

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, October 16th, 2006 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, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Village Manager Ian M. Coyle, Fire Chief Larry Vaughan, Village Attorney Raja Sekharan.

EXCUSED: Clerk Leslie Ann Morelli

ALSO PRESENT:

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 October 2, 2006.

→ Trustee Maziarz moved, Trustee Castaneda seconded, unanimously carried that the minutes of the meeting held October 2, 2006, be approved as written.

Mayor Wexler welcomed new Village Attorney Raja Sekharan to his first Board meeting. Mayor Wexler also thanked Supt. Donahue, Fire Chief Vaughan, Chief Varrenti and their respective staffs, especially Dave Moore, for all of their work during the storm and power outage.

PUBLIC HEARINGS: GE MOU

Mayor Wexler read a statement on the General Electric Memorandum of Understanding (MOU) and opened the floor for public comment, input and ideas. He stated that the Board would choose the project after public participation and input.

John Lessord recommended the money being directed towards replacement benches for the north side of the canal. Realizing there may be grant money dedicated to that project, J. Lessord commented that sidewalks in the Lyman, Barry and Locust Street corridor should be considered.

Bob Canham, representing the SAVE group, asked that the Board consider purchasing two (2) cast-iron benches for \$3K with the money, to place near the Beech tree at the South Avenue Park. B. Canham provided a written statement for the record. B. Canham also notified the Board of a social announcement regarding James Atwater's guided tour of the trees at Highland Park.

Andrea Perry presented the Board thoughts from the Parks Committee relative to the use of the MOU money. Her comments centered on Barry Street park improvements.

Trustee Heyen inquired on the timelines for public comment. The Board agreed to give the public until November 6th to submit recommendations and suggestions on the MOU money use in writing.

Dennis Redman inquired on the rumor of a playground at the Welcome Center. Andrea Perry, speaking for the Parks Committee, commented that this was a suggestion brought forward by someone that the Parks Committee felt was just not a good fit for that particular park.

Kathy Snyder commented on children walking in the street in the Barry/Lyman Street area and how it would be nice for these children to have sidewalks. She stated she supported J. Lessord's comments.

A. Perry spoke again and recommended a handicapped accessible pavilion at Utica Park.

Trustee Castaneda thanked A. Perry for her comments and her work on the Parks Committee.

Trustee Heyen said in speaking with DPW Superintendent Donahue, that drainage in the Barry Street Park is a possible concern and target area, in addition to topical things such as fence repairs.

K. Snyder inquired on the balance of Project #41, Parks Reserve. Manager Coyle replied that it is between \$80,000 to \$85,000.

Mayor Wexler, hearing no request for further comment, closed the public hearing.

PUBLIC INFORMATION MEETING #1

Re: Smith Street Bridge status

The Board provided an update on the Smith Street bridge situation. Mayor Wexler explained that the Village met with its State delegation and DOT reps at a meeting on Sept 28th and the Village's concerns on the bridge takeover were relayed to the State officials. Trustee Maziarz and Heyen, on the

recommendation from Senator Maziarz, met with representatives from the Village of Medina, who underwent a similar bridge takeover in the 90's. It was stated that Village Manager Coyle inquired on liability insurance changes, should the Village assume ownership of the bridge. Village Manager Coyle commented that per Insurance Consultant Brian Baty, there would be no additional premium charges. Trustee Heyen commented on the need for the Village to be proactive in terms of reserving monies for future bridge expenses should the Village take the bridge over. She stated that we as a Board need additional information from the DOT, such as how much it will cost to fix the bridge? When will the DOT fix the bridge if the Village guarantees they will assume ownership? Is there a contract for such a transaction? Trustee Heyen reiterated that she would like these and other questions answered before making a decision. She recommended forwarding these questions to DOT and asking for timely response.

Mayor Wexler stated that in the original plan it called for work to be done in 2009-10 but per the DOT that could mean just an analysis of the situation and nothing more, which is different than our original understanding. Mayor Wexler echoed comments made at the meeting by Assemblyman Reilich who stated that the Village has 12-15 years before major maintenance costs have to be incurred.

