

**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, March 3, 2008 at 7:00pm.**

**PRESENT:** Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee Carrie L. Maziarz, Trustee David J. Wagenhauser, Trustee Hannelore G. Heyen, Village Manager / Treasurer Ian M. Coyle, Clerk Leslie A. Morelli.

**EXCUSED:** DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Timothy Rombaut

**ALSO PRESENT:** James & Joan Hamlin, MaryJo Nayman, John Lessord, William Heyen, Norm GianCursio, Kathy Snyder, several SUNY BSG representatives including David Whipple and Randall Franklin

**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 the last meeting.

Trustee Castaneda said she has no objections to Trustee Wagenhauser's desire to include Police Chief Varrenti's memo dated February 15 in its entirety as long as Chief Varrenti's memo of February 4 and Mayor Wexler's memo of February 25 to Chief Varrenti, as well as last year's correspondence from then Village Attorney Sekharan regarding Trustee Wagenhauser's FOIL request regarding personal information on her be included in their entirety. Trustee Wagenhauser clarified that it was the February 4<sup>th</sup> memo he had referenced for inclusion.

Trustee Heyen commented that those in the audience or that watch the replay of the meeting on public access don't know what is referred to by "inserting" correspondence in the meeting minutes since they are not read into the record. She suggested that this practice be taken up at the next workshop.

Trustee Wagenhauser said the meeting minutes are supposed to be a snapshot of Village business, not to change to make more accurate of what should have taken place.

Trustee Castaneda said she knows that Manager Coyle was covering the minutes in Clerk Morelli's absence, but in comparing them to the tape, she feels a lot was left out.

➔ Trustee Wagenhauser moved, Trustee Heyen seconded, Trustee Maziarz and Mayor Wexler abstained due to absence, Trustee Castaneda carried that the minutes of the meeting held February 19, 2008, be approved as amended.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT:** None

**GUESTS:**

BSG David Whipple – proposed Brock the Port event May 9<sup>th</sup> –

David Whipple introduced himself as a SUNY College at Brockport senior business major and Student Government Programming Director. He reviewed BSG's proposal for their end of the year Brock the Port event to be held Friday, May 9<sup>th</sup>, which is the last day of classes, right before final exams begin. It is an opportunity to unwind. It includes live music, inflatables, games, food and more. The event ends with fireworks on campus. He said this event has been held for several years on campus for students only. Last year, with the Village's blessing, it was held on Main Street and open to the community. It was a way to involve the citizens and merchants. It is also a way to get students that usually remain on campus, out into the community. The surveys and focus groups on last year's event were positive. They would like to again involve the community and hold it in downtown Brockport. They would offer cheap wristbands for community members to participate since the students fund the events. He said they spoke to many merchants last weekend and 95% had good things to say about last year's event. Many indicated that their businesses benefited from the increased foot traffic. He presented a petition signed by many merchants, including the President of the Brockport Merchants Association, in favor of this year's event.

D. Whipple said he submitted the detailed proposal, with options A or B on February 27<sup>th</sup> and met with the Mayor and Village Manager on February 29<sup>th</sup>. He tried to contact Police Chief Varrenti last week, but he was away. He will follow up with him as well as Brockport Ambulance. Police and ambulance time is to be funded by BSG. D. Whipple said they would be providing event staff and security personnel to assist with crowd control, set up and clean up. They would provide port-a-potties. This

year they will place bags in the trash receptacles prior to the event so they are easier to empty.

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D. Whipple said they are committed to improving upon last year's comments and concerns to make it an even smoother event this year. The event hours would be 4pm to 9pm with set up from 2pm to 4pm and clean up from 9pm to 11pm. He reviewed "Plan A" which entails closing Main Street from State Street to Water Street from 2pm to 11pm and shutting down parking the night before.

Trustee Maziarz shared that she helped Mike Davis, BSG's programming director last year, come up with the layout map. Last year they made sure to not stage any events between Market Street and Water Street so that emergency vehicles had access. She said she is not saying that she endorses "Plan A", but if Main Street were to be utilized, she suggested the current layout map be modified to show events staged only between State Street and Market Street.

Mayor Wexler said the Village wants to make certain that emergency vehicles can go east and west on Market Street.

Trustee Heyen commented that she bumped into D. Whipple and Jeremy downtown and that they discussed the proposal a bit. She said last year's event was attended by families and children enjoyed the games and such. She said she spoke with Chief Varrenti today and stressed that the law enforcement coverage last year took a lot of planning and was highly organized. She said she wants the event to happen, but has reservations of "Plan A" which would close a section of Main Street at a peak Friday traffic time for the community and school buses. She said they need to work towards the needs and goals of both SUNY and the Village.

Trustee Wagenhauser commented that he knows other colleges and universities hold similar end of the year events. Many, including SUNY Geneseo, hold them during the daytime or on the weekend. He said he would be more comfortable with a weekend daytime event. He said it is a great event with great ideals, but there is a great amount of logistics involved.

D. Whipple said a lot of students wouldn't get out of bed on a Saturday or Sunday morning for a daytime event. He said they would be more willing to switch to Saturday evening to account for Friday evening traffic or to go with "Plan B" which changes the location to the parking lot behind Chase Bank between King Street and Erie Street. He said he understands that the Village has an existing agreement with Chase Bank that it is a municipally maintained lot. He said they would also likely need to utilize the small lot across the way next to Frontier. "Plan B" wouldn't involve closing a section of Main Street or re-routing traffic.

Trustee Castaneda shared that she met with BSG President Darnell Pearce today. They discussed some of the concerns last year. She stressed that not only drivers, but also Main Street merchants need Main Street open and parking access. Some merchants lost business last year because their clientele couldn't get to them. If the goal is to get the community involved, perhaps they could be invited and encouraged to visit the event held on campus. It would be a wonderful opportunity for SUNY to increase awareness of services to the community. She said she suggested this to D. Pearce, and he did not object and said this could be considered "Plan C".

