

Village of Webster  
Village Board Meeting  
September 8, 2011

Webster Community Meeting Hall  
29 South Avenue  
Webster, NY 14580

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

Absent: Trustee Lancy

Visitors, Guests, and Residents:

John Cahill - Judson Street – At the July 13, board meeting, I began asking questions as to what the Village was doing to address the cost associated with water committees proposed options of reverse osmosis or switching the entire system over to Monroe County Water Authority. The reason I asked these questions no associated cost projections were provided by the water committee which I thought was quite strange. I was told by Mayor Elder in part that it was a difficult process and there were no hard core numbers yet. That meeting I was made aware of a reverse osmosis engineering report that the Village obtained from the MRB group in 2007 which outlined the associated cost of a reverse osmosis system. I submitted a FOIL request and was provided the study. The study completed for the Village in 2007 was quite comprehensive and outlined the projected cost for reverse osmosis. The cost to be \$3.2 million to \$5.2 million dollars identified on page 30 of the study. The study also outlined probably annual operation cost and maintenance cost to range \$116,000 dollars to \$431,000 dollars. This study was not presented to any of the water committee members for analysis when considering the reverse osmosis option. The July 28 board meeting I presented the study expressed my concern that the associated costs were based on 2007 figures. I was told the village was working on getting updates and figures. What wasn't disclosed that in January 2011 MRB Group had in fact submitted a letter which containing some updated cost. I was able to obtain this letter only as a result of another FOIL request. Paragraph 6 page 1 reads as follows: MRB Group has reviewed the project estimate included in the November 2007 report based on recent bids, bid prices and budget values provided by the equipment manufacturer, the probably project cost is \$5.425 million, of which \$3.798 million is construction. Page 2. Paragraph 2, the same letter says the following, the above budget cost does not include the cost of converting a sandbar well to an injection well, the cost of a constructed wet land or upgrades to pure water sandbar pumps station for disposal of reverse osmosis reject water. Budget pricing for last two items would be an additional \$820,000 to \$1.6 million dollars. To understand why these cost projections both in the 2007 engineering report and the January 2011 letter have not been made public. Don't the Village tax payers have the right to know when they may be put into debt up to the tune of \$7 million dollars for a reverse osmosis system. The other an equally important issue, I don't understand is exactly why as of September 20, 2011 no village official or employee has contact the Monroe County Water Authority to obtain information and associated cost to switch over. I say this because in August of this year, I called Richard Metzger, chief engineer for Monroe County Water Authority and was able to receive a call back that very same day. The information I received from the water authority directly contradicts the water committee's con section of option 2, switching the entire system to the Monroe County Water Authority. The authority does

not require the Webster Water Department to pay an undetermined amount of cash. The Village would not have to give the well property on Dewitt Road. There would be no interruption of service. Monroe County Water Authority does in fact conduct hydrant flushing and testing. Should the Village Board decided to enter into a retail lease agreement to purchase water from the authority there would not be need for much work other than reconnecting the mains that were disconnected when the town ceased to be a Village customer. In addition, the authority would agree to operate, maintain and repair the entire operating plant, hydrants, and storage distribution systems, including mains, valves and services of a district. And to sell water and provide service to the public in accordance with the authorities' current rate schedule in affect as amended from time to time. The current rate of the water authority is \$2.57 per thousand gallons; the Village rate is \$2.47 per thousand gallons. That being said and I have the supporting documentation would you Mayor Elder go on channel 12 this past August and state that if Monroe County Water Authority took over our system. Monroe County Water Authority would probably require the Village to paint the water towers and line the pipes. That statement was patently false and extremely misleading boarding on an outright lie. Should anyone wish to view all the supporting documentation, I have gathered regarding my statements today. I would be more than happy to provide them along with the names and phone numbers of the parties I have contacted doing my research of affordable and safe water for the Village of Webster. My home phone number is 265- 9506. We should not be put into debt to the tune of millions of dollars, by installing a reverse osmosis system for soft water, when a much more affordable option is available to us.

Jodi Byerts – 36 Elm Street - In a recent copy, Autumn 2011 of the Town of Webster Town Times it was stated every resident of the Town of Webster would receive a copy the Webster Herald Newspaper which will contain a complete outline of the proposed 2012 Town budget, you will know exactly where you money is going, salaries for employees along with line by line details on how much money each department has spent this year and what is proposed for next year. Additionally, information regarding information on public hearings will be available in both public papers the Herald and the Webster Post. Ms. Byerts questioned the board if the Village board intends to be as transparent as informative as the Town. Mayor Elder responded that if the Webster Post would be able to post the information at the time we do the budget, he felt it was a great idea. At the August 2, workshop it was recommended giving Dorothea Ciccarelli 28 hours of comp-time, it was approved at the August 11, 2011 board meeting. At the last meeting September 8, it was approved to give Dorothea 22 hour's comp-time and Jamie 21 hours. 50 hours of comp-time for one employee seems a bit obsessive for one employee for a time frame of one month. At the August 14, board meeting you guys approved specific things, and one of the items was your new policy on comp-time award and retention. Employees may not accumulate more than 40 hours comp-time. In section 3 the Village board must have a running list for all comp-time received and used each month at first regular meeting public meeting of the Village Board. Ms. Byers questioned if this has been done, since she has not seen it or heard it discussed or read it in the minutes. Mayor Elder explained why Dorothea and Jamie to a lesser degree with the comp-time totals, which we are concerned about, are working with our auditors right now which come every year. They are looking at the past books before Dorothea was appointed and some issues needed to be addressed, which we will be talking about at our next workshop. The reason why they are doing that is they are catching up on entries things like that. So there was a logical reason, and she had discussed some of what has been going on. Ms. Byerts questioned the delay in the reports. Mayor Elder said that he had spoken