Trustee Castaneda stated that she e-mailed the Board earlier this week stating she was prepared to make a motion on this issue. She referenced Dan Blackburn's comments at a previous workshop and past discussions on the bridge repairs. Trustee Castaneda also referenced Village Manager Coyle's memo language relative to the bridge and how the only viable and immediate solution for opening up the bridge appears to be the Village taking it over. She stressed that the Board should contact the Town of Sweden and SUNY Brockport for possible financial support and that Supt. Donahue should inquire on painting costs now and estimates in 12-15 years.

PUBLIC INFORMATION MEETING #2

Re: Kleen Brite properties

Trustee Maziarz commented that she, Trustee Heyen and Mayor Wexler met with the Village's State delegation to take them through the KBL properties and talk about property remediation efforts. A task force, consisting of state, federal, local and possibly county representatives, will be set up in the future to allocate time and support to this crucial issue. Attention will be focused on the Fair Street property as this property is the most dangerous to public safety and has less chance of being re-used. Trustee Maziarz commented that the State Street property is marketable and all that awaits environmentally is an air quality test. Trustee Heyen stated that she and Trustee Maziarz would be attending a Brownfields workshop in Niagara County to learn about potential opportunities.

Mayor Wexler commented that he spoke with County Legislature President Wayne Zyra, who asked the Village to inquire with the County on possible reimbursement avenues for enclosure and water costs related to the Fair Street property fire. Village Manager Coyle referenced the fence installation cost estimates. Attorney Sekharan warned the Board on the assumption of liability issues municipalities encounter when they become involved in situations such as the KBL property.

PUBLIC COMMENT:

1. Bob Canham of Winston Woods asked the Board to consider drawing on talents of area individuals to assist with property remediation.
2. John Lessord of Lyman Street commented on the agenda item related to environmental compliance reporting. He stated the work should be bid out and much of it in fact is already paid for and perhaps complete. He stated the process should be entirely and completely above-board.

GUESTS:

1. Josephine Matela presented the proposed parade route for the Merchant-sponsored Halloween event to culminate in a gathering at the Market Street Fire Hall.

→ Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried that the Board of Trustees of the Village of Brockport approve the parade route as detailed by Merchant's Association President Josephine Matela for a short parade on October 27th.

Josephine Matela also asked the Board for a \$300 donation, as was done in years past, for support of the community Halloween event. Trustee Castaneda questioned this expense. Trustee Heyen asked Village Manager Coyle what line item this was taken from in the budget and he replied that the celebrations line has money for this expense.

→ Trustee Maziarz moved, Trustee Heyen seconded, Trustee Wagenauser, Mayor Wexler in support, Trustee Castaneda opposed, that the Board of Trustees of the Village of Brockport approve the expenditure of \$300 to be used for support of the October 27th Halloween Party event.

DEPARTMENT REPORTS:

A. PUBLIC WORKS – Superintendent Harry G. Donahue

1. Supt Donahue provided an update on the storm situation and brush collection and thanked all the residents for their positive comments on the Village response.
2. Supt Donahue referenced his memo to the Board relative to his request for authorization to bid for the replacement of a 1-ton dump truck with snowplow. There is no State bid for this truck so we must advertise.

→ Trustee Castaneda moved, Trustee Maziarz seconded, all in favor, approving the authorization to advertise and receive bids for a 2006/2007 One-Ton heavy duty dump truck with snow plow for the DPW fleet.

3. Supt Donahue asked for Board authorization to remove an old and outdated account from the out-of-district sewer rental listings.

→ Trustee Castaneda moved, Trustee Maziarz seconded, all in favor, approving the removal of the former Lakeside Biekirch account from the out-of-district sewer rental listings.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Chief Varrenti updated the Board on the following departmental matters:
 - Department had a final mock-PESH inspection completed, Chief confident the PD would pass a real inspection
 - PD has reached 100% compliance with TRACs program
 - Appreciation dinner is slated for November 8th at 6 PM at the Exempts.
 - National Night Out was a huge success with over 500 people attending.
 - The Faulkner (Chase Bank robbery attempt) trial has been moved to December.

2. Chief Varrenti referred to his memo relative to an authorization request to purchase handguns through a \$6,800 grant from Assemblyman Reilich.

