

January 23, 2012

Mayor Skeet opened meeting and Public Hearing for Tax Cap Override in the Community Center at 7:00 pm.

Members present: Mayor Skeet, Trustees Graham, Peterson and Bielec. Trustee Lauer arrived at 7:05 pm. Also present were Attorney Mark Boylan, Deputy Clerk Denise Beal, Court Clerk Pam Yasses, Asst. Court Clerk Tom Ingram, Village Officer Gene Nati, Sergeant Jim Meier, resident Jenny McMartin and Pete Sformo from Town of Pembroke. Also present were Village residents as per attached list.

Brief explanation of the content and reasons for the Tax Cap Override was given. Mayor Skeet asked if there were any questions regarding the Tax Cap Override at this time. There were no questions.

Motion was made by Trustee Peterson and seconded by Trustee Bielec to approve January 9, 2012 Regular meeting minutes.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer				X
<b>VOTE TOTAL</b>	<b>4</b>			<b>1</b>
<b>RESULTS</b>	<b>PASSED</b>			

Communications:

- 1) Rec'd ck#19925 in amt of \$5.00 from Atty Michael Del Plato for tax search on 45 W Main St..
- 2) Rec'd \$5.00 cash from Frank Pfalzer for tax search on 26 W Main St.
- 3) Rec'd notification of \$4225 Unemployment due for Brandi Watts for 10/2/11-12/25/11 quarter.
- 4) Rec'd copy of Real Property Tax Exemption and Payment in Lieu Of Tax Agreement between The Market and GCEDC.
- 5) Rec'd ck#81219891 in amt of \$380.00 from NYS Treasury for Dec. 2011 fines.
- 6) Rec'd ck#41220 in amt of \$86.00 from EASCO for scrap metal.
- 7) Rec'd Final Report of Examination of Justice Court from NYS Comptroller.
- 8) Rec'd ck#622532 in amt of \$13.01 from Vonage for qtrly utility tax.
- 9) Rec'd ck#9799 in amt of \$10.42 from Accent Energy for qtrly utility tax.
- 10) Rec'd Highway Shared Services agreement from Town of Oakfield.

Clerk presented the following bills for payment; Sewing Technology \$451.84 for uniforms, WNY Imaging \$122.13 for monthly Maintenance contract and overage, NYS Quarterly Unemployment bill for Brandi Watts for \$4225.00, Verizon \$239.39 and Time Warner \$198.99, Attorney James Schmidt \$120.00 for Audit report letter.

Question was raised regarding Watts unemployment and it was explained that she was not let go for cause but for negligence of the Justice to follow proper procedure mandated by Office of Court Administration. Clerk also informed Board that per communication with Attorney James Schmidt it is their standard procedure to bill for Audit letters.

Motion made by Trustee Graham and seconded by Trustee Peterson to pay the above general bills.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
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Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASS</b>			

Motion made by Trustee Bielec and seconded by Trustee Graham to approve transfer of \$6,000.00 from General Money Market account to general checking to cover 1/19/12 payroll and payroll taxes, and \$4700.00 to cover above bills.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASSED</b>			

Board discussed extending the three month probationary period that had been originally set for Assistant Part-time Court Clerk Tom Ingram. It was mentioned that the main concern is with him having recently begun another part-time job it limits his availability especially while Full-time clerk is catching up on the backload. Trustee Graham mentioned it was his understanding that Mr. Ingram is still needed at this time and has been working on archiving, helping on Court nights, etc. This was confirmed by Clerk Yasses. It was suggested tracking any overtime incurred by Ms. Yasses due to limited availability of Mr. Ingram and reevaluate in another three months.

Motion was made by Trustee Graham and seconded by Trustee Bielec to extend Assistant Part-time Court Clerk Tom Ingram's probationary period another three months for re-evaluation at the end of those three months.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASSED</b>			

Trustee Peterson addressed the Board with a statement regarding the DWI grant suspension issue saying he went to the county to question proper procedure for submission of DWI vouchers for the grant. He said he had not requested an investigation by the State Police.

He said the question was prompted by an officer informing him that on one occasion he would not sign his time card because he felt it was misrepresented as indicating he was on DWI patrol when he wasn't. Trustee Peterson said he had received copies of the DWI reimbursement forms and had ascertained that many of the reimbursements were not for designated DWI patrols. In his statement he alleged that there was a possibility of fraud by the mayor and deputy mayor. He said the reason he did not go to the Board first

with this issue was because he has been treated in a hostile manner and verbally attacked and insulted.

Mayor Skeet mentioned the Village has been receiving DWI grants for close to ten years and the Stop DWI coordinator Frank Ciacia had never had a problem with the procedure followed by the Village for reimbursement prior to this and mentioned the forms were filled out the way Mr. Ciacia indicated at a meeting when he and the Clerk met with Mr. Ciacia several years ago. It was also mentioned that during this investigation the clerk who filled out the DWI paperwork was never questioned or approached about the procedure followed.

In his statement Trustee Peterson also said he felt that Sergeant Jim Meier should have known proper procedure for the DWI grant and asked for disciplinary action against Sergeant Meier.

Trustee Graham asked if it was proper procedure that Trustee Peterson went to civil service and changed the Police Administrator's job description without Board approval.

Attorney Mark Boylan stated that the investigation concluded with no charges being filed and no evidence of fraud. With no evidence of intentional wrongdoing there is no basis to discipline anyone.

