

Special Meeting of the Board of Trustees of the Village of Brockport was held in the Auditorium of the Brockport Middle School, 40 Allen Street, Brockport, New York, Monday, July 14, 2008 at 6:00pm.

PRESENT: Mayor Morton Wexler, Trustee Maria C. Castañeda, Trustee David J. Wagenhauser, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Village Clerk Leslie Ann Morelli

ALSO PRESENT: Village Attorney David F. Mayer, Code Enforcement Officer Scott C. Zarnstorff, Assistant Code Enforcement Officer Laurence C. Vaughan, Tree Board Chair Margaret Blackman, Art Appleby, Carrie Maziarz, Hanny Heyen, James & Joan Hamlin, George W. Radford, Tony Perry, Reuben Ortenberg, Roger M. Young, Jack Wahl, Herb & Phoebe McCauley, Anthony Peone, Uneda Ebbe, Dan Kuhn, Joe Mauro, Norman GianCursio, Francisco Borrayo, Gino Romano, Rod Davis, Alan Knauf, Bhim Madan, Jose Mendez, Mary Jo Nayman, Rich Miller, Tom Mayer, Everett H. Shaver, David Ahl, Carol Hannon, Harry Snyder, many others who didn't sign in.

PUBLIC HEARING:

→At 6:05pm, Trustee Castañeda moved, Trustee Hunsinger seconded, unanimously carried to open the public hearing.

The following legal notice was published in the Village's official paper (Suburban News), on the Village's official website and at the Village Hall and reads the legal notice.

VILLAGE OF BROCKPORT LEGAL NOTICE

Please take notice that the Board of Trustees of the Village of Brockport will hold a **Public Hearing beginning at 6:00pm on Monday, July 14, 2008, in the Auditorium of the Brockport A.D. Oliver Middle School**, 40 Allen Street, Brockport, New York to consider proposed Local Laws of 2008 as follows:

- Amendments to Village Code
 - Chapter 20 -Flood Damage Prevention
 - Chapter 27 –Storm Water Management & Erosion & Sediment Control
 - Chapter 36 -Minimum Housing & Buildings Code
 - Chapter 38 –Limited Traffic Streets
 - Chapter 39 –Notification of Defects
 - Chapter 42 –Sewers
 - Chapter 46 –Trees / Vegetation

The text of these proposed Village Code changes is on file in the Office of the Village Clerk, and may be inspected during normal business hours. It is also posted to the Village website brockportny.org. All interested parties will be given the opportunity to be heard.

Note: This public hearing was originally scheduled for Monday, June 16, 2008 at Village Hall, but due to a large turnout, had to be rescheduled for a larger venue.

Leslie Ann Morelli
Village Clerk
Village of Brockport

The following guidelines for public comment were made available at the meeting.

- The public shall be allowed to speak only during the Public Comment period of the meeting or at such other time as a majority of the Board shall allow.
- Speakers must step to the front of the room.
- Speakers must give their name, address and organization, if any.
- Speakers must be recognized by the presiding officer.
- Speakers must limit their remarks to 3 minutes on a given topic.
- Speakers may not yield any remaining time they may have to another speaker.
- Board members may, with the permission of the Chair, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks shall be addressed to the Board as a body and not to any member thereof.
- Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- Interested parties or their representatives may address the Board by written communications.

Village Attorney Mayer made an opening presentation on behalf of the Board.

Regarding Chapter 20 – Flood Damage Prevention – gives the Village authority to do what New York State now requires per state mandate and what FEMA requires to remain eligible for flood insurance.

Regarding Chapter 27 – Storm Water Management & Erosion & Sediment Control - ties in with Chapter 20 per state mandate as to the Village's responsibility for inspecting and monitoring compliance with stormwater regulations. This is primarily in regards to new construction.

Regarding Chapter 36 – Minimum Housing & Buildings Code – involves a number of items, many of which are largely a re-stating of provisions that have been in the Village Code since 1974 as well as some significant additions. Will go into more detail on this chapter later in the meeting.

Regarding Chapter 38 – Limited Traffic Streets – simple prohibition of certain heavy truck traffic on certain residential streets.

Regarding Chapter 39 – Notification of Defects – technical change – in order for the Village to be held responsible for damage to a vehicle from street defects, including ice and/or materials, it requires prior written notice of defect.

Regarding Chapter 42 – Sewers – although this was included in the public hearing notice, a public hearing was previously held on this and it was enacted in January 2008.

