

October 8, 2012

Mayor Skeet opened Regular meeting at 6:30 pm.

Trustees reviewed bills.

Members present were Mayor Skeet, Trustees Graham, Peterson, Ianni and Lauer. Also present were Deputy Clerk Beal, Attorney Mark Boylan, Code Enforcement Officer John Good, Court Clerk Pam Yasses and Howard Owens of the Batavian. Sergeant Jim Meier was present to conduct security check.

Communications:

- 1) Rec'd Thank you letter from Town of Pemb. Bicentennial Committee for cooperation and participation in Bicentennial Celebration.
- 2) Rec'd ck#591217 in the amt of \$4,905.00 from NYS Treasurer for AIM payment.
- 3) Rec'd ck#48721 in amt of \$10.00 from Williams Law for Tax Search.
- 4) Rec'd ck#209872 in amt of \$265.30 from Nat'l Fuel for Utility tax payment.
- 5) Rec'd ck#3600405126 in amt of \$1164.60 from Nat'l Grid for Utility tax payment.
- 6) Rec'd ck#56256611 in amt of \$193.82 from Frontier for Utility tax payment.
- 7) Rec'd Wastewater Facility Operation Report & DMT for August 2012 from Camden.
- 8) Rec'd letter of approval for Village Sewer Project Plan from NYS DEC.
- 9) Rec'd packet of specs & blueprints from NYS DEC for Village Sewer Project Plan.
- 10) Rec'd ck#305119523 in amt of \$20.00 from Metropolitan reporting Bureau for Accident Report.
- 11) Rec'd ck#5353 in amt of \$50.00 from Linda Sformo for building permit.
- 12) Rec'd letter from Camden Group re: annual increase of 1.3% effective Oct.1,2012.
- 13) Rec'd letter from St. Maximilian Kolbe Parish re: church school crossing for 2012-2013 school year.
- 14) Rec'd letter from NYS DOT re: upcoming Bridge maintenance and repair in 2013.
- 15) Rec'd ck#1067 in amt of \$150.00 from American Family Market for Sign permit

Clerk presented Mayor with Payroll Transfer and 4 Journal entries for approval and signature to record Village share of August fines, to record transfer of Sewer Repair Reserve Interest from General savings to Sewer and general and sewer deposits 9/25 – 10/8/12.

Mayor Skeet informed John Good that the Board requested his presence to touch base on some of the concerns such as the status of permits for the American Family Market. Mr. Good said the store is classed as Retail use so in order for the owner to occupy a portion of the retail business as living quarters, a Change of Use permit to change it to Mixed Use must be presented to and approved by the Planning Board. It would need to meet size standards for living quarters and restrictions can be set by the Planning Board. When asked if this would set a precedent for other businesses, it was explained that every business would have to apply and be considered individually.

John Good said he will contact the owner to explain the procedure to him and make sure he understands what is required prior to the owner meeting with the Planning Board. He will also contact Zoning officer Darrell Ward to meet with him as well and to go to the site to look at what space is intended to be used as the living quarters.

Trustee Ianni addressed Mr. Good regarding the signage at the American Family Market location, specifically the concrete bollards that originally supported the prior owners' signage. It was noted that the sign on Route 33 has been removed. Mr. Good said that the Planning Board can control signage requirements, which could include having the bollards removed. He said he will make it a point to be at the Planning Board meeting when the sign issue is presented.

The question of potential Change of Use for the Potter Lumber building at the south end of Maple to office space was also questioned. John Good requested the Clerk to check with the owner as to their plans.

John Good left the meeting at 7:15 pm.

Mayor Skeet asked Court Clerk Pam Yasses the reason for her visit to the meeting. She first thanked the Board for approving her to go to the 3-day training, saying she felt she learned a lot. She also gave a brief update on the JCAP grant saying that the deadline for submission has been extended to October 12, 2013. It was mentioned that although the Board had approved the submission of the application at the previous meeting, Judge Alexander has rescinded his original request for security and recorder and now wishes to only submit for the Judge's chair. Brief discussion followed.

Court Clerk Yasses said there was another issue she wished to discuss with the Board. She began reading from a prepared statement regarding Judge Alexander having sent her numerous emails threatening her job. After determining the direction the statement was taking, Ms. Yasses was advised that if she was having a problem with her superior she could request an executive session to continue her statement. She said she wished it to be on public record.

Court Clerk Yasses cited several examples of accusations and issues over her performance that she received from Judge Alexander. One such accusation she mentioned was her having "illegal meetings with Trustees" and he warned her not to communicate with any members of the Board. He referred to her as "arrogant and prideful" and advised her that it is his clerk's responsibility to cover the Justice no matter what. She was advised that the only contact she should have with the Board would be over pay and benefits.