Officer Gene Nati requested an official response that there was no wrongdoing committed by Police Officers in reference to the DWI grant. He said there were allegations that time cards were being altered and that he was approached at his home by State Police investigators regarding the DWI grant. He indicated he feels the Officers reputations may be soiled when they didn't do anything wrong and fears retaliation by cutting their hours.

The issue of missing tickets was briefly brought up and Mayor Skeet said State Police investigators found there was no wrongdoing in either case and felt that Trustee Peterson started pursuing the Stop DWI issue only after the Village Board asked State Auditors to look into potential problems with the Village Court. He also mentioned that he felt Trustee Peterson was the cause of the Village losing about \$3000.00 in DWI funding. He said if Trustee Peterson will give him a copy of his statement he will be glad to answer it. Trustee Peterson agreed he would provide a copy to the mayor.

The meeting went on with report on Maintenance department. Trustee Graham said the boys have been busy picking up branches from recent heavy rain and wind. They have also been doing maintenance on police cars.

It was also mentioned that the DEC has taken away a portion of the Sewer Grant increasing the portion the Village would have to fund. Mayor Skeet and Trustee Graham said this grant should not cost the Village taxpayers any money to hook the Town up to our plant.

Trustee Peterson asked when the Engineering concepts would be presented to the Board. He was told there is no exact time frame as yet since the design depends on if GCEDC is going to contribute or not. The forecast is they would like to start in March.

Mayor Skeet asked if there were any questions regarding the tax cap and mentioned that the proposed law does not mean the Village is going to raise taxes. Attorney Mark Boylan explained that majority of municipalities have adopted the law to avoid running afoul of the state should an emergency occur that would require a tax increase above the 2%. He also mentioned it does have to be renewed annually.

Mayor Skeet said if there were no more questions he would like a motion for adoption.

Motion was made by Trustee Graham and seconded by Trustee Bielec to move the following Resolution:

#### **RESOLUTION ADOPTING LOCAL LAW No. 1 of 2012**

**WHEREAS**, proposed Local Law #1 of 2012 of the Village of Corfu entitled "A Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law Section 3-c", which proposed Local Law in its final form was presented to the Village Board at the meeting held on January 9,

2012, and a copy thereof was kept with the Village Clerk and copies both laid upon the desks of the members of said Village Board and mailed to each member of the Village Board not in attendance at said meeting; and **WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on January 23, 2012 before this Village Board, pursuant to Public Notice duly published in The Daily News according to Law, at which all interested persons were heard; and **WHEREAS**, the Village Board of the Village of Corfu, New York is of the opinion that the adoption of said Local Law #1 of 2012 is in the best interest of the Village of Corfu, New York, **NOW THEREFORE BE IT RESOLVED**, by the Village Board of the Village of Corfu, New York that said proposed Local Law #1 of 2012 be and the same hereby is adopted; and **BE IT FURTHER RESOLVED**, that a certified copy of said Local Law #1 of 2012 be filed with the New York State Secretary of State in accordance with Law.

Dated: January 23, 2012

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson		X		
Trustee Dave Bielec	X			
Trustee Ken Lauer		X		
<b>VOTE TOTAL</b>	<b>3</b>	<b>2</b>		
<b>RESULTS</b>	<b>PASSED</b>			

See attached for Local Law #1 of 2012

Public Hearing for Tax Cap Override was closed at 8:05 pm.

Trustee Graham updated Board on National Grid Energy Initiative grant the Village has been approved for. Estimated equipment cost for the project is \$9,315.00. He said that most of the installation will be able to be done by our Maintenance guys and Village electrician Norm Waff.

Clerk presented SEQRA Lead Agency Coordination Request naming Town of Pembroke as lead agency for Sanitary Sewer District No. 1.

Motion was made by Trustee Graham and seconded by Trustee Peterson to approve Mayor Skeet to sign request naming Town of Pembroke as lead agency for Sanitary Sewer District No. 1.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASS</b>			

Clerk reminded Board that auditor Laura Landers will be attending meeting on February 13<sup>th</sup> to review Single audit with the Board. Clerk also reminded them that Wednesday January 25<sup>th</sup> is planning board meeting to introduce request for change in zoning for 47-49 West Main Street from residential to commercial.

Question was posed to the Board as to why prior Court Clerk is getting unemployment with pending investigation going on. Attorney Boylan reiterated that Ms. Watts was not terminated for "cause" but for

Judge not filing proper paperwork for a family member to work in the Court. Regarding the Court Audit Attorney Boylan said he has advised Board members not to comment due to the ongoing investigation.

Village resident Tom Ingram commented at the end of the meeting that he was appalled by the actions and behavior of the Board. He said if there are individual agendas or personal issues they shouldn't take it up on Village time.

Motion was made by Trustee Graham and seconded by Trustee Lauer to adjourn.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Dave Bielec	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASS</b>			

Meeting was adjourned at 8:20 pm.

Sandra Thomas  
Clerk Treasurer

### **Local Law No. #1 of the year 2012**

Village of Corfu, County of Genesee

### **A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c**

#### **Section 1. Legislative Intent**

It is the intent of this local law to allow the Village of Corfu to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

#### **Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

#### **Section 3. Tax Levy Limit Override**

The Board of Trustees of the Village of Corfu, County of Genesee, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

#### **Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the

controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.