Regarding Chapter 46 – Trees / Vegetation – involves the Village's authority and responsibility with regard to trees in its urban forest – on the Village's property such as the right of way between the sidewalk and the street. This does not relate to private trees on private property.

Mayor Wexler thanked Village Attorney Mayer for the overview and invited the public to comment one Chapter at a time and asked for their name and address for the record. He stressed the importance of adhering to 3 minutes per person and indicated that all interested persons would be allowed an opportunity to speak once on a given chapter before it is opened for a person to speak a second time.

Regarding Chapter 20 – Flood Damage Prevention – No public comment.

Regarding Chapter 27 – Storm Water Management & Erosion & Sediment Control – No public comment.

Regarding Chapter 38 – Limited Traffic Streets –

1. Rodney Davis of 6 Old Brook Trail Honeoye Falls – said he did not read the text, but wondered if it limits trucks that have to do business on those residential streets such as garbage trucks or delivery trucks.

Village Attorney Mayer said it does not.

Regarding Chapter 39 – Notification of Defects – No public comment.

Regarding Chapter 46 – Trees / Vegetation –

1. Margaret Blackman, Chair of the Village Tree Board shared that there were 5 or 6 ordinances regarding trees. The Village created the Tree Board in 2005 due to having suffered a large loss of trees and the need for management of its urban forest. This sets out the duties of the Tree Board and rights and responsibilities in relation to the community forest. Village trees have been inventoried and that information is now on a database that includes the number of trees, species and condition as well as the vacant tree spaces. Over the last 3 years they have planted over 100 trees through the \$6,300 shade tree budget and \$12,000 in grants and National Grid tree reimbursements. M. Blackman stressed that this chapter and the Tree Board have no control over what property owners plant on their own, private property. She said the Tree Board does not force people to accept the Village trees that are offered in the tree lawn (Village right of way). There are 700 vacant spaces, and if a property owner truly does not wish a tree, then there are plenty of other spaces to fill. She recommended that the following sentence be added to Chapter 46-5A: "The Tree Board will make all reasonable efforts to comply with property owners requests regarding the placement of a tree on the right of way adjoining their property."

Regarding Chapter 36 – Minimum Housing & Buildings Code -

Village Attorney Mayer made additional comments regarding this chapter. There are several significant changes from the existing chapter as well as one clerical-type matter needing to be cleaned up before it gets enacted.

1. References to Chapter 58 - will need to be removed, since Chapter 57 does not yet exist.
2. Requirement for Operating Permits - covers certain uses such as the manufacturing, storage and handling of hazardous materials, bringing in or producing such byproducts, use of pyrotechnics (i.e. the direct result of the famous Rhode Island nightclub fire), any place of public assembly that can accommodate 100 or more people (i.e. large restaurants, taverns, churches). This does not cover multiple dwellings or residential uses.
3. Certificates of Occupancy (C of O) - includes all rental residential and mixed residential uses (i.e. residential use above and a store below). Rental residential properties (single family rentals and 2 or more family rentals) are required to get a C of O every 3 years. This C of O is good for 3 years or until a change of use or change of hands, or the mortgaging of a property, or if significant violation is found against the property. In that case, you lose the C of O and have to apply for a new one.
4. Registration – provides for the Village being provided with the name and contact information of the property owner. If the property owner resides more than 45 miles from the Village, then it requires a local contact. Deals with the number of units in the building, the level of occupancy in each unit, and whether a written lease or oral month-to-month agreement is involved. The Village does not have to be notified of who the occupants are – just the number of occupants. This is to be done annually and involves no fee. It is at no cost to the property owner and has no affect on the property tenants.
5. Refusing entrance – Regarding 36-11A – This is not new as it has been in the Village Code since 1974. He said he is unsure why, but noted that it has been carried over and has historically not been used as an enforcement mechanism. It is a bit Draconian because if the Village ever tried to enforce this provision, there would likely be serious concerns. He assured everyone that the Village Code Enforcement Officers are not going to knock on the door to check on compliance. CEO's cannot force inspection at the drop of a hat, as there would likely be constitutional violations. If there is a complaint sufficient for probable cause to believe there is a violation, the CEO has the right to go to court and get a warrant. There is nothing new there. The purpose of keeping it in the code is that it deals with the need to inspect a property for purposing of issuing a C of O. A C of O cannot be granted if compliance cannot be determined. Compliance cannot be determined without an inspection. It is a practical matter.

