

May 13, 2013

Mayor Peterson opened the regular meeting and Public Hearing for Local Law #2 of 2013 at 6:40 pm. Mayor Peterson began the meeting with the Pledge of Allegiance and described procedure for public comments which would be held at the end of the meeting.

Members present were Mayor Peterson, Trustees Busch, Bielec, Ianni and Lauer. Also present were Deputy Clerk Denise Beal, Brad Lang from Camden Group, Officers Gene Nati & Mike Lute, Jesse Stocking from Village DPW and Village residents as per list.

Clerk read Local Law #2 of 2013 to those in attendance as it had been introduced by Resolution at the April 22, 2013 meeting.

LOCAL LAW #2 OF 2013 Village of Corfu, New York, County of Genesee

A local law establishing residency requirements for certain appointed offices

§ 2-1. Purpose; legislative authority. The Board of Trustees finds that, due to the relatively small population of the Village of Corfu, it is not always possible to fill certain appointive offices and non-judicial positions in Village government requiring municipal, administrative or financial expertise with Village residents who are duly qualified to hold such positions. The Board further finds that it is authorized to appoint qualified residents of Genesee County outside of the Village to said offices pursuant to § 3-300 of the Village Law. The Board further finds that it is authorized under said § 3-300 and § 10 of the Municipal Home Rule Law to expand such residency requirements to allow residents of Genesee County to be eligible for appointment to said offices should no qualified Village resident be found.

§ 2-2. Residency within county required. Notwithstanding any other general or special law, no person shall be eligible to be appointed to or hold office of the Village Clerk-Treasurer, Deputy Clerk-Treasurer, Code Enforcement Officer, Zoning Officer and Acting Village Justice in the Village of Corfu unless such person is a resident of Genesee County at the time of such appointment. A person shall be eligible to be appointed to or hold the non-judicial position of Village Court Clerk or Assistant Court Clerk provided such person is a resident of Genesee County at the time of such appointment.

§ 2-3. When effective; applicability. This article shall take effect immediately upon filing with the Secretary of State of the State of New York and shall apply to all persons currently holding the positions of Village Clerk-Treasurer, Deputy Clerk-Treasurer, Code Enforcement Officer, Zoning Officer, Acting Village Justice, Court Clerk or Assistant Court Clerk as well as any persons hereafter appointed to fill such offices.

Brief discussion took place regarding the persons currently holding positions that were not Village residents. The question came up regarding whether the Code Enforcement Officer John Good currently resides in Erie County. It was mentioned that at the time of his hire he did reside in Genesee County. It was decided to hold off on voting on passage of the law until it could be determined if Mr. Good would be able to continue in his position if he does now reside in Erie County.

Motion was made by Trustee Bielec and seconded by Trustee Busch to approve Minutes from 4/15/13 and 4/18/13 meetings.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Ralph Peterson			X	
Trustee Keith Busch	X			
Trustee Dave Bielec	X			
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
VOTE TOTAL	4		1	
RESULTS	PASS			

Communications:

- 1) Rec'd copies of Revised Comprehensive Performance Evaluation for WWTP Upgrade/Town of Pembroke Sanitary Sewer Project from Chatfield Engineers.
- 2) Rec'd copy of signed contract for Sewer Project from Linda Jennings at NYS DEC.
- 3) Rec'd notification from NYS DOT that Chips allocation has been increased to \$13,354.44 for the 2013-14 Fiscal year.
- 4) Rec'd notification of direct deposit of \$40,741.86 for 4th quarter sales tax from Genesee County.
- 5) Rec'd ck#4507 in amt of \$137.50 from Ron Weiler for Weed Whacker.
- 6) Rec'd ck#1005 in amt of \$21,040.00 from Judge O'Connor for April fines.
- 7) Rec'd ck#44658 in amt of \$54.00 from Ed Arnold Scrap for scrap metal.
- 8) Rec'd \$38.50 cash from Ed Arnold Scrap for license plate scrap.
- 9) Rec'd ck#1083 in amt of \$1,901.04 from Genesee Co. Treasurer for Mortgage Tax payment.