Trustee Maziarz said she was very much in support of the event being held in the Village last year. However, planning began much earlier – in the fall semester. Chief Varrenti needs time to pull all of the necessary law enforcement resources together. She said she is intrigued with "Plan B" which would keep it downtown, but allow Main Street to remain open. This will help the eateries and will introduce new customers to area businesses.

Trustee Heyen said she is an optimist and feels the major work was done last year when it comes to planning. She said although her family does go on campus for various things such as the festival after Max's Mardi Gras parade, it is a way to involve the community. She suggested that the applicants meet with the appropriate parties. She said all of the shops and services are open on Saturdays during the day, but not all are open on Friday evenings.

Trustee Maziarz said she heard from people who said they wouldn't have minded last year as much had they had known about the event and that they would have to detour part of Main Street. She suggested that BSG make a stronger effort with communicating to the public through an ad in the local papers and signage to direct them to alternate parking. Trustee Heyen suggested they advertise to families through Brockport Central School District as well.

Mayor Wexler said he is not a proponent of closing Main Street other than on the following 3 occasions: Max's Mardi Gras Parade the 4<sup>th</sup> Saturday morning of April, BISCO Arts Festival the 2<sup>nd</sup> weekend of August, and the SUNY Homecoming Parade in the fall. The 2 parades are for only a couple of hours. He said he attended the law enforcement preparation meeting last year that was held in preparation for Brock the Port. It was quite organized and quite involved. There were even Monroe County Sheriff's Deputies on horseback moving participants out quickly and orderly after the event. The weekend

before finals, students tend to be a bit more “jovial”, but he felt students handled themselves in an exemplary manner. This was probably due in part to the large police presence. There was only one incident. He

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commented that by and large the Village understands and appreciates the impact SUNY has on the community. He pointed out that several Board members and Department Heads are alumni. Mayor Wexler stressed that Friday traffic on Main Street is particularly heavy. He would be willing to consider “Plan B” – to not close Main Street.

Trustee Heyen asked for confirmation that BSG will be paying for police coverage and will be cleaning up afterwards. D. Whipple said yes.

Trustee Maziarz suggested to D. Whipple that when he sets up a meeting with Police Chief Varrenti, that he also invite Fire Chief Rombaut. She said there are some minor changes needed, but she is in favor of the event and of “Plan B”.

Trustee Castañeda said the Board has previously discussed the need to find an alternative location for various events and activities so as to avoid closing any part of Main Street or hindering valuable parking. She said she is in favor of the event and thinks it’s wonderful that SUNY BSG wants to involve the community. However, she indicated that an e-mail from Chief Varrenti expressed concern over the late notice and the amount of coordination required. She suggested that BSG reconsider holding the event on campus and inviting the community to join them there. She said it is likely that many students would come into the Village after the event.

Trustee Heyen stressed the importance of meeting with the Police Chief soon so that he can make his recommendation to the Board.

Trustee Wagenhauser asked the cost of the wristband for community members. D. Whipple said that has yet to be determined. It may be free for children under 5 and either \$3 or \$5 for those over 5. He stressed that the students fund the event.

BSG Vice President Randall Franklin said it sounds like the consensus is to go with “Plan B”. He asked if the proposed date and time is acceptable if the location were to be the parking lot between King Street and Erie Street instead of Main Street. He said a Friday late afternoon to evening is really more conducive to students.

Trustee Maziarz said she doesn’t object to the day and time, but if it has to be on a Friday, then the “Plan B” location is the way to go.

Trustee Wagenhauser suggested D. Whipple solicit feedback on this from the Police Chief.

Trustee Heyen mentioned that the Village had heard from a representative of the Methodist Church at the corner of Main Street and Erie Street. They were concerned with this event conflicting with one of their annual events, as it was greatly disrupted last year. Mayor Wexler said the dates do not conflict this year.

Mayor Wexler commented that if the applicant meets with the Police Chief and Fire Chief on implementing “Plan B”, he would have no objection to it.

Trustee Castañeda recalled that Assistant Code Enforcement Officer Vaughan forwarded a memo that debriefed the event last year. Clerk Morelli said she did not receive a copy herself, and asked L. Vaughan to find it, with no success. Trustee Heyen said she has her copy and will share it.

Board agreed that they would continue review of this application at the March 17<sup>th</sup> meeting after D. Whipple has had an opportunity to meet with the Police Chief and Fire Chief. D. Whipple said that is their spring recess. Board said they would be happy to place it on the March 24<sup>th</sup> workshop agenda.

Trustee Maziarz encouraged the applicant to keep the Board updated. Clerk Morelli said he only needs to submit to her and she will gladly forward copies to the Board and Department Heads.

**DEPARTMENT REPORTS:** (most Department Heads are excused from 1<sup>st</sup> meeting of the month)

- A. PUBLIC WORKS – Superintendent Harry G. Donahue (excused)
- B. POLICE DEPARTMENT – Chief Daniel P. Varrenti (excused)
- C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff (excused)
- D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Timothy Rombaut (excused)
- E. VILLAGE MANAGER / TREASURER - Ian M. Coyle

1. Budget Workshop – Manager Coyle reminded the Board of the budget workshop Wednesday, March 12<sup>th</sup> at 5:30pm before the 7pm Main Street Rehabilitation Committee meeting.

