

Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, May 4, 2009 at 7:00pm.

PRESENT: Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli

EXCUSED: Treasurer Gina M. Tojek, DPW Superintendent Harry G. Donahue, Police Chief Daniel P. Varrenti, Fire Chief Scott Smith, Village Attorney David F. Mayer

ABSENT: Trustee David J. Wagenhauser

ALSO PRESENT: Building/Zoning Officer Scott C. Zarnstorff & the following Code Review Committee members for the public hearing: Art Appleby, Mark Kristansen, Matt Sauer, Drew Connor, Carrie Maziarz, Kent Blair, Jim & Joan Hamlin, Norm GianCursio, Fred Webster

CALL TO ORDER: Mayor Wexler called the meeting to order and led the Pledge of Allegiance.

MISSION STATEMENT: "To provide a high quality of life for all residents, exercising fiscal responsibility and preserving Brockport's unique heritage and historic character."

REVIEW OF MEETING MINUTES: Mayor Wexler called for any additions or corrections to the minutes of 2 of the last 3 meetings. The April 27th meeting minutes have yet to be typed.

- ➔ Trustee Castañeda moved, unanimously carried 4/0 that the minutes of the meeting held April 15, 2009, be approved as written.
- ➔ Trustee Hunsinger moved, unanimously carried 4/0 that the minutes of the meeting held April 29, 2009, be approved as written.

PUBLIC INFORMATION MEETINGS: None

GUESTS:

1. Any sidewalk café permit applications – Drew Connor representing Oana Dancata, the new owner of Mythos Café at 77 Main Street was in attendance to request a sidewalk café permit. Last year they had 2 tables and 8 chairs. This year they are looking to have 4 tables and 16 chairs and flower pots. Board wondered if that would be too much for a small space and if it would impede pedestrians. They asked Code Enforcement Officer Zarnstorff to make a site visit and report his findings. D. Connor concurred that what they had last year fit nicely and provided room to walk. D. Connor said they are also considering installing an awning. CEO Zarnstorff said he would take a look at that as well.

→ Trustee Legg moved, unanimously carried 4/0 to grant a sidewalk café permit for 2 tables, 8 chairs and flower pots.

PUBLIC COMMENT: None

PUBLIC HEARINGS:

Proposed Local Law #1-09 – amend Chapter 21 – Garbage, refuse, open burning

Clerk Morelli read the following legal notice which was published in the April 6th edition of Tri County Advertiser and posted on the Village website and at Village Hall.

**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 7:00pm on Monday, May 4, 2009**, in the Conference Room of the Village Hall, 49 State Street, Brockport, New York to consider proposed Local Law of 2009 as follows:

- Amendments to Village Code
 - Chapter 21 – Garbage, Refuse and Open Burning

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 www.brockportny.org. All interested parties will be given the opportunity to be heard.

→ Trustee Castañeda moved, unanimously carried 4/0 to close the regular meeting and open the public hearing at 7:10pm.

The proposed amendments to Chapter 21 went through the Code Review Committee and were reviewed by the Fire Chief, Police Chief and Village Attorney.

Public:

Jim Hamlin of Park Avenue:

- referred to 21-5C(1) which states: "No dumpster or roll off trash containers within all districts intended for trash or temporary use during any construction, building or remodeling project, and/or property clean up shall be located or placed any closer than 5' from any combustible buildings or structures, under the provisions of the New York State Uniform Fire Prevention and Building Code "Fire Code". " He commented that this would be hard to comply with for most Village properties, including his own, as structures are close and some lots small.
- Questioned whether the ZBA would have to issue permits for existing dumpsters. Code Review Committee Chair Appleby responded that is correct.
- referred to 21-5C and questioned whether it also includes dumpsters and containers currently in the business/commercial districts for such things as cardboard that they have permanently. Code Review Committee Chair Appleby clarified that it refers to dumpsters on commercial properties for construction projects and said the language may require fine-tuning.

