

May 29, 2013

Mayor Peterson opened the Fiscal Year End and committee meeting at 6:39 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 Bielec, Ianni and Lauer. Trustee Busch was absent. Also present was Deputy Clerk Denise Beal and several Village residents.

Motion was made by Trustee Ianni and seconded by Trustee Bielec to approve Minutes from 4/22, 4/28, 4/29 and 5/7/13 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			
<b>VOTE TOTAL</b>	<b>3</b>	<b>1</b>		<b>1</b>
<b>RESULTS</b>	<b>PASS</b>			

Communications:

- 1) Rec'd ck#575332 in amt of \$2.61 from Granite Communications for Gross Utility Tax.
- 2) Rec'd ck#59723 in amt of \$100.00 from Blue Heron Construction for deposit on WQIP plans & specs.
- 3) Rec'd ck#16243 in amt of \$100.00 from Nichter Construction for deposit on WQIP plans & specs.
- 4) Rec'd ck#52727 in amt of \$100.00 from STC Construction for deposit on WQIP plans & specs.
- 5) Rec'd ck#8583 in amt of \$100.00 from Nichols, Long & Moore Construction for deposit on WQIP plans & specs.
- 6) Rec'd ck#2949 in amt of \$100.00 from Paul J Gallo Contractors for deposit on WQIP plans & specs.
- 7) Rec'd WW Facility Operation report for March 2013 from Camden Group.
- 8) Rec'd ck#1053183 in amt of \$3050.00 from Glatfelter claims for wind damage to Grit Chamber.
- 9) Rec'd ck#8111 in amt of \$799.36 from Denise Beal for Health Insurance payment.
- 10) Rec'd letter from Judge Robert Alexander regarding FOIL request (postmarked 5/28/13)

At the request of the Board, Clerk read into record the contents of the FOIL request from Judge Robert Alexander. Some discussion took place regarding Court audits and Trustee Ianni questioned if all records are foilable. It was mentioned that the Wyoming County District Attorney in charge of the current Court investigation should be contacted as to how to respond regarding the material requested.

Trustee Lauer read a correspondence from Village Attorney Mark Boylan that advised to use best efforts to comply in a timely manner. In response to a section of the FOIL request where Judge Alexander suggests the Village check the legal indemnification of Justices, Trustee Lauer read a correspondence from the Office of Court Administration that Justices are liable for shortfalls in their courts, and said that the Village is doing nothing beyond what they are supposed to do. Mayor Peterson said he would speak with the Village Attorney the next day.

Brief discussion took place regarding the Police Committee. Trustee Lauer questioned why the Mayor dissolved the committee. Mayor Peterson responded he has not dissolved it, only suspended it until further notice. When questioned why he suspended it, the Mayor responded that there are too many other issues that are more immediate and he doesn't have the time.

Motion was made by Trustee Lauer and seconded by Trustee Ianni to keep the Police Committee in force with Dave Stehlar as its chairperson.

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			
<b>VOTE TOTAL</b>	<b>3</b>	<b>1</b>		<b>1</b>
<b>RESULTS</b>	<b>PASS</b>			

Mayor Peterson said he wanted to wait for the allocation of police resources for the month of July. Trustee Ianni responded to let us do our job to come up with options and said he would be willing to be the Board liaison with the committee. He suggested they follow the format that Dave Stehlar put together. It was mentioned a note will be put in the tax bills to solicit interest in both the Police committee and Ethics committees.

Motion was made by Trustee Ianni and seconded by Trustee Bielec to move the following Resolution: RESOLVED that the Village of Corfu Board of Trustees certifies Ralph Peterson, Sandra Thomas and Denise Beal as designated signers on accounts pursuant to M & T Bank's Commercial Deposit Accounts and are authorized to act on behalf of the Village of Corfu as depositors on the three designated accounts named on the Manufacturers and Traders Trust Company Public Funds Certified Resolutions.

The motion was passed on the following vote:

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

Trustee Dave Bielec left the meeting at 7:24 pm.