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**F. CLERK - Leslie A. Morelli**

1. Recent absence – Clerk Morelli thanked Manager Coyle, Water Clerk Herzog, Deputy Clerk Olson and Clerk Krahe for covering her duties during her recent 3-week medical absence. She thanked Manager Coyle in particular for handling the Village Board meeting minutes of February 4<sup>th</sup> and 19<sup>th</sup>. She said it is good to be back.
2. Declare surplus & authorize disposal of 2 old dot matrix printers – Clerk Morelli recommended that the Board declare surplus and authorize disposal of 2 old dot matrix printers that have been in storage for some time. She said Manager Coyle indicated he might be able to get a few dollars for them on E-bay. If not, they will be taken to Sunnking for proper recycling.

→ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried to declare surplus and authorize the disposal of 2 old dot matrix printers.

3. Village Elections 6/17/08:
  - a. Notice for Electing Village Officers – Clerk Morelli read the following notice:

**VILLAGE OF BROCKPORT  
NOTICE FOR ELECTING VILLAGE OFFICERS**

**PLEASE TAKE NOTICE:**

That the Annual General Village Election in and for the Village of Brockport will be held on Tuesday, June, 17, 2008 with the following officers to be chosen: Two (2) Trustees for a term of four years to June 30, 2012, and

That the first day to circulate independent nominating petitions is Tuesday, April 1, 2008, and the last day to file said petitions at Monroe County Board of Elections is Tuesday, May 13, 2008. Petitions must indicate the office(s) and term thereto, for which it is filed, and

That the applications for absentee ballots will be accepted by Monroe County Board of Elections no earlier than February 17, 2008 and no later than June 10, 2008 for applications to be mailed or June 16, 2008 for personal applications by applicant of his/her agent.

- b. Resolution confirming polling place and hours –

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried confirming that the Village Elections will be Tuesday, June 17, 2008 at Village Hall and that the polls will be open from Noon to 9pm.

Clerk Morelli shared that all voter registration, absentee ballot applications and candidate paperwork is done through Monroe County Board of Elections.

**VILLAGE BOARD REPORTS:**

**A. Mayor Morton Wexler**

1. Appoint Parking Ticket Collection Support Agency – ProAcct – Mayor Wexler stated that after much consideration and due to the numerous delinquent parking ticket revenue yet to be collected, it would be worthwhile to change vendors from Statewide Computer in Pearl River, NY to ProAcct of Spencerport, NY.

→ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried to appoint ProAcct of Spencerport, NY as parking ticket collection support agency and authorize the Mayor to sign the agreement.

Parking ticket scanners – Trustee Castañeda commented that when the issue of delinquent parking tickets first came up a few months ago, Chief Varrenti mentioned the availability of parking ticket scanners that some other municipalities are using. Judge Cody recommended them. She has had a conversation and e-mail correspondence with Chief Varrenti regarding the cost of such scanners. She said it seems they would make the process quicker and easier and might be a good solution to the problem. Chief Varrenti indicated that there is little room to include a name and address on the current ticket, so she suggests they consider modifying the ticket. She said she requested the actual cost of the scanners and is still waiting for that information from Chief Varrenti.

Trustee Wagenhauser asked Trustee Castañeda if she read her e-mail today. Trustee Castañeda said she had. Trustee Wagenhauser read excerpts from Chief Varrenti's e-mail response regarding parking ticket scanners as follows:

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“...one of the companies that I spoke with that supplies the hand held scanners (this is the same company that Judge Cody learned of at a seminar) stated that they would provide us with hand held scanners and then charge us 20% of our revenue to use them... no other police agency in Monroe County uses hand held scanners because of the costs associated with these devices. I don't recommend we use hand held scanners, at any price, much less 20% of our revenue just to make the job easier for someone else who is bound by law to provide this function.”

Trustee Wagenhauser said Trustee Castañeda's questions were asked and answered. Trustee Castañeda said they weren't, as she wants the cost of the device. It's up to the Board to determine if it is cost prohibitive. Trustee Wagenhauser said the response is that the scanner itself is free. Trustee Castañeda said we might be able to buy scanners outright – not just get them from this company.

Trustee Maziarz said ProAcct is the same type of program the Village has now through Statewide Computer. They have access to DMV information to be able to send out delinquent notices.

Trustee Castañeda said she recalls Chief Varrenti stating at a Board meeting sometime around November that these scanners ARE used in other municipalities.

Trustee Wagenhauser said he could read Chief Varrenti's response again. Trustee Castañeda said there is no need. She said she asked questions that weren't answered in the Chief's e-mail.

2. Appoint John & Bonnie Erwin as Welcome Center Greeters – Mayor Wexler referred to the applications of John and Bonnie Erwin. Bill Andrews signed off on them. Trustee Wagenhauser said they are new residents on Cyrus Way.

→ Trustee Heyen moved, Trustee Castañeda seconded, unanimously carried to appoint John and Bonnie Erwin as Welcome Center Greeters.

3. Fill camera operator vacancy – Mayor Wexler said 4 applications were received in response to the advertisement for a paid part time camera operator for Village Board meetings. However, Trustee Castañeda contacted someone at Brockport Central School District who may have an interested student. He said he would present a name for consideration at the next meeting.
4. Village Attorney Letter of Agreement – Mayor Wexler referred to the proposed letter of agreement received today from the new Village Attorney. Board agreed to review this and place on the next agenda.
5. February 19<sup>th</sup> meeting – Mayor Wexler thanked Trustee Castañeda for running the last meeting in his absence. In reviewing the draft minutes, there is mention of utilizing an outside police agency such as Monroe County Sheriff's Department within Village limits. He recalled that something came up a few years ago that involved releasing Chief Varrenti's unlisted home phone number and an outside law enforcement agency was involved. So, there have been instances when an outside law enforcement agency has responded.