Clerk Morelli read the following letter into the record upon request of Rob and Jill Trimble of Lyman Street who could not attend the public hearing:

May 4, 2009

Dear Board Member,

We are writing in support of a local law banning open burning of any kind except for devices intended for and being used for cooking. In our case we have a neighbor who has fires every weekend weather permitting. At one point last spring/summer our neighbor had 5 fires in 8 days. We have approached our neighbor and informed him that the wind blows the smoke from his fire into our house. His response is that we should close our windows. After a long winter the option of keeping our windows closed on a beautiful night is not one we would prefer to choose. In these tough economic times we should not be forced to use our central air conditioning so our neighbor can have an outdoor fire. Our experience last summer was not a pleasant one. After numerous back yard fires our only option was to call 911 which had to send out the police and fire departments. We believe taxpayer money for the police department and the time of volunteer fire fighters could be better spent then responding to complaints about back yard fires in the village. Other then the smell of smoke there are other reasons to ban open fires in the village. These are reasons Chief Varrenti gave us in an email from May 2008 on why he supports a ban on open burning which we completely agree with and could not have stated better:

First the close proximity of the houses and buildings would make for a fire hazard when sparks from the open fires land on roofs, etc.

Secondly I don't believe anyone could have an open fire and not assume the smoke from the fire would enter houses in close proximity and wind directions change all the time depending on various structures, etc.

Thirdly for 9 to 10 months of the year the Village of Brockport's population swells to 16K people in roughly a 2.2 square mile area. Common sense would dictate that the starting of a fire would pose a serious public safety concern.

Fourth many of our buildings are old and a fire could easily ignite one structure and spread too many other structures in minutes.

Lastly many of our structure within Brockport have been deemed historical in nature. I would assume that these historical builds and our beautiful Victorian Village should strive to protect it from accidental losses.

Jill and I have lived in the village for ten years now, we love it, and wouldn't choose to live anywhere else. We know that this matter has been an issue for many years. In fact there was a village board meeting on this matter in June of 2004 when the board was discussing how to deal with the issues of the summer of 2003. We feel the time is now for action to be taken to ban open burning in the village of Brockport and we urge the board to act to do so. Thank you for your time and consideration.

Jill & Rob Trimble
168 Lyman Street
Brockport, NY 14420

Mark Kristansen of Main Street (and Code Review Committee member) said he wished to comment on the open burning section of the chapter. He said there are currently Monroe County laws in effect and questioned why enforcement of those laws did not apply to the Trimble's situation described on Lyman Street. He said from his understanding there is a \$1,000 County penalty for nuisance fires. He said the law should be equitable for everyone and interpreted the same way by all responders and enforcers. One responder may respond one day and say it's ok to toast marshmallows, and another may respond the next day saying it's not ok. He said he believes the Lyman Street issue could have been handled by existing laws. He referred to a letter the Fire Chief sent the Code Review Committee.

Mayor Wexler questioned whether as a member of the Code Review Committee he brought it up with them. M. Kristansen said the letter regarding the Lyman Street issue added new light to it. Besides, the public hearing had already been called for on the proposals as they stood a few months ago.

No further public comment.

→ Trustee Castañeda moved, unanimously carried 4/0 to close the public hearing and return to the regular meeting at 7:22pm.

Board asked that the Code Review Committee take the public hearing comments into consideration and get back to the Village Board with anything further so the Board can move forward with any necessary action. Mayor Wexler thanked the Code Review Committee for their work.

DEPARTMENT REPORTS: (most Department Heads are excused from the 1st meeting of the month)

A. PUBLIC WORKS – Superintendent Harry G. Donahue (excused)

1. Authorization to advertise for 4 seasonal (summer) laborers –

→ Trustee Castañeda moved, unanimously carried 4/0 to advertise as follows:

Village of Brockport Employment Opportunity

SUMMER EMPLOYMENT

The Village of Brockport is accepting applications for the Department of Public Works Seasonal (summer) Laborers. Workweek shall be Monday - Friday 7:00am to 3:30pm, 40 hrs/week. No benefits. Minimum age requirement is 18. Applicants are subject to pre-employment background check and pre-employment random alcohol/drug testing.

