

October 22, 2012

Mayor Skeet opened Committee meeting at 7:08 pm.

Members present were Mayor Skeet, Trustees Graham, Peterson, Ianni and Lauer. Also present were Deputy Clerk Denise Beal, Residents Jim Rupracht, Jim Mallory, Greg Lang, Cathy Skeet, Jenny McMartin, Town resident Pete Sformo and Howard Owens of the Batavian.

Trustee Al Graham addressed the Board with a statement regarding actions of Trustee Peterson and Judge Alexander that he felt were not in the best interest of the Village residents and employees. Trustee Graham cited several examples of letters and emails written, and actions taken by Trustee Peterson and Judge Alexander over the past 2 _ years that have resulted in having to enlist the services of the Village Attorney costing additional taxpayer dollars. He mentioned that Trustee Peterson currently has two formal complaints filed against him and that Judge Alexander has one harassment complaint against him. Trustee Graham commented that they have accused Mayor Skeet and himself (Trustee Graham) of bad leadership, having had residents relate what has been said about them at local businesses and church. He said that Trustee Peterson has said he is working for the good of the Village, and Trustee Graham questioned what good is coming out of spreading half truths and lies.

The first example Trustee Graham gave was of Judge Alexander having contacted NYS Committee on Open Government claiming that the reappointment of the current Court Clerk at the Fiscal Year End meeting was done illegally since the Board did not confer with the Judge to get his approval to reappoint. Trustee Graham played a voice mail recording left by Judge Alexander on Mayor Skeet's voice mail in which he deferred meeting and gave verbal approval that he wished to have the court clerk reappointed. Trustee Graham said he also has copies of the letters and emails exchanged with the Committee on Open Government (after he had left the voice mail), if anyone wished to see them. Trustee Graham mentioned that the Village Attorney had to be called upon to review the claim and correspondence.

The second incident Trustee Graham mentioned was a public letter that Judge Alexander had distributed saying that members of the community had leaked the audit results to the media. The Judge indicated in the letter that he was having his court clerks do an internal investigation regarding the State audit and anticipated results within three weeks and he would give the Village residents a copy of the report when completed. Trustee Graham explained that the Village Clerk was given instructions by the Comptrollers Office to publicize the report and questioned those present if they had ever received a report of the internal audit the Judge had mentioned in his letter. The consensus was that they had not.

Another incident Trustee Graham mentioned was a formal complaint that was filed by Sergeant Jim Meier against Trustee Peterson for making a request for discipline against Sergeant Meier in a public meeting instead of executive session, with allegations of wrongdoing involving the DWI grant process. Trustee Graham read the formal complaint in which Sergeant Meier referred to a NYS Police Investigation that resulted from Trustee Peterson and Judge Alexander having gone "behind the backs of the board filed a complaint with the District Attorney which lead to the police investigation." The complaint from Sergeant Meier went on to report that the investigation found the allegation of wrongdoing was untrue, but still resulted in Stop DWI suspending the remaining 2011 funding as well as all the 2012 funding which totaled over \$6000.00 not including attorney fees.

When questioned by one of the residents, Trustee Peterson said a police officer had brought the issue to his attention and that he was not comfortable taking it to the Board. He mentioned he had taken other things to the Board and they had ignored him or not accepted it. He indicated that he had wanted to talk to someone independent. Trustee Graham interjected that according to the Police Investigation report that Trustee Peterson told them that Judge Alexander brought it to his attention, not a police officer. Trustee Peterson corrected his statement and agreed that Judge Alexander told him that an officer had spoken to the Judge about it. Trustee Peterson questioned those present if anyone there had been stopped doing anything if they were doing it right? Trustee Graham mentioned that Sergeant Meier had nothing to do with the DWI paperwork and that during the investigation not one person, including Trustee Peterson, had spoken to Clerk Thomas who was the one that filled out all the paperwork. He further stated that because Trustee Peterson had made the allegation, the Village lost the program and the State Police report stated that the allegations were "untrue". Trustee Graham intimated that Trustee Peterson had just wanted to get Jim or Sandy in

trouble.