**B. Trustee / Vice Mayor Maria C. Castañeda**

1. Village Advisory Committee – Trustee Castañeda said the next meeting is scheduled for Tuesday, March 11<sup>th</sup> at 7pm at Village Hall. All are welcome to attend. Regarding Trustee Wagenhauser's inquiry about getting meeting minutes of the Village Advisory Committee and having them posted on the Village website, she reminded all that she includes a summary of the VAC during her report at Village Board meetings. She encouraged Trustee Wagenhauser to feel free to review these, ask her questions or attend the meetings. She wondered if all other committees take and submit minutes and have them posted to the website. She said according to Clerk Morelli, she only receives meeting minutes from a couple of them.
2. Accepting Credit Cards – Trustee Castañeda reported that Manager Coyle has contacted Chase Bank and is awaiting more information.
3. Accepting Village Taxes in Installments – Trustee Castañeda reported that she spoke with Clerk Morelli and asked that she better explain what needs to be done to allow payment of

Village taxes in installments.

Clerk Morelli referred to her June 2007 memos to the Board regarding the installment payment plan option which included survey results that show that only 1 of the 10 Villages in Monroe County offer this, as well as excerpts from the NYCOM Handbook for Village Officials and a

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copy of Villages Real Property Tax Law §1434. In summary, §1434 provides for the collection of taxes in two installments upon Village Board resolution. She is looking into whether a simple resolution is acceptable or if it needs to be treated as a Local Law, which would involve a public hearing, filing with the State, and possibly adding to the Village Code. She hopes to have an answer for the next meeting. In the meantime, she is confident that the Village Board's role is limited to making the option available, not in setting the installment due dates or percentage interest. As has always been the case, interest of 5% is added for the month of July. Then you add 1% interest per month after that up to October 31<sup>st</sup>. The law provides for payment in 2 installments. Half due July 1<sup>st</sup> and the other half with 5% penalty due August 1<sup>st</sup>.

4. 200 State Street & 100 Fair Street – former Kleen Brite properties – Trustee Castañeda shared that she recently saw County Executive Brooks who said she was happy to help in this matter. Bill Fletcher received the information he needed from Manager Coyle. Signage should be going up soon regarding a public auction by Monroe County.
5. SUNY & Village Collaboration – Trustee Castañeda reported that she met with the BSG President not only regarding Brock the Port, but perhaps a joint venture with the Village such as the last Summer Serenades of the season serving as a welcome back to the students. She hopes to discuss this at a future workshop.
6. Camera Operator – As Mayor Wexler mentioned, Trustee Castañeda said she is working on getting a Brockport High School student to video Village Board meetings as a project. She hopes to hear back this week.
7. BCSD & Village Collaboration – Trustee Castañeda reported that she is working with a representative of Brockport High School regarding a step up community project. Students are working on a logo for the project.
8. Emily L. Knapp Museum & Library of Local History – Trustee Castañeda reported that she met with key museum committee members and hopes to soon meet with representatives of the Morgan Manning House, Seymour Library and Sweden Senior Center.
9. Annual Fire Department Banquet – Trustee Castañeda commended Chief Rombaut and the Brockport Fire Department on their annual banquet. She and Mayor Wexler were in attendance from the Village Board. Assemblyman Reilich was in attendance. He received the Village's legislative plan and looks forward to working to secure needed funds.
10. Main Street Rehabilitation Committee – Trustee Castañeda said Supervisor Paul M. Kimball would like to fill the vacancy on the Main Street Rehabilitation Committee for a Clarkson representative.

→ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried to appoint Paul M. Kimball to the Main Street Rehabilitation Committee.

11. Mayors for Meals – Trustee Castañeda reported that she would again be participating in Mayors for Meals in Mayor Wexler's place. This year's event is scheduled for March 19<sup>th</sup>.

C. Trustee Carrie L. Maziarz

1. Main Street Rehabilitation Committee – Trustee Maziarz reported that Village Engineer Paul Chatfield and NYSDOT representatives attended the February 27<sup>th</sup> meeting. They were able to go over some new design plans and discussed a revised project timeline due to the rehabilitation of the Smith Street Bridge. She asked that the MSRC be placed as an item on the March 24<sup>th</sup> workshop. She said she is glad that the SUNY representative and Clarkson representative slots on the committee are now filled. Trustee Maziarz reported that Chair Bob Ryan and the marketing subcommittee are researching and planning meetings with representatives of the Greece Chamber of Commerce who dealt with the Ridge Road project and the Fairport Village Partnership who dealt with having their Main Street Bridge down for 6 weeks, but offered so many positive events.

2. Comment at 2/19 meeting re 1/28 workshop – Trustee Maziarz said she was not at the last Village Board meeting (2/19), but in reading the minutes, a comment was made regarding the

at last workshop (1/28) that she wishes to address. She clarified a point made by resident Linda Borryo. Trustee Maziarz said she never said, "I bet you would have liked to throw that bottle me."

At that workshop a Village resident became disorderly and threw a bottle. She said she asked Mayor Wexler if he was going to control this. L. Borryo said "Next time we'll throw a bottle at you." She said she confronted L. Borryo and said, "Go ahead". She said that is her perception

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of the incident and would appreciate that such not happen again. She said she spoke to the Police Department who confirmed that members of the public do not have the right to disrupt or stop a meeting.

In response to Trustee Maziarz's comments and Trustee Heyen's statement at the last meeting, Mayor Wexler said he was at that workshop and did not hear L. Borryo make that comment nor was a chair knocked back or a bottle spiked like a football. A bottle was thrown to hit the trash can and it made a noise. Nobody was threatened. Nobody felt threatened. There is nothing to fear. He said he would be happy to sit with his back to the audience at workshops. He encouraged residents to gently place their items in the trash can in the future rather than tossing. He expressed concern of a statement made by the Police Chief indicating that people can be subject to arrest, when he wasn't even at the meeting.

Trustee Maziarz said it is arrogant of Mayor Wexler to say nobody felt threatened. Mayor Wexler said he did not feel threatened. Trustee Maziarz said this involves a gentleman who's probably very friendly with the Mayor. She said no one mentioned arresting anyone.