Employment application can be downloaded from the Village website: www.brockportny.org

Mail or drop off application to:
Leslie Ann Morelli, Village Clerk
Village of Brockport
49 State Street, Brockport, NY 14420
Monday thru Friday 8:30 am to 4:30 pm

Application Deadline: May 15, 2009

2. Training/Travel Authorization – 2009 Highway School – Ithaca, NY 5/31-6/3 – In order to get the early bird registration and hotel rates, Trustee Hunsinger, presented a request for Superintendent Donahue and Operations Manager Moore to attend the 2009 Highway School in Ithaca May 31st – June 3rd. Total cost is \$509.95 with registration \$90 each and hotel \$109.95 per night for 3 nights – they will share a room. The funds are in the DPW administration budget line. H. Donahue attended last year for the first time and found it very informative. Sessions range from snow and ice control to tree trimming, purchasing through NYS OGS, ditching, sidewalk reconstruction, asphalt maintenance, employee discipline, etc.

Trustee Legg wondered if it would be from 08-09 or 09-10 budget line since the conference straddles both fiscal years.

Trustee Hunsinger commented on the need for Department Heads to pick their travel/training wisely, taking budget constraints into consideration.

→ Trustee Hunsinger moved, unanimously carried 4/0 to authorize said training/travel request.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti (excused)

C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff (excused)

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D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Scott Smith (excused)

1. Appoint Stephen Leuchtner to EMT (BLS) vacancy – Civil Service certified – Clerk Morelli confirmed that S. Leuchtner went through the appropriate process, is confirmed by Civil Service and recommended by the EMS Chief.

→ Trustee Castañeda moved, unanimously carried 4/0 to appoint Stephen Leuchtner as an Emergency Medical Technician at \$12.75 per hour – maximum 24 hours per week.

E. TREASURER – Gina M. Tojek (excused)

F. CLERK - Leslie A. Morelli

G. VILLAGE MANAGER - vacant

H. VILLAGE ATTORNEY – David F. Mayer, Esq. (excused)

VILLAGE BOARD REPORTS:

A. Mayor Morton Wexler

1. Consider Adoption of Identity Theft Protection Program – “Red Flags” Rule – Mayor Wexler referred to correspondence from Clerk Morelli. She recently learned from the Hilton Village Clerk that per the Fair and Accurate Credit Transactions Act of 2003, municipalities with utilities (i.e. us with water) are supposed to develop and implement a written identity theft protection program by May 1st 2009. A policy created by Green University was found and adopted by the Village of Hilton. She provided same to the Board to consider using as a template.

Mayor Wexler asked if the Village Attorney had reviewed it. Clerk Morelli said she did not refer it to the Village Attorney, as there would be a cost involved. However, if the Board feels that is necessary she can do so. Board did not feel that was necessary.

Trustee Legg commented that the template calls for the creation of a 3-person committee. Board felt it might be most appropriate to have the Treasurer, DPW Superintendent and Water Clerk review the template and provide feedback for the Board’s consideration at the next meeting.

2. DPW – Mayor Wexler shared that he met with DPW Superintendent Donahue recently.

a) The Mechanic, Kevin Garrison, plans to retire towards the end of the calendar year and will likely take his last month or more as accrued time off. A new mechanic will need to be in place before his departure.

b) They reviewed the numerous budget lines that currently fall under H. Donahue’s direction as well as a statement of expenditures. H. Donahue had expressed concern that some of these budget lines, such as gas and electric and janitorial supplies for Village buildings, may not really belong under his direction, and that it is difficult to stay within budget when the lines keep getting cut and his recommendations are not fully taken into consideration. Mayor Wexler said he encourages the new Board to take a look at all the lines under H. Donahue’s direction and work towards a resolution.

c) Health Reimbursement Account (HRA) – Mayor Wexler referred to the grievance of DPW management (non-union), DPW Superintendent Donahue, Water Superintendent Herzog, and Operations Manager Moore as to their HRA being reduced in 2009 compared to the amount they received in 2008 and were promised through the end of 2009. Mayor Wexler reminded the Board that altogether there are 7 full-time non-union employees who take health insurance benefits and are entitled to an HRA. The other four are Village Clerk Morelli, Village Treasurer Tojek, Code Enforcement Officer Zarnstorff and Police Secretary Zimmerman whose amount remained the same 2008 to 2009, but who have expressed dissatisfaction that all non-union employees do not receive the same amount and further disappointment that they do not receive the same amount as that offered to union employees. Mayor Wexler said he contact the Village’s Labor Attorney who indicated not knowing where a potential lawsuit would shake out.