The Board questioned Ms. Yasses as to whether she was making a formal charge of harassment to her employer, the Village of Corfu Board, to which she responded yes. She was also asked if her prepared statement could be put as an attachment to the minutes which she did not feel comfortable with.

When questioned when the turning point seemed to be, she explained that Judge Alexander had requested her and the part-time clerk (at the time) to conduct an internal audit of the court financial records. The findings of the internal audit paralleled those of the State Comptroller audit with missing money. She felt the relationship changed at that point.

Ms. Yasses cited other situations that she felt aggravated the hostility such indicating that he blamed her for the Board eliminating the part-time court clerk position. It was

mentioned that the conversation about the part-time court clerk position had taken place in executive session, yet the following day the Judge contacted her citing specifics about the conversation which indicated there had been a breach of executive session. Ms. Yasses said that Judge Alexander specifically mentioned Trustee Peterson having told him of the conversation that took place in executive session. Trustee Peterson denied the allegation.

Various excerpts from emails were read and she mentioned a recent incident where Judge Alexander threatened her with removal from her position or giving her a chance to resign. Attorney Boylan informed the Board that the Judge cannot fire her and that the Judge was previously advised of that. He said the Judge had also been advised that he cannot demand that she not speak to any of the Board members.

Attorney Boylan informed the Board that if no action is taken, they are facing a potential lawsuit. When asked what the next step would be Attorney Boylan said that Judge Alexander should be sent a written admonishment from the Board to cease and desist from the harassing conduct, that it will not be tolerated and if it continues the Board would have to take further action. When questioned what the further steps would be, Attorney Boylan said because the Judge is an elected official should the Board wish to pursue further action, it would need to be discussed in executive session. It was asked if there was a body higher than the Judge the Board can go to and Attorney Boylan responded that copies of the correspondence sent to Judge Alexander will be forwarded to both Office of Court Administration and the Judicial Review Board.

It was determined that Attorney Boylan should formulate the letter to be sent to Judge Alexander immediately. The Board also discussed that Ms. Yasses should not be placed in the position of having to deal with follow-up emails or phone calls as a result of the Board's action and potential news article, and suggested she be given the rest of the week off with pay. Ms. Yasses mentioned that she does have a time sensitive report that needs to be filed by the 10th and has court next week, so would like to be able to come in to take care of those items. It was agreed she could come in only when there is another clerk or a trustee

present.

When questioned about her earlier mention of a recent incident, Ms. Yasses said it was regarding her providing an envelope and mailing a ticket for one of the Village officers. The circumstances of the incident were discussed and Ms. Yasses read the letter from the Judge indicating she had either “committed a violation of the law or a gross violation of ethical issues” by mailing the ticket in a court envelope and threatened her removal due to that incident. The previous issue discussed at the September 10<sup>th</sup> meeting regarding the court not mailing out plea offers from the Village prosecutor was mentioned. Attorney Boylan stressed that a “ticket is not a case until a plea is entered” and should not fall under the same category.

Motion was made by Trustee Graham and seconded by Trustee Ianni to approve Court Clerk Pam Yasses be given time off on paid administrative leave for the balance of the week.

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 Ken Lauer	X			
Trustee Art Ianni	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASS</b>			

Ms. Yasses said she will file a formal written complaint as required by the Employee Handbook and agreed that the Board can see the various emails cited once any Court Case sensitive information is removed. Court Clerk Pam Yasses, Attorney Mark Bolan and Howard Owens left the meeting at 8:35 pm.

Motion made by Trustee Ianni and seconded by Trustee Lauer to approve minutes of 9/24/12 Committee meeting.

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 Ken Lauer	X			
Trustee Art Ianni	X			
<b>VOTE TOTAL</b>	<b>4</b>	<b>1</b>		
<b>RESULTS</b>	<b>PASS</b>			

Mayor Skeet questioned why Trustee Peterson did not approve of the minutes. He mentioned the issue was with a section of the minutes regarding Camden group.