Trustee Maziarz said she was just clarifying a quote attributed to her from the last meeting minutes.

D. Trustee David J. Wagenhauser

1. 2/19 meeting – Trustee Wagenhauser said he did not attend the last Board meeting as he was in New Orleans, which is looking well.
2. Budget – Trustee Wagenhauser shared that he has been working hard on the budget and that it will be good.
3. Village Advisory Committee – Trustee Wagenhauser said he had asked for Village Advisory Committee minutes many times. They were taken and posted to the website in 200\_. He also spoke to Clerk Morelli about whether other Boards and Committees have minutes.
4. FOIL able Material – Trustee Wagenhauser stated that he was not asking for the February 4<sup>th</sup> Chief Varrenti memo for inclusion for personal information and that it should be noted that it was requested because it involved a person regularly doing business before the Village who also had a lawsuit against the Village at that time. He said he didn't want to "go there" and imagines that Trustee Castañeda doesn't either.

Trustee Castañeda said she will not drop or let go of the FOIL issue and stated that if Chief Varrenti's memo of 2/15 is going to be included in the 2/19 minutes, then she wants his memo of 2/4 and the Mayor's memo to him of 2/25 included as well as a memo from former Village Attorney Sekharan regarding the particular FOIL issue. She said the public needs to know what led up to the 2/15 memo. She said her attorney would be responding on the matter.

On another note, Trustee Castañeda said the information on Educable just before the Village Board meeting is inaccurate. It lists the Vice Mayor as Trustee Maziarz instead of Trustee Castañeda. Manager Coyle said he would contact Educable.

5. Former Landfill Property – Trustee Wagenhauser spoke of the 36 acres on State Street / Canal Road of which 17.5 acres was used as a landfill from 1950 to 1984. This included the disposal of industrial waste from 1949 to 1967. The landfill was covered and closed in 1984. Extensive studies were done as well as post closure monitoring and maintenance. It was capped in 1999 and certified in 2001. Annual testing has now stretched to testing every 15 months due to decent results. It is a nice, serene area – so high that one can see to the Lake. Trustee Wagenhauser reported that many areas reclaim and reuse their landfill spaces. Some are passive uses such as green space or trails, and some are more active uses such as golf courses, baseball fields, drive-ins, or amphitheaters. Some uses even include shopping plazas and hotels. Each site is treated on a case-by-case basis for appropriate uses. Trustee Wagenhauser said that In September 2007 he opened a dialogue with the NYSDEC regarding the possible reclaim & reuse issue. This is a very "green" topic and they would be glad to hear

ideas. He thought, why not ask our students how they would like to see it used. Therefore, he met with Superintendent Fallon as this is a unique opportunity for students to shape the future of their community and work with an “A-Team” of bright people including Engineer Tim Rock of Larsen Engineers, the firm that oversees the testing, and SUNY Brockport Chair of the Environmental Sciences Department Jim Haines. They are excited to provide their expertise and will be meeting soon. This is a positive community project that will empower young residents and allow them to be a part of the solution.

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E. Trustee Hannelore G. Heyen

1. Board / Committee Meeting Minutes – Trustee Heyen shared that as liaison to the Parks Committee, Tree Board and Library Board, she knows that any meeting minutes taken are shared with the Village Board.
2. Proposal adoption – Selection of Members to Boards & Committees – Trustee Heyen referred to her document, a year in the making, thanked those Board members who responded to her numerous requests for feedback, and commended Clerk Morelli for her assistance. She said it was also reviewed and okayed by the new Village Attorney. She hopes it helps Village Administration, Board and Committee Chairs and their Liaisons.

Trustee Castañeda said she likes the format and the fact that the information is all in one place. However, she does not agree with the application and interview process and is concerned that it will diminish the pool of candidates by adding another layer of bureaucracy and more work on staff members. She said it is hard enough to get applicants for some Boards and Committees and the Village should concentrate on doing more to encourage participation, not discourage. She said some people might have to take time off from work to interview.

Trustee Heyen said Trustee Castañeda has made these comments before and they have been addressed. Interviewing does not even apply to the various open roster committees. The only time interviewing might be necessary for others is if there are too many candidates and they have to be narrowed down to who has the best expertise. This is not meant to discourage volunteers. The biggest thing is communication. If you read it through, it is a guideline – a resource. She said she believes it is a strong document – effective and fair. Yes, we need to come up with other ways to fill volunteer vacancies.

Mayor Wexler said he believes his initial concern was taken care of. That was the right of the Mayor to bring forth names for consideration of appointment. If anything in the document takes away this power, Village Law would supercede it. Trustee Heyen confirmed that is correct and that the Village Attorney gave it his stamp of approval.

Trustee Castañeda questioned the item in the document regarding a member requesting a leave of absence from the Board or Committee Chair. Trustee Heyen said then the Chair would have the knowledge of an extended absence.

→ Trustee Heyen moved, Trustee Maziarz seconded, Trustee Wagenhauser in favor, Trustee Castañeda opposed, carried 3 to 1.

Selection Process of Members  
To  
Boards and Committees. A Resolution  
Village of Brockport, New York

Submitted by  
Trustee Hanny Heyen

Reviewed 1/29/08 by David Mayer, Partner

Harris, Chesworth, O'Brien, Johnstone, Welch & Leone, LLP

March 3, 2008

*The Village of Brockport has a strong tradition of volunteerism. Residents are encouraged to serve on citizen boards and committees dealing with day-to-day issues. Their participation in Village government-- in the decision-making process—fulfills a public service role that enhances the quality of life in the Village and the surrounding communities.*

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**BOARDS AND COMMITTEES**

The members of our boards by statute, standing boards/committees, task force committee(s), and open roster committees act in an advisory capacity to the Village Board when creating ordinances, policies and procedures, and some act independently to relieve the Village Board of various administrative functions. When applicable, the Village Law takes precedence over this Village Board resolution. The purpose of this resolution is to clarify the selection process and identify those boards/committees that are bound by its usage.