Board discussed the matter and the need to make a concerted effort in the future to treat all non-union employees the same, so as not to create a class difference and to be careful of special promises or resolutions it makes employees as it relates to benefits. Clerk Morelli commented that while ideally it would be wonderful if all employees were treated the same, no matter if union or non-union, it is more important that all non-union employees be

treated the same.

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→ Trustee Castañeda moved, unanimously carried 4/0 to reinstate the Health Reimbursement Account (HRA) amounts of 2008 for the remainder of 2009 for Donahue, Herzog, Moore. Therefore, Donahue will go from \$600 to \$1,800 family plan, Herzog will go from \$500 to \$1,500 2-person plan, and Moore will go from \$600 to \$1,800 family plan, as it was felt that the Village reneged on a prior commitment made by past administrations.

B. Trustee / Vice Mayor Maria C. Castañeda

1. Bienvenida – proposed the annual proclamation be adopted as follows:

→ Trustee Castañeda moved, unanimously carried 4/0 to adopt the following proclamation:

PROCLAMATION

WHEREAS, agriculture is the number one industry in New York State; and

WHEREAS, the approximately 1,000 migrant farm workers who come to the Hamlin, Clarkson, Sweden and Brockport area constitute the backbone of our area's agriculture workforce; and

WHEREAS, the farm workers are members of our community for approximately six months of each year, during which time they plant and harvest our crops; and

WHEREAS, as residents of the Hamlin, Clarkson, Sweden and Brockport community, migrant farm workers make a substantial contribution to our local business economy.

NOW THEREFORE, The Village of Brockport Board of Trustees designates the week of June 22nd – June 28th as a week of recognition of the presence and contributions of our local farms and farm works, and proclaims Sunday, June 28th as a Day of Welcome to the migrant farm workers.

ADOPTED by unanimous vote of the Brockport Village Board on May 4, 2009.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Corporate Seal of the Village of Brockport to be affixed this day, May 4, 2009.

2. Village Advisory Committee – next meeting Tuesday, May 12th at 7pm.
3. Monroe County Association of Village Mayors – attended April 16th on Mayor Wexler's behalf. The National Grid utility gross receipts tax issue was discussed. NYCOM is championing the cause on behalf of the cities and villages impacted by the refund requests.
4. Canal Clean Sweep – organized the Village's participation April 19th. Cold weather, but good turnout. Thanks to all who participated and to Mark's Pizzeria who discounted pizza for after the event.
5. Canalway Trail Celebration – is organizing the Village's participation June 6th with events to include 10am and 2pm History Walks with Historian Emeritus Andrews (meet in front of 1 Main Street by canal bridge), 4:30pm & 8pm boat rides on the Rose Lummis for \$10, 6pm Ernie Capone performance on the Rose Lummis, and great local shopping.
6. Morgan Manning House – is offering a wine tasting and lecture on South American wines on May 7th. Tickets are \$20 to benefit the Western Monroe Historical Society.
7. Something's Gotta Give Conference – plans to attend the May 19th SUNY conference opportunity for government officials.
8. Memorial Day Celebration – plans to attend the May 23rd Memorial Day celebration at the Vets Club.

C. Trustee David J. Wagenhauser (absent)

D. Trustee Scott W. Hunsinger

1. Summer Serenades – is organizing the Village's summer concert series with Trustee Legg's assistance. Has re-examined past efforts, will be offering quality entertainment for the community of different styles at a reasonable expense.