It was mentioned that in 2009 it was agreed and employees other than the clerks in the Village office signed off not to accept any payments for the Village. The officer that accepted the cash payment for the license plates has been reminded of this.

Motion was made by Trustee Ianni and seconded by Trustee Bielec to approve that having voluntarily dropped their hours to 32 hours per week (64 hours per pay period) for the upcoming budget year 2013-14, Sandra Thomas and Jesse Stocking will maintain full time benefits: Vacation time, personal time, village will pay their standard portion of Health Insurance, monthly dental & vision allotment, and to receive the 1% raise proposed for the 2013-14 fiscal year. They would also have the option to reconsider their working hours and increase it back to 40 hours per week when the budget is put together in 2014 for the 2014/15 fiscal year.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Ralph Peterson	X			
Trustee Keith Busch	X			
Trustee Dave Bielec	X			
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
VOTE TOTAL	5			
RESULTS	PASS			

Brad Lang from Camden Group gave a brief sewer report referring to informational sheets distributed to the Board. He mentioned average flow was up to 84,000 gallons per day due to recent rain. He reviewed list of projects finished in April and upcoming projects. (See attached) He mentioned there had been an overflow in the grit chamber and DEC was sent notification. He said the upgrades from the sewer project will prevent that in the future. He also said they had two 40 yard dumpsters of sludge pumped and hauled.

Mr. Lang also mentioned that an estimate was sent in to the insurance company for the wind damage on the grit chamber. He said most upgrades are waiting on the grant.

Brief Police department update was given. Officers have agreed that they would work on the locker room so would like to get the materials that were paid for from Potter Lumber back in 2010 when the project was originally planned. It was also mentioned that the roof needs repair. Resident Al Graham questioned if the roof repair had been budgeted for. Officer Nati said it looks as if it is leaking around the fasteners on the

metal roof so may be an easy fix.

There was some discussion on ordering bulletproof vests for two of the officers and trauma plates for all the officers. It was mentioned there is a bulletproof vest grant due May 20th which will be looked into.

It was questioned if there were any specific plans to utilize the Chips funds from NYSDOT. The possibility of utilizing the funds to fix Prospect Avenue was mentioned. Jesse Stocking of the Village DPW said Maintenance could patch, oil and stone Prospect but would check the Engineering report from Chatfield prior to the Village planning any work on Prospect.

Mayor Peterson closed the public hearing at 7:20 pm.

Mayor Peterson was questioned as to the status of meeting with the attorneys for the part-time officers that were named on the pre-suit letter. He responded that since Jim Meier resigned that changes the status of the letter. He said he was waiting to hear back from the pre-suit letter attorney to state the position of his clients. Resident Al Graham questioned why Village legal counsel was not involved when there is a threat of a lawsuit. Mayor Peterson said this is the business portion of the meeting.

Mayor Peterson read a civil service communication he had been given dated April 9th that stated they (Genesee County Personnel) had not yet received the March 2013 Payroll certification or the changes in staff since the March elections. He questioned the clerk if these items had been taken care of and the clerk responded that they have.

Mayor Peterson also read information from an invoice from Marchese computers stating that the virus that had been picked up on the Deputy-Clerk's computer had come from viewing the Batavian website which is not an approved website. Clerk Thomas requested the Mayor to give her a list of approved websites. He responded we will need to set up a policy or procedures.

Discussion took place regarding issuance of keys for the Village Office for the police officers. Officer Nati said they need 24 hour access to the fax machine for when arrests are made. It was suggested that a separate fax line for the Police Office be looked into. It was also suggested to get one key made for the Village Office to be kept in the Police office.