→ Trustee Castaneda moved, Trustee Maziarz seconded, all in favor, approving the purchase of new handguns and accessories for the police department at a cost not to exceed \$6,600.

→ Trustee Maziarz moved, Trustee Castaneda seconded, all in favor, approving the declaration of the old handguns and accessories as surplus items for trade-in purposes.

C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff

1. CEO Zarnstorff updated on the Board on the following matters:
 - The status of the decision and order of Judge Cody relative to 60 Perry Street and 26 Brockway Place
 - The college housing flyer blitz was again deemed a success this year. CEO Zarnstorff thanked the various participants and mentioned that our awareness campaign has garnered national headlines in the professional publication *Campus Firewatch*.

D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Laurence C. Vaughan

1. Membership Drops & Adds - Chief Vaughan asked the Board to consider approving the following drops: Kyle Dorgan, Chuckie Rathburn and the following adds: David Zok, Jill Eckert, James Juby, Thomas Billington, Mark Samiec, Timothy Russell, Ryan Smith and Capri Sullivan (ambulance only) and the following Explorer Post adds: Sara Hogan, Brandon Roth, Rachael McDowell, Kristen Kretschman.

→ Trustee Castaneda moved, Trustee Heyen seconded, unanimously carried to approve the previously mentioned drops and adds.

2. Accept resignation of part-time paid ambulance staff member Linda Jennings -

→ Trustee Maziarz moved, Trustee Castaneda seconded, unanimously carried to accept the resignation of Linda Jennings from the Brockport Ambulance Corps, effective immediately.

3. Chief Vaughan updated the Board on departmental matters including:
 - The status of the Station #4 Alarm system and dialer
 - The future purchase of state grant funded rescue saws, courtesy of Assemblyman Reilich

E. VILLAGE MANAGER - Ian M. Coyle

1. Village Manager Coyle presented the 2007 Fire contract budget for Board approval and adoption.

→ Trustee Castaneda moved, Trustee Wagenhauser seconded, unanimously carried to accept the 2007 Fire budget as presented.

2. Village Manager Coyle asked for authorization to travel to Albany at a cost not to exceed \$100 for a NYSCMA Board meeting and ICMA-conducted Ethics training.

→ Trustee Wagenhauser moved, Trustee Castaneda seconded, unanimously carried to approve the Village Manager's travel/training request as presented.

3. Village Manager Coyle provided the Board with an update on the EFC Co-Funding workshop he attended earlier in the day in Canandaigua and provided an update on the Main Street project financing.

F. CLERK - Leslie A. Morelli (excused)

G. ATTORNEY – Raja N. Sekharan

1. Attorney Sekharan thanked the Board for their welcoming words and said he is happy to be on board.

SUPPORT BOARDS REPORTS:

- A. PLANNING BOARD – Chair R. Scott Winner
- B. LIBRARY BOARD – President Matthew Minor
- C. ZONING BOARD OF APPEALS - Chair John Bush

VILLAGE BOARD REPORTS:

A. Trustee Maziarz

1. Trustee Maziarz provided GE MOU –related correspondence from Steve Appleton. She welcomed Raja aboard. Trustee Maziarz also commented on Holiday Planning, specifically some pricing changes to the Medina Railroad excursion. The Walk/Bike group will again be handling the concessions for the train ride.

B. Trustee Wagenhauser

1. Trustee Wagenhauser stated that he will soon begin collaborating with Village Manager Coyle on updating the Economic Development section of the website, to include available commercial properties for lease or sale, which should assist prospective business owners and developers.