2. Code Review Committee – attended the April 28th meeting as the group’s Village Board liaison and plans to continue to participate in the monthly meetings.
3. Parks Committee – commended the Parks Committee for their April 18th clean up of Harvester Park and their preparation to take inventory of all parks and playgrounds.

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4. 200 State Street & 100 Fair Street – commented that he conversed with Code Enforcement Officer Zarnstorff regarding these properties coming into compliance.
5. Department Heads Meetings – thanked Mayor Wexler for allowing him the opportunity to meet with Department Heads at their upcoming monthly meetings in May and June. Several Department Heads expressed concern of the lack of meetings and putting the time to productive use. He’ll report back to the Board.

Mayor Wexler thanked Trustee Hunsinger for his interest and is glad to have him involved. Once a new Mayor is elected, he or she will take over Department Heads meetings as they see fit.

E. Trustee Hal S. Legg

1. Max’s Mardi Gras Parade & Festival – commended the committee for all of their efforts organizing the final event.
2. Tree Board – commended the Tree Board for the all of their efforts organizing the recent Arbor Day Planting event. He and Mayor Wexler were in attendance.
3. Code Enforcement – commented that a resident has been in touch with some Village officials regarding various code related questions that have been forwarded to Code Enforcement Officer Zarnstorff.
4. Farmers Market Manager – referred to the proposed job description he circulated to the Board for review.

→ Trustee Legg moved, to adopt the Farmers Market Manager position description as written.

Discussion:

Trustee Castañeda asked if the Market Manager or Village Hall would collect the vendor fees. Trustee Legg said by the Market Manager. However, this year the timing is a bit off since the season begins June 14th, so Village Hall may need to collect the fees. Clerk Morelli said once the Market Manager collects the fees, he or she turns them in to Village Hall for deposit to the appropriate account. Trustee Castañeda suggested, “with the approval of the Mayor and Board” be added to the line, “resolve disputes related to the market”. Trustee Legg said this is spelled out in the more detailed Farmers Market rules and regulations, but can be added in the Manager position description as well, if necessary.

→ Trustee Castañeda moved, unanimously carried 4/0 to adopt the Farmers Market Manager position description with referenced amendment.

Clerk Morelli agreed to publish an appropriate vacancy notice and accept applications.

2. Summer Serenades – referred to the proposed performance engagement agreement and hold harmless agreement he circulated to the Board for review. Village Clerk Morelli and Village Attorney Mayer reviewed these and their feedback was incorporated.

Trustee Castañeda noted that the bands would no longer be paid the night of the performance. Trustee Legg said that is correct. Therefore, the emcee will not have to handle the checks. Clerk Morelli agreed this is better and that it is spelled out that payment will be mailed to them within 30 days. Trustee Castañeda said the documents look good.

→ Trustee Legg moved, unanimously carried 4/0 to adopt the performance engagement agreement and hold harmless agreement as written.

Trustee Legg shared that he attended the Greater Brockport Development Corporation (GBDC) meeting April 29th in which the GBDC agreed in principal to solicit sponsors for Summer Serenades if the Village does not object. This, along with a possible repeat grant from the Rochester Area Community Foundation, will help the Village put on the concert series.

3. Main Street Sewer and Water Project – is encouraged by having had Senator Schumer’s office seek additional information to supplement the Village’s application for funding assistance.

PUBLIC COMMENT: None

AUDIT:

➔ Trustee Legg moved, unanimously carried that the bills be allowed and paid upon audit.

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	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
<u>Village</u>	5/5/09	178747-178804	\$75,819.19
<u>Fire</u>	5/5/09	178805-178835	\$39,500.99
<u>Third Party Billing</u>	5/5/09	001547-001568	\$13,185.34
<u>Capital Projects</u>	5/5/09	002317-002323	\$2,285.87
<u>Water</u>	5/5/09	002262-002277	\$15,235.78

ADJOURNMENT:

➔ Trustee Hunsinger moved, unanimously carried that the meeting be adjourned at 8:22pm.

Leslie Ann Morelli, Village Clerk