The Brockport Village Board of Trustees (BOT) shall conform to the rules governing protocol and procedures pursuant to Village Law of the State of New York, Article 3, Officers and Elections, and Article 4, Powers, Duties, and Compensation of officers in appointments of citizens to boards/committees.

**DEFINITIONS**

“Advisor” means a non-paid member of a board/committee who has no voting power and may or may not be a resident of the Village of Brockport.

“Appointment” means the Mayor submits an individual’s name to fill a vacancy on a board/committee to the Village Board for their action of approval or denial. Only in the case of the Board of Ethics membership, one or more of the Board of Trustees shall submit a candidate’s name for the BOT’s consideration.

“Board/Committee” means Boards/Committees by Statute, Standing, Task Force, Open Roster, and any other boards/committees, subcommittee(s) or similar entity established or adopted by the Village Board, that may or may not have stipulated terms.

“Board of Trustees” (BOT) means the Village of Brockport’s Mayor and Village Board members who are elected.

“Boards by State Statute/Village Law mean that the boards and committees such as the Planning Board and the Zoning Board of Appeals (ZBA) have been granted the power to act independently of the Village Board in most instances, but on occasion serve in an advisory capacity to it. Members receive some compensation for their attendance/services.

"Committee Chair" means the chair/leader of a By-Statute, Standing, Task Force, Open Roster, Board or Committee.

“Mayor” means the Chief Executive Officer of the Village of Brockport who shall put forward the name(s) of citizen volunteers to fill vacancies and unexpired terms on boards/committees. The Board of Trustees shall approve or disapprove these potential candidates at a regular scheduled open meeting.

"Member" means a duly appointed person of a board or committee, including the Chair.

“Open Roster Committee” means that membership, residence, and terms may vary.

“Standing Board/Committee” means that members to said standing boards/ committees have a term of office, a stipulated number of years, and are residents of the Village of Brockport.

“Task Force Committee” means a committee formed—appointees brought forth by the Mayor and approved by the Village Board--with a stipulated number of Village members, who are charged with specific duties. When the committee has completed its work and submitted its final report, it dissolves automatically, unless otherwise directed by the Village Board.

“Term” means a stipulated duration of an appointment to a particular office, board, or committee.

### **APPLICATION PROCESS**

1. The Village Clerk shall advertise the vacancies on the By Statute, Standing, Task Force, and Open Roster (if applicable) Boards or Committees in the newspaper designated by the Village as the official newspaper and on the Village of Brockport website.

### **MINUTES OF MEETING HELD March 3, 2008 continued.....page 10**

2. An applicant position interest form and a board/committee description sheet shall be available in the Village Hall office and on the Village of Brockport website, <http://www.brockportny.org>.
3. Information shall be available regarding the specific committee/board that has a vacancy (Chair’s name/contact number), web information, etc.
4. A citizen who expresses an interest in serving on a board/committee shall be made aware of the meeting schedule and essentials before applying.
5. Applicants shall be encouraged to attend a board/committee meeting as a way to familiarize themselves with member responsibilities and if their interests and skills are well suited to serve.
6. Applications shall be completed and submitted to the Village Clerk no later than the advertised filing date.
7. Upon receipt of an application, the Village Clerk shall retain the original and distribute a copy of each application to the Village Manager and the Board of Trustees.
8. All applications shall remain on file for a period of six months from the date received. Applicants who are still available may be considered should vacancies for a particular board/committee occur during that time.

### **SELECTION PROCESS**

1. The Mayor shall put forth the name of citizen volunteer(s) to fill vacancies and unexpired terms on boards/committees prior the vote on the candidate(s) membership to said board/committee at a Village Board meeting. Exception: membership selection for the Ethics Committee is made by the Board of Trustees.
2. The Mayor can ask for input from Village Board members and/or committee/board chairs prior his decision to put a name forth, especially if the candidate is unknown. If still unknown or if there is more than one candidate, the Village Clerk shall set up an appointment for the applicant(s) with the chair of said board/committee and the Village Manager for an informational meeting to discuss membership responsibilities and requirements. Their comments/recommendations shall be forwarded to the Mayor.
3. If a candidate’s name is submitted by the Mayor to the Village Board for approval, the number of years of the unexpired term or vacancy shall be served by the new member. If there is more than one vacancy, the Mayor submits the candidates’ names to be approved by the Village Board. Once approved, the chair of said board/committee in consultation with the Village Manager shall determine the entry year for each new board/committee member based on his/her merits (the more expertise, the longer the term, etc.). Those boards/committees that do not have set terms need not comply.
4. Following the approval for membership to a board or committee by the Board of Trustees, the Mayor shall notify the candidate(s) in writing of the decision. The correspondence shall include dates of term, oath of office information, a current membership list of said board/committee, and a copy of the Village’s code of ethics.
5. If a candidate is not approved for membership to a board/committee by the Board of Trustees, the Mayor shall send a letter of regret. That candidate’s position interest form shall be kept on file for 6 months. The application/selection process would begin anew.

6. When setting up a Task Force (see Definitions), The Board of Trustees shall establish the general parameters of said Task Force. The mission, responsibilities, format, description of project, and the number participants/stakeholders, etc. shall be discussed and determined by the BOT prior to advertising for volunteers to serve on said Task Force. There is no specific term for members. The Mayor shall submit names for the BOT's approval.

### **REQUIREMENTS FOR MEMBERSHIP**

1. In the case the appointee has not filled out an interest form, he/she should do so to be on file with the Village Clerk.