to Dorothea and Jamie and there will be a report coming since it would be a new report. The June 23, meeting you made a resolution to create a committee to review and update the employee code of conduct, with a bunch of different employees. It was stated they would meet during work hours and report back within 90 days. Today is the 91'st day, Ms. Byerts was wondering if you will be addressing that tonight. Mayor Elder informed Ms. Byerts the proposal will be sent to the Village Board and the staff involved, and it is currently taking longer than the 90 days. July 28, 2011 meeting Robert Anderson made a statement to the board regarding the tuition payments received and about the tuition payments received were not illegal. He questioned the validity of this statement based on General Municipal Law article 5 sections 77b and you guys heard him talk about what it was. Your response to that was as I said before this policy for education benefits goes back far beyond this present board, Dorothea has this in the minutes, our Village Attorney will review it and we will get back to you. Ms. Byers questioned if the Attorney has gotten back to the Board. Ms. Byers wanted to know the response and felt other Village residents would be curious to the answer. Attorney, Don White, commented although he does not have that section of law with him, he feels that section of law does not apply to tuition payments. Since the law does not indicate tuition payments, he does not feel it directly applies. He also felt that the current board has corrected problems with the previous policy. Ms. Byert's then questioned the board if they are still searching for citizens to be on the Citizens Advisory Committee. Mayor Elder responded that they are looking for people, he is currently talking to people and have been considering names, and the qualifications of the people involved. He will be bringing names forward for the board to approve. Ms. Byerts questioned if there was an additional steps outside of letting you know they were interested, that needed to be completed. Mayor Elder indicated there was not. Ms. Byerts questioned what the qualifications were for being part of that committee. Mayor Elder felt his it was his perception the interest in the parties involved and their character in getting along with others working in a committee frame work.

Bob Anderson – 39 Elm Street – Wanted to address the comments made by Village Attorney, Don White. He will have to disagree with you, he would tend to think that schools if that is what you are looking at applies to college classes as well, if you could look at it a little closer and provide him with feedback he would appreciate it. Don White, commented he did not see the point in reviewing this further. Mr. Anderson commented the point he felt was that the Village Board was not following the law. Mayor Elder commented that the attorney did give his opinion. Mr. Anderson commented that a college class is school. Don White commented that he did not find any opinion of the State Attorney General's office or opinion of the Controller's office that specifically said that college tuition fell under that section of the General Municipal Law. There are opinions at to what tuition municipalities can and cannot pay for it just not tied to that specific section of the General Municipal Law. Mr. Anderson commented felt that John Cahill had some good comments regarding the water analysis that the Village Board was looking to do. Did you plan on responding to anything he suggested. Mayor Elder, commented that the board would comment when everyone had finished.

Mayor Elder offered for anyone to address the board with no response. Mayor Elder wanted to comment on the issue that Mr. Cahill brought up, but felt first he would let Jake Swingly, superintendent speak regarding the issue. Jake Swingly, commented that when the water committee report came back it was forwarded on to the water department for a recommendation from the Department, the water department submitted a letter to the Village board suggesting in

that letter we continue to investigate reverse osmosis, the department did not say to purchase one, or to install one. Mr. Swingly commented they are still investigating the best scenario given the changing of technology the cost involved. Mayor Elder commented that there was one issue that did concern me and that is this, I am not confident, I understand who authorized you to make those calls. Mr. Cahill commented that he did not need the board authorization. Mayor Elder continued he disagreed with him. The fact of the matter is if we ever get to the point where we are negotiating with Monroe County Water Authority, It's difficult to understand whether or not you perhaps did compromise the Village's position. Mr. Cahill commented that you are dead wrong on that. Mayor Elder commented that he is concerned still very concerned that it could possibly interfere with negotiations at a later time. Mayor Elder wanted to know what discussion information that Mr. Cahill did receive from the County Water Authority. Mayor Elder requested the board to authorize the board to FOIL Monroe County Water Authority on the information and conversation that happened with Mr. Cahill. Mr. Cahill responded that it would not be necessary that he has all the supporting documents for everything he said with him in his binder. Mayor Elder responded they would take a look at that and a look at what the Monroe County Water Authority provides as well. Mayor Elder commented to Mr. Cahill that it could be very different as to what Monroe County Water Authority says to a resident in comparison to a Village representative. Mr. Cahill commented that he had the contract for retail water contract and felt if the board had done their job in the last year and half, private citizens would not have to. Mayor Elder expressed that Monroe County Water Authority did appear in front of the Water Committee. Mr. Cahill commented that no one questioned the Authority on switching. After further discussion back and forth between Mr. Cahill and Mayor Elder, the conversation was ended. Trustee Kildal commented at this point that the board does not have to do anything with the water. Mayor Elder commented to Superintendent Swingly that the Village has a very stable water supply. Superintendent Swingly, agreed and Trustee Kildal commented that there is no rush to decide on something by tomorrow. Trustee Kildal continued that we have a safe clean water system that we should be proud of, so there is no reason to pull a trigger tomorrow to switch anything over.