Public Comment:

1. Tony Perry of Shumway Road – said he owns 3 rental properties in the Village – said his neighbors know his name and number and to contact him if there are problems. He said there are good and not so good landlords. Feels there is plenty in the Village Code as it exists and no need for anything more than what New York State mandates. Feels the Village is taking additional steps with the additions they've proposed. Village's agenda is known even by those on the East side of Monroe County that they want to clamp down on or get rid of residential rental properties. Finds it odd that the Village Attorney even makes the point that Code Enforcement probably can't come into a home other than for the purposes of a C of O inspection. The same ground rules apply for search warrants. He said the biggest question is "Who's not complying and why the need to clamp down." There are current lawsuits pending and the search warrant process has been used a couple of times in the recent past, so there is capability. Where is the big problem with compliance? Who's not complying? He urged the Village to enforce its current laws, not enact more laws. It's odd that CEO's should be granted more authority than the Police Department with the ambiguous wording in the proposed code. This will only encourage more lawsuits. Heard a comment at a Village Board meeting that the Village does not want residential rental properties. Agenda seems clear. Special interest groups are forcing this instead of cooperation with the landlords. This is a personal agenda by some against rental properties that is bankrolled by the Village. Embrace college students – don't try to get rid of them.
2. Rueben Ortenberg, Esq. of Fix, Spindelman, Brovitz & Goldman – attorneys for Norman Giancursio – Distributed a memo to the Village Board. Took issue with the position on some of the points. Said the way he reads it is that every house is subject to the 3 year C of O and subjected to be visited without reason by the CEO and that if not allowed inspection the C of O

can be revoked even if there are no complaints. He said the Gestoppo comes to mind – serious constitutional problems. What does the CEO have to show the Town Justice to get a search warrant? This gives the CEO the opportunity to abuse his powers. Said this proposal is close enough to a zoning law that under 239m of General Municipal Law it should be referred to

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County Planning and involve the SEQR (environmental review) process. Should also apply to NYS Fire Prevention and Building Codes Council as to whether the Village law is more or less stringent than State law. Pointed out that 36-3Ae ends in mid thought and is vague and that 36-8i talks about 3 or more unrelated people creating a distinction between unrelated and related people. Neither of which create a greater fire risk and are discriminatory. The 36-8 section is interesting that an owner 45 miles outside the Village must have a property manager on site. Seems the Village is interested in where a property owner sleeps. How is 45 miles a problem, but 44 ½ miles is not. This is arbitrary. Said 36-5D is a concern and 36-11 gives the CEO authority beyond comprehension. He said these are examples of why this proposal is nowhere near ready for passage.

3. Norman Giancursio said he resides on College Street – first welcomed the 2 new Trustees and said he hopes they will be fair. Read the following statement:

“I am here to discuss Chapter 36-1A. The code mentions dwellings. Any building is a dwelling, which would include single-family houses. In this code it calls for administration enforcement. All buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this Local Law. This means inspections at any time the Code Enforcement Officer feels needed. This is a violation of property owners and tenants rights.

These codes are contributing to the currently depressed housing market in the Village of Brockport. People are afraid to invest in the Village. There are no single families looking to rent these apartments. The other apartment complexes in Brockport are taking students because they would be facing the same vacancies if they did not. The Brockport Commons as of June 15th is almost vacant. They are waiting for the students to return.

We are all struggling to rent and maintain our buildings. Last year my building was half empty. The costs are constantly increasing and rents are steadily decreasing. There are no longer summer rentals as in the past. We are not always rented to capacity, which means we do not have the income available to fix and repair our properties and to pay our mortgage and taxes. This will eventually result in boarded up abandoned properties as in the past. Is this what the board wants?? Once properties are boarded up it will take years to bring them back onto the tax roles. This will result in the single family houses carrying the brunt of the tax load.

The Roxbury sat vacant for 7 years because no one would tackle the cost to repair and revitalize it. The Village of Brockport was offered the building and they declined because it was cost prohibitive.

Currently the city of Rochester has 4,000 vacant, boarded up properties. The majority of these are a direct result of the building codes that the Board is trying to enforce here. With unreasonably restrictive codes, Brockport will soon mirror the situation what is currently the case in the City of Rochester.