C. Trustee Heyen

1. Trustee Heyen expressed concern over the Water Authority (MCWA) not agreeing to replace their Main Street water line as part of the Main Street rehabilitation project and recommended that the Board communicate its thoughts to the County Legislature and the Water Authority. She thanked DPW and the Walk/Bike group for their efforts in improving Remembrance Park. Trustee Heyen asked Supt Donahue to inquire on lighting for the area. She provided the Board an update on parks, specifically, the news that Pet Smart will be donating two unused pavilions to the Village. Trustee Heyen noted that the \$3,000 BISCO donated sometime ago is still available for expenditure.
2. Trustee Heyen commented on the Monroe County Department of Health / NYS Canal Corp – mandated environmental compliance certification at the Welcome Center and Earthworks Environmental's proposal. She referenced letters between the Board and Mr. Pike, the Village and Joe Albert at the MCDOH and stated that the Village has received a proposal dated September 25, 2006 that includes a thorough scope of work. Trustee Heyen presented a motion that the Board move forward and accept the proposal from Earthworks (60 hours at \$75/hr) with the stipulation that the smoke testing would necessitate a separate motion if necessary; and up to ten (10) hours of said time could be removed with office assistance in copying, etc. Trustee Maziarz seconded the motion. Mayor Wexler stated that he has no direct comment other than that if he votes it will be reluctantly. He commented that the language used by Mr. Pike was not deserving of him continuing to work for Brockport but he sees no other alternative. Mayor Wexler also stated that it appears Mr. Pike is the only one authorized to do this work so it will most likely pass but he hoped that we never have to hire him again unless forced to. Trustee Castaneda commented that she has spoken with Joe Albert and she questions the hours noted on the proposal and wonders why it will take so long to complete the work, given the fact the field notes should be complete and accessible. She stated that she has a problem with this proposal and will not accept it. Mayor Wexler stated he read things from Village Manager Coyle that led him to believe Mr. Pike was the Village's only option for completing this report. He stated that he will do so reluctantly and probably will not vote. Trustee Heyen replied that Joe Albert has no reservations with the Village moving forward with accepting Mr. Pike's proposal and he is the expert. She stated that some things said tonight relative to this situation are not appropriate. Trustee Castaneda commented that she was

offended but this is not clouding her judgment on this proposal. She again questioned the hours and why they were drawn back from 100 hours in Mr. Pike's first communication to the Village.

Trustee Heyen said we should move forward because the compliance reporting is a safety issue first and foremost and needs to be completed. Trustee Castaneda stated she has additional reservations including Mr. Pike's past insistence that the Board approve him as "qualified" to complete the work and the liability issues with that. Trustee Heyen replied that qualifications are not an issue at this time as Mayor Wexler has written a letter asking for a proposal, a reply as in the bidding process was received by a contractor who supplied a scope of work. Trustee Maziarz stated that she does not understand the Mayor's rationale. He signed the letter asking for a proposal and now defames the man's character. She stated the motion has been made and seconded so a course of action has been started, but now wrenches are being thrown into the mix to thwart the process. Trustee Castaneda replied that this is the time in the rule of order process for discussion. She stated that no one else stifles dialogue on other issues. We all get our time to speak. Mayor Wexler stated that he did sign the letter, as it was his only choice. Trustee Maziarz stated that those comments are irrelevant as the Mayor has just embarrassed Mr. Pike. Mayor Wexler commented that if questioned on an issue, he'll respond which he has every right to.

→ Trustee Heyen moved, Trustee Maziarz seconded, Trustee Wagenhauser in favor, Trustee Castaneda opposed, Mayor Wexler abstained, authorizing the Board to accept the proposal from Earthworks Environmental (60 hours at \$75/hr) with the stipulation that the smoke testing would necessitate a separate motion if found to be necessary upon discussions with MCDOH; and up to ten (10) hours of said 60 hours could be credited with office assistance in copying, etc.

D. Trustee / Vice Mayor Castaneda

1. Trustee Castaneda presented an update from the Village Advisory Committee, which has incorporated Trustee Wagenhauser's and Village Manager Coyle's suggestions relative to minutes and posting to the web. The membership of the committee had questions related to the Smith Street bridge situation but overwhelmingly favored keeping it open.
2. Trustee Castaneda commented that she met with the Public Works department employees and thanked them for a job well done. She heard complaints on the condition of the break room and mentioned this as possible workshop agenda item.
3. Clough Harbor Engineers has contacted Trustee Castaneda who wanted to invite them to a Board workshop, but after Board discussions it was agreed that any pitch they are to make should be to the Village Manager first rather than take up workshop time. Trustee Castaneda inquired on whether the Board would make up the canceled workshop and cautioned the Board to always make certain we as a Board look at all options.