Charlie Styles - Commented that he was a part of the water committee and was there the night the Water Authority was there. He commented that he does not remember comments that are in the report that was mentioned by the Water Authority. He remembered they commented that they had previously gone into communities and taken over the system and there had been no charge back to take over the system. He commented that they discussed the need of the water towers and they would only require the use of the State Road tower. The authority also stated that they have in the past taken over the jobs and kept the current employees and other jobs might have been available in the current municipality. Mr. Style's also expressed the opinion that the report completed by the water committee did not have any validity. He felt that Mr. Cahill has dug up a lot of information and disagrees that he is going around the Village. Mr. Styles felt that Mr. Cahill was in search of facts to present to the board and the board should owe him a great deal of credit.

Motion Trustee Balcaen and Seconded by Trustee Kildal to approve the minutes from August 25, 2011, all were in favor and carried.

Motion Trustee Kildal and Seconded by Trustee Reynolds to approve the minutes from September 8, 2011, all were in favor and carried.

Motion Trustee Reynolds, seconded by Trustee Balcaen to grant an extension on the review of the employee handbook to the next meeting of October 13, 2011, all were in favor and carried.

Motion Trustee Balcaen and Seconded by Trustee Reynolds after personal review of claims by Mayor Elder to accept Payrolls and Claims total General - \$188,162.82, Water - \$26,903.24, Capital - \$63.14 and Trust and Agency - \$1,797.46, all were in favor and carried.

Mayor Elder thanked all the parties involved in helping accomplish the switching over of the railroad lines to accomplish the construction of the walking path.

Motion Trustee Kildal and Seconded Trustee Balcaen to authorize the mayor to sign an intermunicipal agreement between the town, county and village to transfer 1.8 miles of railroad rails and construct a runaround and multiuse trail on the Hojack line, all were in favor and carried.

Motion Trustee Reynolds and Seconded Trustee Kildal to authorization for Mayor to sign agreement for legal representation with Don White/Davison Fink for a term ending April 12, 2012.

Motion Trustee Kildal and Seconded Trustee Balcaen to authorization to approve a legal notice a set a public hearing on the Monroe County Pre-Disaster Mitigation Plan, October 13, 2011 at 8:00pm.

Mayor Elder submitted a proposal for a local law regarding non-owner occupied residential properties. Mayor Elder and Don White reviewed the many complexities of this type of local law and they will be reviewing other communities with similar laws.

Office Report – Carol Moranz reminded the public of the upcoming Passport Night at the Aquatic Center on October 26, 2011 from 5:30 – 8:00 pm.

DPW – Jake Swingly, Superintendent reviewed, that Brush Pickup will begin on October 3, and leaf pickup will begin the middle of October. Reminder to the public no to place leaves or brush into the gutter. The major paving for the year has been completed, they will be doing some sidewalk repairs. Also, they will be completing some repairs necessary on a storm culvert.

In addition, Jake Swingly requested approval of upcoming comp-time for weekend duty staff and as well as previously earned comp-time hours of 5 for Jake Swingly.

Motion Trustee Kildal and seconded by Balcaen to approve 44 of comp-time for staff and 5 hours of comp-time for Jake Swingly all were in favor and carried.

Water - Jake Swingly informed the board they are still working on options for softening the water.

Attorney – No report.

Call In:

The first caller called in for information on the Homecoming Parade and was also concerned with McDonalds and the old Burger King building. Mayor informed the caller that building inspector and Superintendent are in contact with the owner.

Harold Krieger – Thanked Mayor Elder for always returning his calls. He wanted to praise Mr. Cahill for appearing before the board and presenting information that he gathered regarding the water. Feels that the Village Water Department should be switched to Monroe County Water Authority. Feels that the Village has done its best but feels the time is now to do switch. Mr. Krieger felt that in the end if the Village gives up the Water Department, the village should be taken over by the Town.

Fall Events:

- Sidewalk sale on Main Street on 9/24 including entertainment and wine tasting
- Farmers Market every Saturday 8 am thru 12:30 pm
- Opening Town Parks & Recreation Center on 10/1 - 10 am
- Homecoming Parade on 10/8 -10 am
- Trick or Treat Trail

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