Resident Linda Tucker questioned progress on the police committee previously formed. Mayor Peterson responded that it is still in development. He said he wants to canvas the Village for people who want to become involved and talk to other communities on how they set up committees. Resident Nick Skeet said he would like to volunteer and the Mayor responded that was TBD (to be determined). Mayor Peterson said he would like to send out a newsletter to canvas for committee members. He then said he would like to get on with the business portion of the meeting.

Motion was made by Trustee Ianni and seconded by Trustee Bielec to approve purchase and set up of a fax machine for the Police Office.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Ralph Peterson	X			
Trustee Keith Busch	X			
Trustee Dave Bielec	X			
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
VOTE TOTAL	5			
RESULTS	PASS			

Trustee Ianni said he will take care of getting the fax machine for the Police Office.

Clerk presented a requisition from Court Clerk Yasses, signed by Judge O'Connor for the purchase of two boxes of pre-postage envelopes for Court.

Motion was made by Trustee Ianni and seconded by Trustee Lauer to approve purchase of two boxes of pre-postage envelopes for Court.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Ralph Peterson	X			
Trustee Keith Busch	X			
Trustee Dave Bielec	X			
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
VOTE TOTAL	5			
RESULTS	PASS			

Letter written by Village Attorney Mark Boylan, to be sent as a follow up to a previous letter sent to Judge Alexander, requesting payment of missing Court money was read. The letter indicated that if the entire amount owed was not received by May 31, 2013, Attorney Boylan is authorized by the Board to commence litigation.

Motion was made by Trustee Ianni and seconded by Trustee Lauer to approve Attorney Boylan to send the aforementioned letter.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Ralph Peterson		X		
Trustee Keith Busch			X	
Trustee Dave Bielec	X			
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
VOTE TOTAL	3	1	1	
RESULTS	PASS			

Clerk gave Mayor Peterson two applications that had been received for the position of the Acting Justice by the deadline of May 13, 2013. The applications were from a justice in Oakfield and a justice in Alabama. Mayor Peterson said he would give the applications to Judge O'Connor.

Clerk relayed questions as to who is now the contact person for invoice approval, mail and email for the Police department. Mayor Peterson responded that all Police business goes through the mayor.

Clerk informed the Board of a request received from the planning board for permission to pursue getting the viaduct painted. Resident Todd Skeet mentioned he had dozens of meetings with NYS DOT and CSX regarding the issue and briefly explained the results of those meetings. Clerk Thomas mentioned she has a file that gives all the specifications from CSX and would be glad to share it with the planning board to see if they can get it done.

	Date	Gen. Fund Ckg	Sew.Fund Ckg	Cap. Proj Fund	True Gen Bal
Ckg Balance on hand	04/08/13	26,144.82	81.44	(26,142.23)	
Receipts to	05/13/13	49,717.30	9,771.53	0	
Dir.Dep from Gen Co	05/13/13	49,806.21			
Transfer from savings	05/13/13	12,000.00			
Balance	05/13/13	137,668.33	9,852.97	(26,142.23)	
Disbursements to	05/13/13	(40,096.25)	(3,007.71)		

Subtotal	05/13/13	97,572.08	6,845.26	(26,142.23)	
Payables	05/13/13	(20,683.34)	(8,151.27)	(5,710.85)	
Ckg Total	05/13/13	76,888.74	(1,306.01)	(31,853.08)	43,729.65
		General Fund	Capital Reserve	Sew. Repair Res	Total Savings
SavingsTotal	04/02/13	159,353.26	247,004.14	35,754.33	442,111.73
Interest Credit	04/30/13	18.31	30.71	4.45	53.47
Trans to Gen Ckg	04/09/13	-12,000.00			-12,000.00
Balance		147,371.57	247,034.85	35,758.78	430,165.20

Vouchers: #216089 thru 216121

General Fund – Total Am't = \$60,779.59
Sewer Fund - Total Am't = \$11,158.98
Capital Project Fund - Total Am't = \$ 5,710.85