E. Mayor Wexler

1. Mayor Wexler presented the resignation of Annette Locke from the Code Review Committee. Trustee Heyen stated that the Code Review Committee meeting in the daytime makes it difficult for some to attend and precipitated Mrs. Locke's resignation. Trustee Maziarz suggested that the Code Review Committee revisit the issue of meeting times to be most accommodating. Trustee Wagenahuser recommended that we hold off on the resignation, send the time change suggestion back to the Committee and ask them to provide a good reason why we should not change the time.

Trustee Heyen suggested tabling the motion to accept Ms. Locke's resignation to allow the Code Review Committee additional time to consider meeting changes.

→ Trustee Heyen moved, Trustee Castaneda seconded, all in favor, to table the motion to accept the resignation of Annette Locke from the Code Review Committee.

2. Names were brought forward to serve on the Emily L. Knapp Museum & Library of Local History committee.

→ Trustee Castaneda moved, Trustee Maziarz seconded, all in favor, to appoint Bill Andrews, Alan Berry, Norm Frisch and Norm Knapp to the Brockport Community Museum Committee.

3. Mayor Wexler questioned who authorized the Walk Bike group to serve refreshments and handle concessions at the Santa Train ride through the Medina Railroad. Trustee Maziarz stated that it is up to the railroad, not our jurisdiction and the Board has nothing to do with it. Mayor Wexler stated that the Board has always made it the Village's responsibility and there are

other organizations out there that could benefit from the proceeds concession sales bring in. Trustee Maziarz commented that it is a private matter and not for us as a Village to give or take away. She said holiday planning in and of itself is a Board initiative, but not the concession sales. Trustee Wagenhauser stated that Mayor Wexler was beating around the bush at his underlying reason behind questioning Walk Bike's involvement and that is to go after this group.

Mayor Wexler stated that he sat through six or eight months of contrived, orchestrated and choreographed actions from certain Board members who would consistently ask who gave permission for certain things. He again reiterated that this weekend activity is a Board planned event and asking the Walk Bike group to sell concessions was wrong especially since no one commented on his memo from 10-03-06 that stated he favored opening up the process to other community groups. Trustee Maziarz asked if Mayor Wexler was going to tell St. Luke's what to do. She stated that Scott Winner listed all the events together to sell as an economic development package but other groups are involved in the planning of these events, namely the Medina Railroad for the Santa Train rides. Trustee Castaneda recommended communication lines being opened to the Railroad to possibly consider other community groups in the future. Mayor Wexler stated that lots of other groups could use the opportunity to raise funds.

PUBLIC COMMENT:

1. John Bush commented on the National Grid response to the storm-related power outages. He reminded the Board that the budget was coming up and to get tough on union contracts.
2. Jim Hamlin inquired on the Capital Improvement Plan.
3. Kathy Snyder asked if MCDOH discussions do not go well, would Mr. Pike's report cost additional money? Will he be required to carry liability insurance? She stated she was upset there was no mention of a "not to exceed" number. She also commented on the north side of the canal benches and how the grass is overgrown in the area.

Executive Session:

→ At 10:00pm, Trustee Maziarz moved, Trustee Castaneda seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss personnel matters related to collective bargaining/negotiations.
 → At 10:45pm, Trustee Wagenhauser moved, Trustee Heyen seconded, unanimously carried that the Board of Trustees re-enter the regular meeting.
 I, Ian M. Coyle, Village Manager 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.

 Ian M. Coyle, Village Manager

AUDIT:

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

<u>Village</u>		
Date	Check #	Amount
10/04/06	174136-174137	1,211.91
10/11/06	174141	14.40
10/11/06	174142-174143	130.26
10/16/06	174151-174193	22,346.30
<u>Fire</u>		
10/16/06	174144-174150	5,011.69
<u>Third Party Billing</u>		
10/16/06	000869-000871	1,780.75
<u>Capital Projects</u>		
10/16/06	002025-002031	9,938.74
<u>Water</u>		
10/16/06	001534-001543	45,398.55

ADJOURNMENT:

→ Trustee Maziarz moved, Trustee Castaneda seconded, unanimously carried that the meeting be adjourned at 11:00pm.

 Ian M. Coyle, Village Manager