There just isn't the population of single families that are willing or financially able to purchase homes to convert them to single families to reside in. You will be creating blight and deteriorating neighborhoods as a final result. This is a college community, and rental property is a necessity. The university is the largest economic engine for Brockport. Why are you trying to close down student rentals? This will surely drive students, and their money, out of the Village. **You must be careful what you wish for.**

The city of Rochester has found that their policies are making a bad situation even worse. They are trying to work with the rental owners. The village of Brockport excludes rental owners at every opportunity, ignoring that we are part of the solution.

The Village Trustees were elected to treat every one the same. Rental owners and village residents need to work together to benefit the whole community. I urge this board to make an effort to enforce the code we have, before burdening property owners with unreasonable restrictions. It will only create a wave of lawsuits. If our high taxes are not enough to scare away potential home buyers, hyper restrictive and punitive laws certainly will.

The fact is that there just isn't a need for these codes that cannot be enforced. We presently have codes in the books that are not being enforced. It will cost the village tax payer more money, for additional employees and certain litigation, and it will be costly for property owners to go to court to protect their rights.

Thank you.”

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4. Alan Knauf, Esq. – said he represents Rodney Davis – Concerned that the changes are significant and way beyond New York State regulations and impinge upon fundamental property rights. Said he understanding bringing the Village Code up to State standard and said this was supposed to have been done a year ago. However, the Village has gone way beyond what is required when it comes to the C of O renewal and search. There are procedural issues such as: the need to comply with SEQR as the degradation of housing stock could cause economic and environmental issues, superceding state law and questions whether consistent with executive law and multiple residence law, the need for referral to County Planning, enacting this as a local law through municipal home rule with only one public hearing and action with 62 days. Some of this is quite Draconian. The need for property owners to register – why? They are registered as property owners with the Monroe County Clerks Office when they purchase the property. The loss of a C of O without a hearing. The transfer of title – may not know if it is a rental or not. Inspection every 3 years – the way it is written is that it applies to every house in the Village. That would likely requiring the hiring of additional CEO’s. If it doesn’t apply to every house, then you violate equal protection. Biggest problem – the search issue is a violation of the 4th Amendment which provides every American the basic right to not let the government into your house. As to search warrants, they are only allowed if there is probably cause. The exception involves hazardous waste and particular neighborhood deterioration. He urged the Board to enact only the model local law per New York State - not the extras that impinge on basic freedoms as Americans.
5. David Ahl, Chair of the Legal Issues Committee of the New York State Coalition of Property Owners and Businesses – Distributed a detailed 6 page memo to the Village Board as well as an Order of the State of New York County of Monroe Supreme Court in the case Steven Kelly and David K. Ahl vs City of Rochester, New York, Etal.

Coalition fully agrees with the intent of proposed Article 36 of the Brockport Village Code: to ensure safe and decent housing for all citizens, to keep the lines of communication open between property owners and the Village through up-to-date contact information, and to hold property owners accountable for the condition of their properties. However, as the proposal is currently written, they have serious concerns about its legality and constitutionality of the following sections:

- 36-10 & 36-11 - the primary concern is the requirement for “inspections” of the homes as they are clearly unconstitutional per the 4th Amendment to the US Constitution.
- 36-8 - which would require owners of rental properties to “register” their properties
- 36-8F - that the owner state he consents to a property inspection by the CEO
- 36-11(c) – which authorizes the CEO to apply for an administrative search warrant – no such thin under NYS law.
- 36-8I – would require the termination of any occupancy by more than 3 unrelated persons based on the owner’s failure to register the property – violates the NY Constitution
- 36-5A – requires that a C of O be renewed every 3 years and that the CEO may on his own initiative cause an inspection
- 36-1 – provides that the NYS Uniform Fire Prevention and Building Code shall apply in Brockport. The C of O is a requirement created by the Uniform Code and applies to inspection of the property exterior and any common areas – not intrusive inspections of occupied dwelling units and all parts thereof.
- 36-4B – requires that a new C of O be obtained with inspection for many types of properties prior to transfer of title to a new owner – instead of being based on a change to the building or its use – just a change in ownership. This is beyond the Village’s authority.

In summary – passage of this proposed legislation in its current state would lead to violations of the legal and constitutional rights of the citizens of Brockport and would subject both those citizens and the Village to costly litigation. The Coalition strongly recommends that this proposal be held and revised to address these issues. The Coalition has been instrumental in helping several NY municipalities to enact similar legislation within the confines of the Constitution and offers its assistance to Brockport.

