

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 5, 2007 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, Treasurer / Village Manager Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: DPW Superintendent Harry G. Donahue, Police Chief Daniel P. Varrenti, Fire Chief Rombaut.

ALSO PRESENT: Village Attorney Raja N. Sekharan, Building/Zoning Officer Scott C. Zarnstorff, Jim Hamlin, John Lessord, Norm GianCursio, Linda Borrayo, Fred Webster, Dave Groelling.

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

REVIEW OF MEETING MINUTES: Mayor Wexler called for any additions or corrections to the minutes of the regular meeting held February 26, 2007.

→ Trustee Castañeda moved, Mayor Wexler seconded, Trustee Maziarz abstained due to absence, carried that the minutes of the meeting held February 26, 2007, be approved as amended.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT: None

GUESTS: None

REPORTS:

A. VILLAGE MANAGER / TREASURER - Ian M. Coyle

1. 11 North Main Street – adopt resolution declaring it an unsafe / dangerous structure – Manager Coyle said although S. Zarnstorff was not scheduled to attend the meeting tonight, he asked him to be here in case the Board had any questions. He forwarded a copy of a June 2006 notice of violation and order to remedy and his March 1, 2007 building inspection opinion regarding as well as a proposed resolution regarding 11 North Main Street and the need to declare the structure as unsafe or dangerous.

Trustee Heyen asked S. Zarnstorff if he received any response from the property owner after the June 2006 notice. S. Zarnstorff said he heard from the property owner and his attorney who felt the notice was unwarranted, but confirmed that the building has no worth or value and that they have no plans to rehabilitate it. After that, the property asked the Brockport Fire Department to consider burning it down as a training opportunity. The Fire Chief said this is not possible for training purposes and due to the proximity to other structures and to the street.

Trustee Castañeda asked how recent the letter of notice and order was. S. Zarnstorff said June 2006.

Trustee Wagenhauser said he has talked about this for several months and believes the Village has been patient thus far. Many refer to it the structure as “Beirut Pizza” or “Ruins of Pompei Pizza”. This property should meet the standards all others are expected to meet. He said he hopes the owner will remove the building and thinks that he wants to. However, our fire department does not find it safe to be burnt down.

→ Trustee Wagenhauser moved, Trustee Maziarz seconded, Trustee Castañeda in favor, Trustee Heyen in favor, Mayor Wexler in favor, unanimously carried to adopt the following resolution:

RESOLUTION - UNSAFE or DANGEROUS STRUCTURE

Address: 11 North Main Street

Tax ID: 068.52-1-23

Property Owner: Olmecca Construction
C/o Eduardo Galan
6 Sweden Lane
Brockport, NY 14420

WHEREAS, the owner of a building or structure, or part thereof, shall at all times maintain and keep same in good repair and healthy, safe, secure and usable; and

WHEREAS, if such structure is in disrepair or unsafe, unhealthy, insecure or unusable, it shall be considered an unsafe or dangerous structure; and

WHEREAS, unless said structure is placed into good repair and made safe, healthy, secure and usable, said structure shall be removed; and

WHEREAS, the Board of Trustees of the Village of Brockport shall determine the respective dates for mitigation or removal as deemed necessary; and

WHEREAS, should removal be necessary, all costs and expenses incurred by the Village of Brockport in connection with a proceeding to remove a structure, including the cost of actually removing such building or structure, shall be assessed against the land on which said building is located; and

WHEREAS, upon inspection by the Village Code Enforcement Officer, 11 North Main Street has been found to be "unsafe and dangerous" pursuant to Local Law 36 Article II Section 36-14. (See attached and incorporated "Building Inspection Opinion"),

THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Brockport hereby declares the structure at 11 North Main Street to be an unsafe or dangerous structure. The property shall immediately commence actions to place into good repair and make safe, healthy, secure and usable said structure OR remove said structure. **The owner shall immediately commence mitigation or removal shall by April 13, 2007.**

B. CLERK - Leslie A. Morelli – no report.

VILLAGE BOARD REPORTS:

A. Trustee Maziarz – no report.

B. Trustee Wagenhauser

1. Petsmart in Sweden – Trustee Wagenhauser referred to the recent announcement of the local Petsmart closing and said that he contacted a radio announcer who erroneously reported it as being in the Village of Brockport instead of the Town of Sweden.
2. Tentative '07-'08 Budget – Trustee Wagenhauser commented that the Board has spent many hours over many months on preparing the proposed budget. He commended Manager Coyle for doing a fantastic job. He said it reflects the great work done. However, the proposed flat rate does not reflect their optimism for the future. He said he hopes to help chip away at it a bit more by the March 19th public hearing so they can present a tax rate decrease.

C. Trustee Heyen

1. Tentative '07-'08 Budget – Trustee Heyen said she concurs with Trustee Wagenhauser's remarks.

D. Trustee / Vice Mayor Castañeda

1. Fire Department Banquet – Trustee Castañeda thanked Fire Chief Rombaut for a lovely banquet on March 3rd and commented that it was nice to see the Explorer Post honored.
2. Smith Street Bridge – Trustee Castañeda said the petition is ready for signatures and that members of the Village Advisory Committee are willing to circulate it. She said she hopes she and Trustee Maziarz can get together on distribution plans.