	Date	Gen. Fund Ckg	Sew.Fund Ckg	Cap. Proj Fund	True Gen Bal
Ckg Balance on hand	09/10/12	26,473.51	(3,787.51)	(4,625.98)	
Receipts to	10/08/12	9,394.66	743.28	0	
Transfer from savings	10/08/12	40,000.00	0.00		
Balance	10/08/12	75,868.17	(3,044.23)	(4,625.98)	
Disbursements to	10/08/12	(39,644.56)	(1,950.47)	0	
Subtotal	10/08/12	36,223.61	(4,994.70)	(4,625.98)	
Payables	10/08/12	(5,712.82)	(5,621.46)	(2,168.50)	

	10/08/12				
Ckg Total	10/08/12	30,510.79	(10,616.16)	(6,794.48)	13,100.15
		General Fund	Capital Reserve	Sew. Repair Res	<b>Total Savings</b>
SavingsTotal	07/31/12	273,135.23	246,756.95	35,718.55	555,610.73
Interest Credit	08/31/12	34.80	31.44	4.55	70.79
Balance		273,170.03	246,788.39	35,723.10	<b>555,681.52</b>
<b>Note 9/30 savings stmt not rec'd by meeting date</b>					

Vouchers: #215822 thru 215861

General Fund – Total Am't = \$45,357.38  
Sewer Fund - Total Am't = \$ 7,571.93  
Capital Project Fund \_ Total Am't = \$ 2,168.50

Motion made by Trustee Ianni and seconded by Trustee Lauer to pay general, sewer and capital project 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 Ken Lauer	X			
Trustee Art Ianni	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASS</b>			

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 Todd Skeet	X			
Trustee Al Graham	X			
Trustee Ralph Peterson	X			
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASS</b>			

Mayor Skeet requested Sergeant Jim Meier join the meeting and give a police report. Sgt. Meier said he is working on a plan regarding personnel and coverage. He mentioned trying to get two officers that would be able to work 4 days (shifts) per week and other officers would fill in the balance of the shifts. He said there are essentially 14 shifts to be covered. With this plan 8 shifts would be covered by the two officers. He feels coverage would be better especially on priority shifts.

He also mentioned that since Officer Retzlaff has been hired by Erie County, his time available to work at the Village will be more limited. Brief discussion took place regarding the new law enabling the Village to hire officers not on the Civil Service list.

Sergeant Meier informed the Board that the unmarked car is currently at the Sheriff's office to have repairs made to the Tracs computer which isn't connecting properly.

Trustee Ianni requested Sergeant Meier speak to the Officers regarding not sitting in the center of Route 77 while using the plate reader. Sergeant Meier said it is due to the vehicle having cameras on both sides so

they can pick up readings on traffic going both ways if in the center. He did agree he will contact the officers to curtail the practice.

Mayor Skeet requested Board members review the Maintenance Update worksheet given to them at the beginning of the meeting (see attached). He asked if there were any questions regarding the list. Trustee Peterson mentioned he wished they would put their names on the worksheet.

Trustee Ianni mentioned he had taken a look at the tree at 64 East Main Street that was said to be buckling the sidewalk. Mayor Skeet also said he looked at it and both agreed that the small amount the sidewalk is raised should not cause an issue, but will have Mike or Jesse look at it to see if it will be a problem for the sidewalk plow.

An email received from Chatfield Engineers was read to Trustees regarding Sewer Project plans, which said there was still some electrical work to complete but they felt it should be able to be put out for bid in November with bids to be opened at the December Board meeting. Trustee Graham mentioned there is some disagreement with the electrical engineer regarding putting in explosion proof panel boxes which would cost up to \$10,000 in additional funds.

The email from Chatfield Engineers also mentioned the Board should pass a Resolution to authorize the project for bids.

Motion was made by Trustee Peterson and seconded by Trustee Graham to move the following resolution:

#### RESOLUTION TO AUTHORIZE ADVERTISEMENT FOR BIDDERS

RESOLVED that the Mayor is hereby authorized to advertise for Bids for Contractors for the Village of Corfu Sewer Project associated with the recently NYS DEC approved WQIP grant Project #2010WQ110132, Contract #C304412 called “Village of Corfu Wastewater Treatment Plant: Comprehensive Performance Upgrades” with the bid date to be established by Chatfield Engineers.

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 Ken Lauer	X			
Trustee Art Ianni		X		
<b>VOTE TOTAL</b>	<b>4</b>	<b>1</b>		
<b>RESULTS</b>	<b>PASS</b>			

Trustee Ianni said he could not vote on putting out for bid until he has an opportunity to look over the Project plan and blueprints. He said he will come into the Village Office to review the paperwork.

It was mentioned that Planning Board Chairman Dave Saleh is now scheduled to attend the October 22<sup>nd</sup> meeting at 8:00 pm.

Brief review and discussion took place regarding the draft of the Fall newsletter provided to the Board by the Clerks.

Board was requested to review paperwork on some upcoming workshops in the area.

Motion made by Trustee Lauer and seconded by Trustee Ianni to adjourn meeting.

The motion was passed on the following vote:

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

Meeting was adjourned at 9:05 pm.

Sandra Thomas  
Clerk Treasurer