### **MINUTES OF MEETING HELD March 3, 2008 continued.....page 11**

2. Appointees on all boards/committees shall reside within the Village of Brockport unless otherwise noted (see Definitions, Page 1). Non-residents shall serve as advisors without voting rights.
3. Board/committee members shall agree to comply with all Village laws, regulations, voting rights, including ethics requirements and any conflicts of interest statutes.
4. Each member is expected to contribute to the board or committee he/she serves on the basis of individual expertise and good judgment.
5. The appointee shall be familiar with the responsibilities, meeting schedule, essentials of said position on specific Board/Committee, and meet with chair prior attending formal meeting for pertinent information, including this resolution and the Village's ethics code
6. A member's request for a leave of absence must be discussed with the chair for approval or denial of said board/committee prior to departure (length of leave, reason, etc.).
7. If a member is absent without cause for three consecutive regular or special meetings without communication and/or prior authorization, the chairperson of a board/committee shall inquire as to the member's intent to serve. If a member chooses no longer to serve, he/she shall send a letter to inform the Mayor, who will forward it to the Village Board for action. If unexcused absences continue without communication to said board/committee chair, the board/committee chair may notify the Mayor as to the member's lack of attendance. If further action is warranted, the Mayor may recommend to the Board of Trustees to terminate membership. A written notice from the Mayor will constitute authorization for this purpose. The Mayor shall appoint another member to the vacancy. Note: Individual boards or committees may determine the procedure of keeping an attendance record.
8. The Village Clerk shall send a communication annually (April) to board and committee members whose terms are to expire at the end of the fiscal year and inquires if the member wishes to be considered for re-appointment by the Board of Trustees. If not, the Board of Trustees shall accept a letter of resignation.
9. Resignations of board/committee members shall be distributed by Village Clerk to be Mayor and the Village Board for acceptance.

### **TERMS OF OFFICE**

1. Under Village Law 3-304, Separate boards of commissioners, any board established shall be composed of not less than three (3) members...and no term shall exceed five (5) years.
2. The length of terms of office shall be determined by NYS statute and the Village Board of Trustees, and be applicable to the Boards by Statute, and Standing Boards/Committees. The terms (e.g. 5-year term has been established) shall be staggered, and the initial terms of said members shall be as follows:
  - One member for a one-year term
  - One member for a two-year term
  - One member for a three-year term

- One member for a four-year term
  - One member for a five-year term.
3. Vacancies shall be filled by the Mayor for the remainder of the unexpired term of the vacant board/committee position.

**MINUTES OF MEETING HELD March 3, 2008 continued.....page 12**

**OATH OF OFFICE**

The members of the Planning Board, Zoning Board of Appeals, and Standing Boards/Committees (those that have terms assigned) shall be sworn in by the Village Clerk within 30 days of the appointment/re-appointment prior to serving. The Village Clerk shall communicate with new member(s) to set up a mutually agreeable time for them to take the oath of office.

**EFFECT**

The Village of Brockport Boards by Statute and Standing Boards/Committees shall abide by this resolution in whole. All committee applicants need Village Board approval and shall receive orientation from the specific board/committee chairs regarding the committee’s purpose, member responsibilities, and a copy of this resolution, and the Village’s ethics code.

This Resolution will come into force and take effect on: March 3, 2008

**VILLAGE OF BROCKPORT BOARDS AND COMMITTEES (2007)**

Types

- Boards by Statute
- Standing Board/Committee
- Task Force Committee
- Open Roster Committee

**Boards by Statute (State & Village law)**

<u>Name</u>	<u>Terms</u>	<u>Members</u>
Planning Board	5-year	5
Zoning Board of Appeals	5-year	5

**Standing Boards/Committees**

Canal Revitalization Committee	5-year	5
Code Review Committee	5-year	7 + BZ officer
Emily Knapp Museum & Library of Local History Committee	None set	6
Board of Ethics	4-year	4 + Village Attorney

Historic Preservation Board	3-year	9
Parks Committee	4-year	7
Seymour Library Board	5-year (limit 2 terms)	3
Tree Board	4-year	7 & advisor (s)

Task Force Committee (s)

Main Street Rehabilitation Committee	None	13
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**MINUTES OF MEETING HELD March 3, 2008 continued.....page 13**

Open Roster Boards/Committees

Mardi Gras Parade Committee	None	Unlimited
Walk! Bike! Brockport Action Group	None	Unlimited
Village Advisory Committee	None	Unlimited
Welcome Center/Canalfront Management Committee	None	6
Welcome Center Canalfront Greeters	None	Unlimited

3. Seymour Library – Trustee Heyen shared that as Liaison, she helped to judge a bookmark contest. There were 110 entries. Plans for summer programs including reading, visiting artists and a project with the Senior Center are underway. The Library is putting together its own website: [www.seymourlibraryweb.org](http://www.seymourlibraryweb.org). It should be up and running in a week or so.

4. Parks – Trustee Heyen reported that the playground equipment for the Barry Street Park has been ordered. On behalf of the Parks Committee Trustee Heyen submitted the following order for expenditure to be approved tonight by the Village Board:

(2) Benches for South Avenue Park (same as Sitting Pretty Benches in Village)

Cost @ \$899 each:	\$1,798
Freight (2)	<u>200</u>
Total:	\$1,998

Manufacturer: Dumor Manufacturing

Equipment Co.: Parkitects  
138 Ludlowville, Rd. #1  
Lansing, New York 14882

Placement sites for the benches are determined by the Parks Committee and the Village's DPW, and the installation work will be done by the DPW.

Trustee Castañeda said she would prefer to table this for further discussion, as this is the first she's heard of this. She said the residents who fought for making the South Avenue parcel a park were clear that they didn't want any obstructions. They wanted only green space and were not looking to allocate Village funds.