Trustee Graham also mentioned an email Judge Alexander sent to Clerk Thomas during the interim when court was not being held due to previous court clerk having been let go. He said at that time the Village Clerk was receiving all the court messages since there was no Court Clerk and then passing them on to the Judge. After forwarding an email regarding court to Judge Alexander, the Judge emailed the Clerk to “cease and desist” forwarding communications about court cases or he would report it to the Office of Court Administration. Trustee Graham questioned how she can stop people from emailing her.

Trustee Graham pointed out that the previous Court Clerk was let go because she was found to be ineligible to serve as Court Clerk by the Unified Court System due to her relationship with the Judge. Trustee Peterson questioned if that meant she was bad just because she was his daughter? Trustee Graham responded that it was the Unified Court System that said she can't serve. He mentioned that Trustee Peterson voted against sending the letter of termination and that Trustee Peterson had said he felt it was unconscionable and he did not agree with what is being done. It was also mentioned that the Judge did file an appeal with the Unified Court System but the appeal was denied.

Trustee Graham then read proposed newsletter entries from Trustee Peterson that had not been run as they had been determined as campaigning. He said the entries were an example of Trustee Peterson using “my opinion” to preface his statements. Included in the issues Trustee Peterson mentioned were:

- 1) Taxpayer money spent on legal fees that have not produced any formal charges from any agency against our court and after having paid out this money the Mayor stated “It is out of our hands”. The entry went on to mention he had requested all bills, documents, emails etc., related to the attorney fees on May 31, 2012 and had not received them until July 5, 2012 after the attorney informed the Mayor that he had a legal right to see the documents, indicating these are a sign of a corrupt government. Trustee Graham mentioned that the attorney had to review the documents requested prior to turning them over.
- 2) In the entry, Trustee Peterson indicated that he took issue over the Police Administrator pay and duties, mentioning that a resident had come to a Board meeting to inform the Mayor that our patrol cars were operating with bald tires, indicating a lack of concern for the officers and village citizens. Trustee Graham informed those present that what Trustee Peterson did not mention was that the officers were told **not** to drive the one car with bald tires as they were trading it in and did not want to spend \$1000 to put tires on it. He mentioned that Trustee Peterson doesn't tell you that part and that he doesn't tell the whole truth.
- 3) The next item Trustee Peterson's entry mentions is the appearance of a conflict of interest being allowed by the Mayor by having Deputy Mayor Graham who works for the company that manages our sewer plant, manage the upgrade Sewer Plant Project funded by a government grant. Trustee Graham explained that two times lawyers had been consulted regarding this issue as well as getting the opinion of the NY Conference of Mayors attorney who all agreed there is no conflict of interest because Camden Group that runs the Plant will not be making a dime on this project and is not bidding on the project. He mentioned that he thought they would rather have someone best suited on the Board to oversee the project. He commented that Trustee Peterson wouldn't accept that and questioned if we would have to pay again on the same issue.
- 4) The fourth item was an opinion that there was “doctoring of the meeting notes to slant the events during meetings...”. His entry adds that when actual notes of meetings are reviewed and compared to meeting notes that there was a difference. Trustee Graham challenged Trustee Peterson to show one time where there is a difference between the meeting minutes and the tape. Trustee Peterson responded that the minutes quote what he says in meeting but what other people say is not quoted in the minutes. It was also mentioned that the Clerk is not mandated to write word for word what is said.
- 5) The last item mentioned in the proposed newsletter entry was his belief that the Mayor has allowed a confrontational environment between Board members which has lead to having to pay a police officer to check for weapons before each meeting, indicating in his entry that he was insulted. Trustee Graham reminded him that he had voted yes for the motion for that to occur.

Trustee Graham went on to mention that he felt that most of the attorney fees can be attributed to something Justice Alexander, Trustee Peterson or the two of them did. He added that the Attorney is now the

target because he doesn't give them the answers they want to hear.

Trustee Graham brought up an issue the Court was having with the laptop needing repairs and that Judge Alexander had requested that it be taken care of through a Justice Court grant (JCAP) which would cost the Village nothing. It was also mentioned Judge Alexander had requested a security system be applied for on the JCAP grant. Trustee Graham said that the court just submitted the JCAP grant and that a chair was ordered for the Judge but neither the computer nor the security system were included in the grant and that the computer has still not been taken care of.

