds to approve "email blast" policy all were in favor and carried.

Motion Trustee Reynolds and Seconded by Trustee Kildal to have Carol Moranz to maintain a Village Facebook page for the purpose of informing residents all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Reynolds to award the bid for the compact wheel loader for the amount of \$46,137.00 to DJM Equipment all were in favor and carried.

Motion Trustee Reynolds and Seconded by Trustee Kildal to award the bid for the skid steer loader for the amount of \$24,132.00 to DJM Equipment all were in favor and carried.

Superintendent, Jake Swingly discussed replacing the Village Band Stand sign, acquired estimates to hopefully have complete for next meeting. Metal will be etched and replace previous picture.

Superintendent, Jake Swingly discussed water, the SEQR was done. Approval was needed from the Health Department for plans for next year improvements to Commercial and Martin Street.

Attorney, Don White, will begin the process of the title search on the Robb Cemetery.

Motion Trustee Reynolds and Seconded by Trustee Lancy to establish the Village Open House at Village days on August 13 from noon to 4 PM all were in favor and carried.

Summer Events:

- Saturday 6/11 is the first Farmers Market, 8-12:30 and the Girl Scouts will be helping with childcare in the near future
- Village Band started first concert tonight at the Harmony Park Village Bandstand. Schedule will be posted on the website, they perform most Thursdays.
- Movies in the Park schedule has been announced, July 12<sup>th</sup>, 19<sup>th</sup>, and 26<sup>th</sup>, and August 2<sup>nd</sup>, 9<sup>th</sup>, and 16<sup>th</sup>.
- Jazz festival is July 9<sup>th</sup> West Main Street, with more food vendors this year
- Friday Night Concerts start on June 17<sup>th</sup>, the group is to be announced.
- Village Days August 12<sup>th</sup> and 13<sup>th</sup> (street festival)
- Shakespeare in the Park the last week in August
- Annual Garden Tour July 16<sup>th</sup>, 1-4 pm, touring 11 gardens

Mayor Elder discussed OTB going in behind Prime, tried to hold a forum, but not many people were providing information. An announcement is to be placed in the paper to get more interest. June 21<sup>st</sup> at 7 PM, and hopefully a representative from OTB will be present to discuss design additions to the building. It is a state state agency, so would like to compile comments for them to consider.

Motion Trustee Reynolds and Seconded by Trustee Lancy to adjourn the meeting, all were in favor and carried.

---

Dorothea M. Ciccarelli, Village Clerk

---

Peter Elder, Mayor