Trustee Heyen said the benches would not be an obstruction. In the Parks Committee minutes it was indicated that they would be placed on the sidelines for parents and grandparents to sit while their kids are playing. Bob Canham, who spearheaded the effort to dedicate the parcel as green space, is a member of the Parks Committee.

Trustee Castañeda said B. Canham fought for forever green and then joined the Parks Committee, which is now requesting money for benches. Trustee Castañeda said she

space recalls the South Avenue residents even saying that they would mow and maintain the so that it wouldn't cost the Village anything. She fears this is just the beginning.

Trustee Wagenhauser asked if the \$2,000 would come from the parks line or the general fund. Manager Coyle said the capital line. Mayor Wexler asked if there are other examples of our parks having benches. Manager Coyle said yes. Trustee Heyen said these benches would not have plaques. They are cheaper without plaques and the shipping and handling costs are cheaper to buy 2 than 1.

→ Trustee Heyen moved, Trustee Maziarz seconded, Trustee Wagenhauser in favor, Trustee Castañeda opposed, carried 3 to 1.

**MINUTES OF MEETING HELD March 3, 2008 continued.....page 14**

Mayor Wexler said it is somewhat difficult since B. Canham lives right by the park and now sits on the Parks Committee. He said maybe he should have recused himself from the issue. Trustee Maziarz said that is ridiculous. If that is the standard, then maybe those near the Barry Street Park shouldn't have been allowed their say. Trustee Heyen said even if B. Canham had recused himself; the rest of the Parks Committee still would have recommended the benches. Trustee Heyen commented that she understands B. Canham is planning to move to California.

Trustee Heyen thanked Superintendent Donahue and the DPW for trimming the tree in the South Avenue Park.

5. NYSCC Property corner of Fayette Street and Park Avenue – Trustee Heyen said the Village urged the New York State Canal Corporation to clean up their parcel at the corner of Fayette Street and the Park Avenue Bridge. It still hasn't been done. It would be nice to have it cleaned up since the Tree Board's annual Arbor Day tree planting event on April 25<sup>th</sup> focuses on Fayette Street. In talking to Superintendent Donahue and Manager Coyle, there are thoughts of having the property dedicated to the Village for the DPW to maintain or having a local Scout troop clean it up as a service project. They are looking into options.

**PUBLIC COMMENT:**

1. Mary Jo Nayman of Carolin Drive said it is glad to have Clerk Morelli back. Regarding the Brock the Port event, she asked if SUNY BSG pays for all of the security. Mayor Wexler said they provide their own and pay for Brockport Police, but he does not know if they pay for Monroe County Sheriff's Department or New York State Police. MJ Nayman said she thinks it would be wonderful if they held the event on campus. She said the eateries and taverns might have done well when they had it in the Village last year, but probably not the many service providers. She said those merchants need access and parking for their customers. Regarding the parking ticket scanners, is there no way to get a price? Regarding the vacant parcel on South Avenue, she said she was on the Village Board a couple of years ago when they tried to get it back on the tax roll. Instead, it was later dedicated as a park. The taxpayers pay for the upkeep and are now paying for benches totaling \$2,000. Will playground equipment be next? At a time when taxes keep going higher and higher, this is excessive. Regarding the maintenance of the property by the Canal at Fayette Street and the Park Avenue Bridge, that is the State's responsibility, not the Village's. The Village taking ownership of the parcel and maintaining it is wrong. Regarding the Tree Board, she noted that if a property owner wants a tree planted, they could fill out and submit a request form. She questioned how many trees have been planted on the North side of the Canal since the Tree Board was created. She asked if Trustee Heyen is the liaison to the Tree Board.

Trustee Heyen responded to MJ Nayman that she knows she is the Tree Board liaison and that she lives North of the Canal. Further, the Arbor Day planting this year is Fayette Street, which is North of the Canal. Trustee Heyen also clarified that the Canal Corporation owns the parcel at Fayette Street and the Canal, not the State. MJ Nayman said whether it's the State or the Canal Corporation, it is still not the Village. Trustee Heyen said the issue is being pursued.

Trustee Wagenhauser commented that this is public comment, not a question and answer period. He said we are all taxpayers. MJ Nayman said she is addressing issues that were brought up during the meeting. Trustee Wagenhauser said the Village welcomes her comments, but that she is also welcome to come in during regular business hours. Trustee Castañeda stated that the Village Board does not need to answer questions, get into a dialogue or engage in conversation during public comment period.

2. William Heyen of Frazier Street said he is a taxpayer. He said he would stick to the 3-minute limit, although the last speaker was allowed to go 7 minutes. He congratulated Trustee Heyen

on having her resolution passed after a year of hard work. He said he never knows what Trustee Castañeda's nay votes are all about. He thanked Trustee Maziarz for clarifying the record regarding the January 28<sup>th</sup> workshop. He feels the Village resident should apologize for the behavior. He congratulated Trustee Wagenhauser on the landfill space project he is working on. Regarding the South Avenue Park, he said it is a forever-green space. Two benches on the sides will help old folks like him watch their grandkids run around. He said there are even benches at Yellowstone Park.

**AUDIT:**

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

	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
<u>Village</u>	3/4/08	176657-176694 & 176696 – 176998	\$30,001.17

**MINUTES OF MEETING HELD March 3, 2008 continued.....page 15**

<u>Fire</u>	3/4/08	176699-176705 & 176715-176722	\$14,829.63
<u>Third Party Billing</u>	3/4/08	1194-1203	\$8,316.66
<u>Capital Projects</u>	3/4/08	2198-2200	\$11,426.00
<u>Water</u>	3/4/08	1929-1935	\$1,421.76

**ADJOURNMENT:**

➔ Trustee Castañeda moved, Mayor Wexler seconded, unanimously carried that the meeting be adjourned at 9:20pm.

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Leslie Ann Morelli, Village Clerk