Trustee Graham described a situation where there had been a mistake made in advertising a previous budget hearing in the paper where it was found after the fact that the ad had been run after the public hearing took place. Attorneys and the NY Conference of Mayors had been contacted regarding the mistake and they recommended setting up and advertising a new hearing, which was done. They had also indicated that there was no problem with the budget. Trustee Graham went on to say that Trustee Peterson would not accept those opinions and there was email after email because he wanted to get Sandy in trouble.

Trustee Graham also mentioned on May 31, 2011 Trustee Peterson had questioned the Police Administrator's job description indicating he wanted the administrator to do different things. He said Trustee Peterson had said he had discussed this and ticket problems and court problems with Civil Service. In an email on 7/18/11 Trustee Peterson had questioned why the Police Administrator was not following his job description. Trustee Graham said that the Mayor had then called Civil Service and found out the Trustee Peterson had changed the job description without Board approval. The Board then had to do a Board motion to change it back.

Referring to the tape that had been played earlier in the meeting, Trustee Graham went into more detail of what had transpired at the Fiscal Year end meeting. He mentioned that as Deputy Mayor he was leading the meeting due to the Mayor's absence that night. He explained that Judge Alexander had arrived at the meeting but was not on the agenda and he misspoke and told the Judge it was a closed meeting, at which time the clerk immediately corrected him that it was an open meeting. Trustee Graham said he explained it was the year-end bill paying meeting and as the Judge was not on the agenda he would not be recognized to speak. Trustee Graham went on to say that after that meeting the Judge had filed a complaint against him with the Department of State and had also requested their opinion on the Board holding an illegal executive session at the time the part-time court clerk position had been eliminated.

Trustee Graham read excerpts from the letters that had been exchanged between the Judge and the Department of State, which had been sent to him (Trustee Graham) for his response to the complaint. He also read from his response to the Department of State. In one of the complaints Judge Alexander alleged that he had been thrown out of the year end meeting which Trustee Graham ensured he had not. Trustee Graham said that Judge Alexander had been notified regarding proper protocol and informed that the attorney had to be present when meeting with him due to threats on tape from Judge Alexander that he would file harassment charges against the Mayor and Board if they even called him. Trustee Graham mentioned that two times Judge Alexander had been put on the agenda then failed to appear and on one occasion he showed up but saw the attorney there and turned around and left the meeting.

Trustee Graham mentioned one email in which he repeated specific information from the executive session. He quoted from the email that Judge Alexander had said that Trustee Peterson had told him. He also mentioned he did receive a reply from the Department of State which is quite lengthy and basically finds that the complaints were unfounded. He said the reply is available if anyone wished to see it. He said it is all about exposing what has been going on for the last 2 _ years. It has been money wasted due to vindictiveness. He indicated that anyone who went against Trustee Peterson or the Judge became the focus.

Resident Cathy Skeet commented that everything leads to more money being spent. Trustee Graham said that everything intertwines back to the investigation so it is necessary to have the attorney there. It was mentioned that the investigation started almost a year ago and the Insurance Company won't pay until they receive a police report and the police report won't start until the Judicial Review Board finished their investigation. It was also mentioned that the Board has contacted several agencies and it was mentioned that the Judge would have the option to resign or fight.

Trustee Graham mentioned that the Court Clerk hadn't seen Judge Alexander since the beginning of September and has only held one court per month since June but is still getting paid for missing Court. Resident Jim Mallory questioned if the Village couldn't stop paying him and was informed that he would continue to collect a check due to being an elected official until he does resign or until his term is up. Trustee Graham added that last week he cancelled court for no reason on Monday and did not contact the Acting Justice Dave O'Connor to cover court for him. This would require the Court Clerk to contact over 150 people by Wednesday that Court was cancelled. Trustee Graham said he called the Office of Court Administration (OCA) to inquire if the Board had any options in the situation. He was informed that they would need a written request to Judge O'Connor, approved by a majority of the Board and they (OCA) would contact Judge O'Connor also requesting him to cover the Wednesday Court. The Board then had to hold an emergency meeting on Tuesday to approve the request. Trustee Graham mentioned that Trustee Peterson voted no to the request. Trustee Peterson said he would not vote for something he didn't understand.