6. Francisco Borraro of 155 Utica Street – reminded the Board that the welfare of the community is in their hands and that their actions will affect all. It should be looked at like a Dr. “first do no harm”. We are one Village that will be a battlefield with no winners. We must work together and stop demonizing the student population and rental property owners. SUNY Brockport is the

area's largest employer and brings millions of dollars to the area. Rental property owners provide a necessary service to the community. Even Mayor Wexler, when he was a student and then graduate needed to rent a place at one time. Rental properties employ roofers, plumbers, landscapers, suppliers, etc. Tenants sometimes do things, but don't hold the property owners responsible. Hold the individuals accountable for their actions. There is a need to be fair and consistent. If the Village Board wishes to reduce or eliminate off campus student housing, what will happen with the vacant houses? Who will pay the property taxes? How will it compensate for the loss? Don't accelerate the decline of the housing market in Brockport.

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7. Uneda Ebbe of 306 Ellis Drive for Linda Borraro of 155 Utica Street – There are responsible property owners who care and comply with codes. This would be a blow to an already depressed housing market. SUNY recently built housing for an additional 400 students and are proposing housing to come for 400 more. A private builder is considering constructing student housing just outside the Village limits. They don't have to comply with the Village's restrictive codes. The survival of property owners and merchants is at stake. Has the Village Board ever done anything to help the rental owners survive? Are there incentives to students? The Village of Brockport has the 2nd highest tax rate of Villages in Monroe County. Is this a way to generate revenue? The mission of Code Enforcement should never be to generate revenue. The Village should do all it can to encourage people to stay here and spend their money here.
8. Dan Kuhn of 34 Utica Street – Expressed concern regarding warrant less searches and that even the Village's own attorney said it is a clear constitutional violation. He is the 2nd Village attorney in 4 years to say that. Why act like it is no big deal. If the code is flawed, then repeal it. Regarding bringing families into the Village, how about encourage college students to stay here after graduation and buy a property. He said that's what he did and he is working towards restoring the home to its early Victorian charm. Let students get a foot in the door by signing a lease, enjoying Village living and encouraging them to stay and invest in the community by buying a home. Expressed concern of 36-8f regarding an annual inspection. It makes all rental properties in the Village subject to an annual inspection including those used for manufacturing or storage of hazardous materials. Is the Village saying that residential rental properties are equal to properties that produce or store hazardous waste?
9. Carol Hannan of 292 Main Street – Said 3 years ago the Board proposed code changes regarding boarding/rooming houses. She said her feeling is that if they are not a nuisance and are well kept, just leave them alone. She said there needs to be a real effort to hone in on problem properties. If the codes had worked, the house next to her would not exist. It was a disgusting, smelly hovel. The codes are not good enough. Otherwise, no one would have been allowed to live in such a house. The Village and property owners have a responsibility for decent and safe housing. There are many landlords who provide such. However, laws are needed for landlords such as those who owned the house next door to her. Stronger codes are preferable to spending taxpayer money to go to court to fight the overcrowded, unsafe, uninspected homes. There have been some close calls with some of these hovels. The Village Board has to have the backbone to enforce decency. It doesn't need to require that properties be palaces, just decent and safe. If they are not decent and safe, they should be shut down. It is a disgrace to the Village and to the landlords who keep lovely properties and supervise their tenants. Don't degrade the neighborhoods. She said she hopes the Board passes stronger codes and works to build a repoire with the landlords that are doing the right things.
10. Harry Snyder of 288 Main Street – spent \$30,000 on electrical, plumbing, roofing, etc to make it a liveable house. Agrees that there are a lot of good landlords, but many that aren't. He has been buying the properties near him, fixing them up, and selling them as single-family homes. He sold one in just 4 days. It can be done right. Encouraged the Village administration to really get on those landlords who don't take care of their properties.
11. Gino Romano of 155 Ogden Parma Town Line Road – said he owns 3 rental properties in the Village and 18 in the City of Rochester – The City tried to be stringent on the landlords and it backfired. The Village has codes already in place that just need enforcement. Being a landlord is not a glamorous job. He works to build a future for his family and to move to the community. Doesn't understand the need for the proposed codes when there are mechanisms already in place. Knows what his responsibilities are as a landlord and doesn't need to be dragged into court.
12. Rodney Davis of 6 Old Brook Trail Honeoye Falls – Is happy with the dialogue and that the Village Board will not be voting on this tonight. Encouraged better dialogue between the Village Board and the landlords in an effort to come up with a more reasonable plan of action. Everyone has better things to do than come here with their attorneys on a Monday night. Would be willing to work together on a solution.
13. Rich Miller of 52 State Street – Welcomed new Trustees Hunsinger and Legg and hopes they will not simply promulgate the last regime's agenda. Reminded everyone of a time when Jews

