

October 16, 2012

Mayor Skeet opened Emergency meeting at 5:32 pm.

Members present were Mayor Skeet, Trustees Graham, Peterson, Ianni and Lauer.

Purpose of the Emergency Meeting was to discuss Court cancellation by Judge Robert Alexander for Wednesday October 17, 2012 Vehicle and Traffic Court.

Board members were informed that on Monday October 15, 2012 Judge Alexander cancelled Vehicle and Traffic Court for Wednesday October 17, 2012 giving no apparent reason for doing so. It was also mentioned that he had not contacted the Acting Justice Dave O'Connor to fill in for that court. When question arose regarding whether the Board has the right to interfere with the court, Village Law Section 3-301, subsection 2a was read which includes "in the event a village has one justice, it shall also have an acting justice who shall serve when requested by the village justice **or in the absence or inability of the village justice to serve.**"

Trustee Graham mentioned that the Office of Court Administration (OCA) was called to find out the Village Board's rights to make sure court was held. OCA officials from Buffalo contacted Albany and Judge Dave O'Connor was contacted by OCA requesting him to cover the cancelled court. They requested the Village Board also pass a motion to request Acting Justice to cover the court and present a letter to the acting Justice with that request signed by a majority of the Board.

Brief mention was made of a letter that Judge Marky of Buffalo OCA offices mentioned that he had received from Trustee Peterson. Trustee Graham informed the Board that Judge Marky of the Buffalo OCA offices contacted him and requested a meeting be set up with Village Board and Judges Marky and Boller of OCA, to take place in Buffalo to discuss court issues. Attorney Mark Boylan advised Trustee Graham that the entire Board would be unable to participate at a meeting in Buffalo due to the Open Meetings Law requiring the Village residents have reasonable access to meetings of the Board. It was determined that two representatives of the Village Board could attend. Trustees Peterson and Lauer agreed that they would be willing to attend. Date and time is to be determined.

Trustee Peterson clarified that the reason he sent the letter to OCA was to get a clearer understanding of the separation of powers and who controls the court. Discussion took place regarding recent court situations and responsibilities of both the Judicial and Legislative branches of the Village. It was mentioned that the Board is not looking to run the Court but is responsible for ensuring there are certain protections for Village employees if there is a problem between them and their immediate supervisor.

Board members agreed that the goal is to resolve the issues between the Court and Board. Mayor Skeet mentioned there are two separate issues; one being the Comptroller audit and missing money, and second being the operation and function of the court. Discussion continued mentioning there are grey areas and that hopefully after the OCA meeting the Board will have some answers.

Motion made by Trustee Ianni and seconded by Trustee Graham to present a letter to request Judge David O'Connor to conduct court on Wednesday October 17, 2012 in the absence of Judge Robert Alexander as provided for under Village Law Section 3-301, subsection 2a.

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			
VOTE TOTAL	4	1		
RESULTS	PASS			

When questioned as to his reason for voting no, Trustee Peterson responded that he would have no comment until he has a better understanding of the process. Letter to Judge David O'Connor with request to cover court as in the previous motion was presented to Board members for signature. All Trustees signed with the exception of Trustee Peterson.

Mayor Skeet mentioned that a pattern has developed that is costing the Village a lot of money for Attorney fees, using several examples of issues and accusations that have arisen where the Attorney has had to be called in, and once that issue gets rectified then another issue is brought up that again requires the Attorney. It was mentioned there has been a series of events that were not started by the Board. Using the example of the cancelled court, it was also mentioned that it not only costs with attorney fees but in time and money to try to reschedule 157 people in 2 days. Mayor Skeet stressed that this pattern is what has to stop.

Motion made by Trustee Lauer and seconded by Trustee Ianni to adjourn 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 Art Ianni	X			
Trustee Ken Lauer	X			
VOTE TOTAL	5			
RESULTS	PASS			

Meeting was adjourned at 6:15 pm.

Sandra Thomas
Clerk Treasurer