Motion made by Trustee Ianni and seconded by Trustee Busch to pay general and sewer bills.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Ralph Peterson	X			
Trustee Keith Busch	X			
Trustee Dave Bielec	X			
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
VOTE TOTAL	5			
RESULTS	PASS			

Motion made by Trustee Ianni and seconded by Trustee Lauer to approve Treasurer's Report.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Ralph Peterson	X			
Trustee Keith Busch	X			
Trustee Dave Bielec	X			
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
VOTE TOTAL	5			
RESULTS	PASS			

Clerk questioned Board regarding anyone who wants to attend Thursday's GAM meeting. Trustees Lauer and Ianni both said they would attend.

Brief discussion took place regarding an offer from Dave Barsuk for the 2005 Kubota Tractor in the amount of \$15,180.80, which was high bid when previous bids went out.

Motion made by Trustee Lauer and seconded by Trustee Ianni to approve sale of the 2005 Kubota Tractor in the amount of \$15,180.80 to Dave Barsuk.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Ralph Peterson	X			
Trustee Keith Busch	X			
Trustee Dave Bielec	X			
Trustee Art Ianni	X			

Trustee Ken Lauer	X			
VOTE TOTAL	5			
RESULTS	PASS			

Mayor Peterson opened the floor for public comments.

Resident Jenny McMartin questioned why residents were not notified that NYS DOT was going to be putting 5' wide sidewalks along the west side of Route 77. She was informed that the Village was not notified. Ms. McMartin also expressed her concerns that she was informed that they intended to put a crosswalk by the viaduct across from Water Street which would present serious safety issues. Trustee Busch said he will go talk with NYS DOT crew foreman to find out the status and express the safety concerns.

Resident Debbie Graham noted that Mayor Peterson read comments from Marchese computer regarding the virus on the Deputy Clerks computer. She questioned if it had been researched to see where the virus came from on the police computers. She also mentioned that Police committee member Dave Stehlar had done some paperwork regarding structuring committees. It was mentioned that when they met on April 28th Dave Stehlar had been appointed chairman of the Police Committee and Trustee Art Ianni took minutes.

Trustee Ianni proceeded to read the minutes from the meeting of the Police Committee on April 28th. They had agreed to look into all the options. Dave Stehlar had said he already checked with the Genesee County Sheriff's and it would not be feasible for the taxpayers. When Mayor Peterson joined the meeting late, he indicated that he would go to other communities by himself for research. When Dave Stehlar said he would like to go along, Mayor Peterson told Mr. Stehlar he could go after connections are made by him (the Mayor). See April 28, 2013 minutes for more detail.

Officer Mike Lute mentioned with all the concerts scheduled there will be a lot of hours to be covered and questioned if the Village would look into getting him on as part-time competitive status so he can work more hours. He referred to the Civil Service letter saying that currently non-competitive officers are only allowed to work 19.5 hours/week.

It was mentioned that 10 officers may not be enough to cover the hours the Village needs covered.

Resident Nick Skeet again said he would like to be on the Police committee. Mayor Peterson said there will be something in the mail.

It was mentioned that the Board should get something in writing as to Competitive part-time hours such as what law or statute Civil Service is basing their statements on. Resident Al Graham again questioned why the Board is not requesting legal advice from the Village Attorney when threatened with a lawsuit. It was mentioned that Attorney Boylan has all the material but is waiting to hear from Mayor Peterson.

Mr. Graham also questioned why the Mayor voted no to send a letter to get public funds back from the previous Village Justice. The Mayor did not respond.

Motion was made by Mayor Peterson and seconded by Trustee Bielec to adjourn the meeting.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Ralph Peterson	X			
Trustee Keith Busch	X			
Trustee Dave Bielec	X			
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
VOTE TOTAL	5			
RESULTS	PASS			

Meeting was adjourned at 8:32 pm.

Sandra Thomas
Clerk Treasurer