had to “register” and warned against becoming the Gestapo. Expressed concern of treatment of the investor class and that animus manifests itself. He said he has a pretty good relationship with Village Code Enforcement now, but it took a while to get there. Referred to a past lawsuit for lack of probable cause. If registration is to be required, then require it to all classes, including owner-occupied properties. His guess is that there would be anarchy. This is capricious. There is so much negativity against landlords, but they are small business owners. Code Enforcement does their job and doesn’t need to complicate matters or worsen the housing market. The only ones winning here are the attorneys who are being paid by the hour. Wondered whatever happened to the State’s push to streamline and consolidate and eliminate levels of government.

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Most structures in the Village were built before the code existed. Many are 5 bedroom homes that certainly can hold more than 3 people. Feels the code regarding no more than 3 unrelated is discriminatory and wrong. Does the Village need revenue that badly that it is trying to generate it through these code changes? The City’s attempts regarding registration and inspections resulted in a net decrease of 15% real estate. If a property owner has less than 20% equity in a property, they’ll simply walk away. The Village should pin a medal on Carol Hannan and Harry Snyder who spoke earlier as it sounds like they’ve done more than the Village Board collectively. Encourage the right thing instead of crucifying the wrong. He is against the proposed code amendments.

14. Everett Shaver of 37 Adams Street – Has a good working relationship with current and past Code Enforcement Officers. Expressed concern of trying to get rid of student rentals, as this will impact the community, the businesses and the merchants. If students remained entirely fenced in on campus it would have a huge impact on the community.
15. Carrie Zok of 35 High Street – Questioned 36-10 and 36-11 and if it applies to single family homes, not just rentals. She said although she understands the landlords points, she is speaking as a private home owner and expressed concern about the requirements when it comes to re-mortgaging a property.

Village Attorney Mayer said 36-10 applies to rentals, 36-11 applies to all. As drafted, 36-11 would cover any building. The practical affect is simply to give the Village a way to get a warrant for renewal of a certificate of occupancy. There must be a valid reason for an inspection. That is the enforceable circumstance.

C. Zok questioned why it says the CEO would not be responsible to fix something that breaks during an inspection. Village Attorney Mayer said this depends on whether the CEO was negligent.

16. Carrie Maziarz of 42 Adams Street – Since Rich Miller referred to the old regime earlier, and she was a Trustee the last four years, she said she wanted to go on record as supporting the research and development of codes. She said no one is anti - college student. This IS a vital college community. She has been a loud advocate for students. However, it is important to make sure rentals are safe. This is essential. Parents send their children here to spend what could be the best four years of their lives. The Village has a responsibility to help keep them safe. She said she was a student here, then an intern, then an elected official. Her son will be in SUNY’s ROTC this fall. She is very vested in the community and wants to make sure students are safe here. In response to Tony Perry’s earlier comments, she said she has never had big problems with his rental property near here. Yes, there have been some parties, but she has never reported them. However, she doesn’t have his phone number as he indicated. She said the Village is not trying to run rental properties out of town, but they want to make sure that landlords come into compliance. Instead of a constant pull and tug with the Village, how come you don’t see the coalition of landlords making an effort to bring non-compliant properties into compliance? She said as a citizen/resident/taxpayer, not an elected official, “do the right thing”.
17. Anthony Peone of 83 Smith Street – Said he owns a business on Main Street and used to be a landlord. He said when his wife inherited some money they bought a rental, but have since gotten out of that business. He is most concerned about NYSDOT’s proposed Main Street rehabilitation and the impact it will have on his business and the ability for downtown merchants and property owners being able to keep their spaces rented. He said he has never had a problem with the CEO, but came to the realization that he was paying more in taxes than he was making as a landlord. From his understanding, the two new Trustees are not businessmen. According to their campaign advertising they fear the evil landlords taking over the Village. However, government employees have helped to drive businesses out of New York State. People will go where there is a more favorable climate for business. What will the Village do when properties go vacant? Landlords can’t control what their tenants do. There are too many mechanisms in place to protect the rights of the tenants. Tenants often trash properties and owners lose money. Enforcement is up to the Police Department, not the landlords.