Mayor Skeet said that money is being wasted. They won't move in Albany which is dragging time on. The Village will probably lose the insurance money due to the time delays and they have indicated there will probably be no more extensions. The Board will not do anything without the Attorney with more and more instances popping up from Trustee Peterson and Judge Alexander all the time. Mayor Skeet added that the Attorney loves us. He said with the Sewer Grant we should be so happy. There should be no reason for all this. Trustee Ianni said he sees no end to any of it.

There was a brief discussion revisiting the issue of what should or should not be discussed in executive session and talking out of executive session. Trustee Graham said the Trustee Peterson had indicated he had contacted the Conference of Mayors regarding the issue and that he would like to see where the Conference of Mayors said it was an illegal executive session.

Trustee Graham said he is asking Trustee Peterson to stop hurting people and costing the taxpayers money. It was mentioned that the people in the Village are great people and we don't want people commenting on Corfu. Trustee Graham added that it is not about Corfu, but about two people that won't let anything go. We are constantly having to defend ourselves and it will happen again. They will go on to the next thing. He said he will debate Trustee Peterson any time or take a lie detector test if Trustee Peterson is willing to hook up too. Trustee Graham also said that every time they pull another stunt he will contact the media and expose them.

Trustee Ianni said he has been reading a lot and there is no clear line when it comes to court issues versus the Board. It was mentioned that Trustee Peterson notified the Office of Court Administration (OCA) to see if they could help us navigate through this and that a meeting is being set up for after November 4th.

Trustee Peterson said that his goal is to fix the issue between the Court and the Board. He said his approach may not be agreed with but that is his ultimate goal. He added that it was his personal feeling that there was a better way we could have done this and resolved the issue with the court. He said if someone has done something wrong they should pay the price and that he had told everyone involved the same thing. He mentioned a similar situation in the southern tier that had happened and was resolved in 6 months.

After a brief conversation, Trustee Graham said he chose to be the spokesperson and that Trustee Peterson actions have been unnecessary and vindictive, and have been a deflection of attention from what is truly going on.

Local business owner Jim Rupracht said we all have a right to say and do what we want as long as it's legally done. He said we should be trying to work together, adding just because one person votes no and 4 vote yes, that one person can't decide to go off on their own. He said everything gets bogged down in the court system. There is a lot of waste and something is wrong with the system from bottom to top.

Residents Jenny McMartin and Cathy Skeet left the meeting at 8:35 pm. Jim Rupracht said he was there to hear what Planning Board Chairman Dave Saleh had to say.

Motion made by Trustee Ianni and seconded by Trustee Graham to approve minutes from October 8, 2012 Regular 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	4	1		
RESULTS	PASS			

Motion made by Trustee Ianni and seconded by Trustee Lauer to approve minutes from October 16, 2012 Emergency 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	4	1		
RESULTS	PASS			

Communications:

- 1) Rec'd ck#701 in amt of \$22,575.00 from Judge Alexander for Sept. 2012 fines.
- 2) Rec'd ck#8439 in amt of \$5.00 from Cooke & Stefan Attorneys for tax search on 74 E Main.
- 3) Rec'd ck#7911 in amt of \$763.63 from Denise Beal for Health ins. Payment.
- 4) Rec'd resignation letter from Officer Steve Fox effective Oct.23, 2012.
- 5) Rec'd certificate of appreciation from Town of Pembroke Bicent. Committee for Mike Smith & Jesse Stocking for their assistance w/burying time capsule.
- 6) Rec'd ck#3626437 in amt of \$1.54 from Granite Telecomm. for utility tax payment.

Howard Owens left the meeting at 8:45 pm.

Board approved Clerk's request for the Mayor's signature on Payroll Transfer and Journal entries to record Sewer billing of 10/16/12 and General and Sewer deposits from 10/9-10/22/12.

Clerk requested approval to pay the following bills, due before the November bill paying meeting: NYS Dept of State for Notary License renewal \$60.00, Time Warner Cable \$220.03, Burnwell for propane \$142.49, Verizon for police air cards and cell \$233.33, National Grid for Sewer plant & lift stations \$1,604.82 and Independent Health for insurance payment \$5,571.11.

Motion made by Trustee Graham and seconded by Trustee Ianni to approve payment of the following bills: NYS Dept of State for Notary License renewal \$60.00, Time Warner Cable \$220.03, Burnwell for propane \$142.49, Verizon for police air cards and cell \$233.33, National Grid for Sewer plant & lift stations \$1,604.82 and Independent Health for insurance payment \$5,571.11.