Motion made by Mayor Peterson and seconded by Trustee Ianni to move the following Resolution: WHEREAS the Village of Corfu Clerk Treasurer did present transfers to be recommended in the 2012-13 Village Budget to cover end of year Expenditures in several Village Departments, and WHEREAS the Board of Trustees did review this request and does recommend that the transfers be made at this time, now therefore be it

RESOLVED that the Village Clerk Treasurer is hereby authorized and directed to make the following 2012-13 budget transfers:

In General Account:

Dr 1010.1	Trustee PS	\$ 1,089.18	
Cr 1210.4	Mayor Contr.		\$ 379.59
Cr 7550.4	Celebrations		\$ 709.59
Dr 1325.4	Clerk Contr.	\$ 3,407.09	
Cr 1325.1	Clerk PS		\$ 2,222.47
Cr 1340.1	Budget PS		\$ 260.62
Cr 1989.1	Arch.Grant PS		\$ 924.00
Dr 1989.4	Spec Items Grant	\$ 5,412.79	
Cr 3620.1	Elec/Safety PS		\$ 1,960.42
Cr 3620.2	Elec/Safety Equ		\$ 1,906.36
Cr 3620.4	Elec/Safety Contr		\$ 1,546.01
Dr 1990.4	Contingency	\$ 13,613.30	
Cr 1320.4	Audit		\$ 1,829.80
Cr 1420.4	Attorney		\$ 9,493.75
Cr 1010.4	Trustee PS		\$ 1,089.18

Cr 1620.4	Shared Bldg		\$ 394.84
Dr 3120.1	Police PS	\$12,504.00	
Cr 9015.8	Police Retirement		\$12,504.00
Dr 5112.2	Perm Imprvnt	\$12,716.67	
Cr 5110.1	Maint PS		\$12,716.67

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			
<b>VOTE TOTAL</b>	<b>3</b>			<b>2</b>
<b>RESULTS</b>	<b>PASS</b>			

Discussion took place regarding certain bills for Police Officer equipment included in the bill paying folders. The authorization to order equipment totaling well over \$100.00 without Board approval was questioned. Mayor Peterson said he got phone approval from Trustees Bielec and Busch to order the vests and trauma plates. Trustee Ianni said he felt all Trustees should have been contacted. The need for 100 patches for the officer's uniforms was also questioned.

Clerk updated the Board on information Deputy Clerk Beal had gotten regarding a possible couples plan on the Village Health Insurance policy. If a couples plan were to be included it would put the Village in a 3-tier rate which would increase the family plan about \$25.00 per month for each family plan.

	<u>Date</u>	<u>Gen. Fund Ckg</u>	<u>Sew.Fund Ckg</u>	<u>Cap. Proj Fund</u>	True Gen Bal
Ckg Balance on hand	05/13/13	76,888.74	(1,306.01)	(31,853.08)	
Receipts to	05/31/13	4,681.97	10,757.21	0	
Balance	05/31/13	81,570.71	9,451.20	(31,853.08)	
Disbursements to	05/31/13	(13,494.63)	(1,445.15)		
Subtotal	05/31/13	68,076.08	8,006.05	(31,853.08)	
Payables	05/31/13	(8,839.24)	(2,398.63)	(596.90)	
Ckg Total	05/31/13	<b>59,236.84</b>	<b>5,607.42</b>	<b>(32,449.98)</b>	<b>32,394.28</b>
		General Fund	Capital Reserve	Sew. Repair Res	<b>Total Savings</b>
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	<b>430,165.20</b>

May 2013 Savings Account Statement not arrived as of meeting date

Vouchers: #2161123 thru 216149

General Fund	- Total Am't = \$22,333.87
Sewer Fund	- Total Am't = \$ 3,843.78
Capital Project Fund	- Total Am't = \$ 596.90

Motion made by Trustee Lauer and seconded by Trustee Ianni to pay general, sewer and Capital Project 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			
<b>VOTE TOTAL</b>	<b>3</b>			<b>2</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 Ralph Peterson	X			
Trustee Keith Busch				X
Trustee Dave Bielec				X
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>3</b>			<b>2</b>
<b>RESULTS</b>	<b>PASS</b>			

Brad Lang questioned if a blower were to go down at the Sewer Plant, would he need to Call and get three Board members approval to get a replacement. Trustee Ianni said that would be classed as an emergency since the pumps need to run all the time.

Brief discussion took place regarding the residency of Code Enforcement officer John Good regarding Local Law #2 of 2013. The Board determined that since he was a resident of Genesee County at the time of hire, he could be grandfathered in under the new law, which would be added in the Local Law.

Motion was made by Trustee Ianni and seconded by Mayor Peterson to move the following Resolution:

**RESOLUTION ADOPTING LOCAL LAW No. 2 of 2013**

**WHEREAS**, proposed Local Law #2 of 2013 of the Village of Corfu entitled "A Local Law establishing residency requirements for certain appointed offices" pursuant to §3-300 of Village Law and §10 of Municipal Home Rule Law, which proposed Local Law in its final form was presented to the Village Board at the meeting held on April 22, 2013, 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 May 13, 2013 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 #2 of 2013 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 #2 of 2013 be and the same hereby is adopted; and

**BE IT FURTHER RESOLVED**, that a certified copy of said Local Law #2 of 2013 be filed with the New York State Secretary of State in accordance with Law.