18. Norm Giancursio again – Rental properties that have their properties inspected every 3 years in order to get a C of O are likely safer than most single family homes who have no such requirement. He said the worst single family home was one on Liberty Street that had to be torn down several years ago.
19. Tony Perry again – Is glad that Carrie Maziarz considers him an ok neighbor. However, there's an awful lot of extras add into the proposed code that are above and beyond the New York state mandate. He said he agrees with safety, but would dare say there are single-family homes in worse disrepair since they are not inspected like the rentals. If such inspections were required of single-family homes, 1 and a half CEO's couldn't accomplish it. There wouldn't be time.

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He said he rode around the Village and took photos of many single-family homes that need attention. He said he would like to see equal enforcement. He said he takes exception to C. Maziarz's comment about the landlords not helping. It was a group of landlords who helped the DPW build the Utica Street playground. They also went to the former Mayor and asked that a committee be formed to work in conjunction with code enforcement regarding property maintenance. This never happened. He said he suspects she did not want to align herself with the landlords. He extended an offer to help review the code and work with Village officials in a partnership. Finally, Chapter 57 doesn't even exist. He finds it odd that it was even brought up as part of Chapter 36.

20. David Ahl again – Does not argue the need for code compliance. However, these are people's homes. It's about privacy. No one detests in-compliant landlords more than compliant landlords. He asked how many members of the Village Board rent their homes. (None.) Imagine if you had to take time off and have your home gone through. He urged the Village Board to hold off on adopting Chapter 36 and work together with the landlords.
21. Alan Knauf again – If there are obvious violations or complaints, there may be probable cause for a search warrant, but to go in every rental property steps on basic rights.
22. Dan Kuhn again – C. Maziarz said the purpose of the code is not to punish. However, having gone to law school he learned that there are laws that have a purpose and there are laws that have an affect. This affect would be to punish the landlords.
23. Joe Mauro of Washington Street – Asked if there was a list of properties NOT in compliance and landlords not complying with the 3 year C of O requirement.
24. Tom Mayer of Ridge Road Clarkson – Has owned property in the area for 30 years. Has not always made the landlords association meetings. Had an issue with a property in Rochester. Here, a property manager informed him of a big party at one of his houses. Why is the landlord not notified when the Police Department is called? A landlord needs to be told. Expressed concern of a Village Board member that doesn't like rental properties. Cited an example of the Police Department being called regarding 1 student sitting on the porch having a beer with his father. Landlords are not a different class of people. They are not all slumlords. Many break their tails in the business. Is happy to help out and get involved if it will help.
25. Reuben Ortenberg again – Landlords are willing to work with the Village on this. It would likely avoid expensive litigation. Why not work together?
26. Rich Miller again – Paying Village taxes for the Village to sue landlords is ridiculous. He, for one, is not willing to sit down and work together. He will not negotiate with tyrants. He will comply with the basic rules. The landlords that care are here – not the bad apples. The market has gone to hell. This is this generation's class struggle. There will be a new Village Board and a new investor class at some point. Commended Jim and Joan Hamlin for taking the time to attend all the Village meetings. The Village needs to apply rules unilaterally. He said there should be a pool on how long the current Village Attorney lasts, since the Village goes through so many attorneys. There is a bottomless pit of litigation and not a great track record for the Village. He said he's always liked L. Vaughan and it took a while, but he now likes S. Zarnstorff. The Village Board should stop beating up on the landlords and imposing more rules. Stroke the landlords a little. Find a positive angle and build positive momentum. Focus should be on the proposed Main Street rehabilitation. He'll take odds on how many businesses survive it.

→At 8:12pm, Trustee Castañeda moved, unanimously carried to close the public hearing and re-open the regular meeting.

Mayor Wexler thanked everyone for attending and for all those who spoke. He said he thought everyone handled themselves professionally. He apologized for having left the room for a couple of minutes during the hearing, but shared that a Brockport Police Officer had stopped by and Mayor

Wexler said he told him that his services were appreciated, but not needed.

The Village Attorney recommended that the Board not vote on the proposed code changes tonight so they have an opportunity to review the feedback and check on a few things and make any necessary revisions. The next regular Village Board meetings are July 21st and August 18th.

ADJOURNMENT:

→Trustee Legg moved, unanimously carried to adjourn the meeting at 8:15pm.

Leslie Ann Morelli, Village Clerk