E. Mayor Wexler

1. Village Code §13-25 Board of Ethics – call for public hearing to amend – Mayor Wexler asked if the Board was ready to call for a public hearing on proposed amendments to Village Code §13-25 regarding the Board of Ethics.

→ Trustee Castañeda moved, Trustee Heyen seconded, to hold a public hearing on April 2nd

Further Discussion:

Mayor Wexler commented that the last sentence of the first paragraph on the February 27th draft from Trustee Wagenhauser would need to be changed to the text that he forwarded to the Board. So instead of the proposed "Vacancies on the Board of Ethics shall be filled by the Board of Trustees..." it would read "... to be appointed by the Mayor or his successor in that office, by whatever name it is known, to wit, the chief administrative officer of the Village, subject to the confirmation of the Village legislative body." This is how the Village Code reads now. Mayor Wexler said the Mayor has the right to present a name to the Board of Trustees for appointment. The Board can accept or reject. If rejected, then the

Mayor has to present another name.

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Trustee Wagenhauser said he received a copy of the current text and proposed text in his mailbox that had some underlining on it. He said he did not know it was from Mayor Wexler or that this was his recommendation.

Trustee Maziarz asked Mayor Wexler if he is now suggesting the code remain as it is. Mayor Wexler said no. He said he only has problems with the last line of the first paragraph of the proposed text. Trustee Maziarz said the motion and the second to call for a public hearing reflect the proposed text dated February 27th.

→ Trustee Castañeda moved to withdraw her earlier motion to hold a public hearing on April 2nd, as the Board is not yet in agreement with the proposed text.

Trustee Heyen suggested that the Village Attorney take a look at the issue regarding the authority given or not given to the Mayor and Trustees to make appointments. Mayor Wexler said he would want to see in writing legal case law that the Mayor does NOT bring forward names for appointment. Trustee Wagenhauser said it is clear and there is no question that the Mayor has the right to appoint to Boards by statute (Planning Board and Zoning Board of Appeals) to fill an unexpired term. However, it is not clear when it is a Village created committee. He said better safe than sorry.

Trustee Heyen stressed the importance of the Mayor and Trustees communicating with each other regarding candidates before names are mentioned in public. This protects the candidates in case they are not appointed. She said sometimes a Trustee might be opposed on principle not necessarily the individual. Trustee Heyen said she like Trustee Wagenhauser said at the last meeting appreciates all those who volunteer in the community. Trustee Wagenhauser said it is a small community and no one wants their name brought up and voted down. Mayor Wexler said it has happened. Trustee Wagenhauser said there is just no reason for that. Trustee Heyen said she's like the Village Attorney to provide feedback on this so that the Board can move ahead on amending this section of the code and on adopting a committee selection process.

Mayor Wexler said there is the rare occasion when there is one opening on a Board/Committee and several candidates to choose from. Trustee Heyen said this is addressed in the proposed committee selection procedures she drafted. Trustee Heyen said there were recently 2 positions available on the Code Review Committee and 2 candidates. Clerk Morelli arranged a time and prepared handout materials and Manager Coyle and Chair Zarnstorff met with both candidates. It was an opportunity for the candidates to learn about the committee and its responsibilities and for Ian and Scott to get to know the candidates and make a recommendation to the Board. When there are several candidates to choose from, this will help determine the one(s) best qualified.

Trustee Wagenhauser suggested compromising – just because the Mayor has the right doesn't mean it has to happen that way. Mayor Wexler said he is confident that has the right to appoint and the Board to confirm the appointment. He said the Board can accept or reject and that there will surely be differences of opinions at times. He said this is not the Good Ship Lollipop. Sometimes the ship takes on water.

Trustee Castañeda agreed that increased communication between the Mayor and Board would be helpful. She said this would have been best discussed in workshop setting.

Village Attorney Sekharan agreed to look into this and attend the March 26th workshop meeting. Board agreed to hold off calling for a public hearing until April 2nd for possibly the April 16th meeting.

PUBLIC COMMENT: None

Executive Session:

⇒ At 7:40pm, Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss pending litigation (Brocius cases).

⇒ At 7:46pm, Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried that the Board of Trustees re-enter the regular meeting.

I, Leslie A. Morelli, Clerk for the Board of Trustees of the Village of Brockport, do hereby certify that the Board met in an executive session and did discuss the matters as expressed in their motion, and I further certify that no formal action regarding public funds was taken thereon.

Leslie Ann Morelli, Village Clerk

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AUDIT: None

ADJOURNMENT:

- ➔ Trustee Wagenhauser moved, Trustee Maziarz seconded, unanimously carried that the meeting be adjourned at 7:47pm.

Leslie Ann Morelli, Village Clerk