Dated: May 29, 2013

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			
<b>VOTE TOTAL</b>	<b>3</b>			<b>2</b>

RESULTS	PASSED			
---------	--------	--	--	--

## 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.

##### § 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, Zoning Officer, Acting Village Justice, Court Clerk or Assistant Court Clerk as well as any persons hereafter appointed to fill such offices. It shall also apply to Code Enforcement Officer currently holding position who was a Genesee County resident at the time of hire.

Clerk referred the Board to a copy of a law that Mayor Peterson had relayed from Civil Service stating that as the financial officer that signs the paychecks, the clerk can be charged with a misdemeanor if signing the paycheck of anyone in violation of Civil Service rules. She informed the Board that it also reads that anyone who authorizes such payment is also liable, which the Board does when they sign off on the bills each month.

Clerk also read an email from Anita Cleveland at Genesee County Civil Service regarding part-time Police Officer hours, including a copy of page 2 of the Civil Service handbook that gives a definition of Part-time employment which “means any employment of one or more employments in a civil division in which an individual works less than twenty hours per week or wherein the employee earns not more than one half (1/2) of the annual salary assigned to the position.”

Discussion took place regarding limiting all police officers to the 19.5 hours per week, rather than just the non-competitive officers. Trustee Ianni questioned what we can do to guarantee Board members that all officers work 19.5 or less hours. Trustee Lauer questioned Mayor Peterson as to how we are going to handle this. Mayor Peterson questioned if the Board wants the coverage.

Motion was made by Trustee Ianni and seconded by Trustee Lauer to limit all police officers to 19.5 hours.

The motion was **not** 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			
<b>VOTE TOTAL</b>	<b>2</b>	<b>1</b>		<b>2</b>
<b>RESULTS</b>	<b>NOT PASSED</b>			

Motion did not pass.

Further conversation took place regarding officers handing off their shifts to other officers. Mayor Peterson mentioned that the hours of coverage is the issue, especially from May through September. He did say he will work with the police officers regarding the 19.5 hours per week. It was also agreed that Mayor Peterson will now sign and approve the time cards before payroll checks are written.

Resident Greg Lang questioned if the Genesee County Sheriff's are taking advantage of our officers, mentioning he understands mutual aid but it seems a lot more lately. It was also questioned why we are paying our officers to run the light when the Sheriff's could run the light.

Mayor Peterson said he would like to make a motion to appoint Attorney Fred Rarick as the Acting Justice and that Judge O'Connor said he would be okay with it. Trustee Lauer said it was his understanding that the Mayor never provided Judge O'Connor with the other applications and that he was against the appointment since Mr. Rarick did not turn in an application. Motion was tabled. It was also mentioned that the Judge would still like to get a Court assistant for Court nights.

It was mentioned that the Village has received a check from the insurance company for the wind damage to the Grit chamber, but they are holding off on the repairs due to the grant work to be done on that building.

Mayor Peterson opened up the floor for resident comments. Clerk Thomas said she wanted it on record that she is not comfortable with Mayor Peterson setting up office hours in the Village Office.

Resident Al Graham mentioned that under FOIL law, the Village can charge for time and copies. He suggested a Board member other than the Mayor should speak with Attorney Boylan regarding the FOIL request from Judge Alexander. He also mentioned that a resident had commented to him regarding spending \$26,000 in attorney fees to collect \$10,000 from Judge Alexander. He said not all the attorney expenditure is on the issue of the missing money, that it also includes many other issues.

Mr. Graham also commented that it is a shame that the Village is being threatened with a lawsuit and the Board is not getting Legal advice. He said he felt the letter from the officers pursuing the lawsuit was based on the opinion of one employee of Civil Service who is no longer employed there.

It was questioned if the Planning Board is still working on the Neighborhood Business District. Mayor Peterson said he will check with Attorney Boylan when he calls him tomorrow.

Motion was made by Mayor Peterson and seconded by Trustee Ianni to adjourn the 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 Ralph Peterson	X			
Trustee Keith Busch				X
Trustee Dave Bielec				X
Trustee Art Ianni	X			
Trustee Ken Lauer	X			
<b>VOTE TOTAL</b>	<b>3</b>			<b>2</b>
<b>RESULTS</b>	<b>PASSED</b>			

Meeting was adjourned at 8:25 pm.

Sandra Thomas  
Clerk Treasurer