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			

Board agreed that November 12th Regular Board meeting would take place even though it was Veterans Day.

Clerk requested permission for her and Deputy Clerk to attend a Budget workshop on October 25th from 10:00 am – 12:00 noon in Batavia.

Motion was made by Trustee Graham and seconded by Trustee Lauer to approve the Clerk and Deputy Clerk to attend a Budget workshop on October 25th from 10:00 am – 12:00 noon in Batavia.

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			

Planning Board Chairman Dave Saleh arrived at 8:50 pm.

Mr. Saleh referred to two options regarding Neighborhood Zoning that he had previously distributed to the Board. He mentioned these had been based on other municipality's models with modifications. He said one is more restrictive and lists a group of allowable mixed uses. He mentioned areas where the Village might consider Neighborhood zoning. The second model is more general in business listings and is controlled by size of building. With either model plan the Planning Board is advisory and it would be reviewed by the Board to make sure it fits into our Zoning Law. Public hearings would be required as well.

Some discussion took place regarding the square footage on a building versus parking, ancillary buildings, etc. He mentioned the Planning Board needs input and guidance on what they want, suggesting they relay any ideas through Deputy Clerk Beal who has been acting as liaison between the Planning Board and Board.

Pete Sformo mentioned Town of Pembroke Planning Board and the need to determine if a business reasonably fits within the scope of uses. It was mentioned that a limit can be placed on square footage and if a business needed to expand beyond that limit they would be required to put in for an area variance.

Resident Jim Ruprecht left the meeting at 9:10 pm.

Brief further discussion took place regarding the Neighborhood zoning. It was mentioned it would have to be put up for public hearing before any change can take place.

Pete Sformo left the meeting at 9:15 pm.

Dave Saleh updated the Board regarding the owner of American Family Market living on the premises. He said building code must be met, then if the plan meets building code Mixed Use can be looked at. He was questioned if there was any liability to the Village with his living there before Mixed Use is determined. Mr. Saleh said he would look into that. He also said he would polish what he has on the Neighborhood zoning and the Board can bring any comments they have to Deputy Clerk Beal to relay to him.

Jim Ruprecht and Dave Saleh left the meeting at 9:20 pm.

Brief departmental updates were given. In the police department it was mentioned that Officer Steve Fox

has turned in his resignation. It was also questioned why there was no officer at the meeting tonight to conduct security check.

Regarding Maintenance, Trustee Ianni mentioned there was an issue with some stakes having been put in the ground at the turnaround at the end of Prospect that were causing difficulty for the school bus to turn around. Trustee Ianni mentioned that on Lawrence Avenue he had turned the turnaround over to the Village. It was questioned whether the right of way for the turnaround on Prospect should also be turned over to the Village. Trustee Ianni said he will talk to the resident that says he owns the property.

Trustee Ianni also mentioned that the millings behind the fire hall need to be leveled off so it can be determined if more will be needed for setting up the ice rink for the Winterfest. Mayor Skeet said he will talk to Mike and Jesse about it.

Mayor Skeet informed the Board they have been researching the cost of a new leaf machine for the next season. He mentioned that the current one is getting pretty tired and has required a lot of band aids to get us through this season. At present the cost has been determined to be around \$22,700 for a large leaf vac.

Brief discussion took place regarding the plans for the Sewer project. It was mentioned that a statement of work is in place except for the electrical. Trustee Graham said he and Norm Waff met with the electrician and the issue is not seeing any sense in expending thousands of dollars make the panel box explosion proof if the lights and sockets are not. It was mentioned that if there were a possibility of methane gas, the panel box must be explosion proof according to code and that if it doesn't meet code it is not going to pass. Trustee Graham said the electrician is going back to the drawing board. He also said that Chatfield Engineers expects to have it out for bid by December.

Trustee Lauer gave a brief update on the last GAM meeting he attended. He said there was an interesting talk on the availability of Federal funds put on by Dawn Kuras from USDA. It was decided to have Trustee Lauer contact her to meet with the Board at the next committee meeting to present their programs.

Motion made by Trustee Ianni and seconded by Trustee Graham to adjourn meeting at 9:40 pm.

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			

Sandra Thomas
Clerk Treasurer