

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 2, 2009 at 7:00pm.

PRESENT: Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee David J. Wagenhauser, Trustee Hal S. Legg, Clerk Leslie A. Morelli, Treasurer Gina M. Tojek

EXCUSED: Trustee Scott W. Hunsinger, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Scott Smith, Village Attorney David F. Mayer

ALSO PRESENT: Jim & Joan Hamlin, Ray & Jackie Morris, Mark & Kathy Kristansen, Pete & Carrie Maziarz, Doug Wolcott, Bernie LoBracco, Charles Garlock, Norm Giancursio, Mary Jo Nayman

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: None yet to review as the meeting was just one week ago. The February 23rd meeting minutes will be ready for review at the next meeting.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT: None

GUESTS: None

DEPARTMENT REPORTS:

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 Scott Smith (excused)

1. 2009 Agreement between URMCA & Ambulance – EMS Medical Director Services – EMS Chief VanDervort recommends the Board accept and authorize the Mayor to sign the agreement. Clerk Morelli reminded the Board that it had been reviewed by Village Attorney in 2008 and per EMS Chief VanDervort, it reads the same as last year with an ~3% price increase. Trustee Wagenhauser relayed that the implementation of such in 2008 proved very helpful.

→ Trustee Wagenhauser moved, unanimously carried 4/0 to accept and authorize the Mayor to sign the 2009 Medical Director Contract.

E. TREASURER – Gina M. Tojek

1. Budget – Treasurer Tojek referred to the notes she prepared over the weekend and provided the Board today regarding tentative information so far.

F. CLERK - Leslie A. Morelli

G. VILLAGE MANAGER - vacant

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

VILLAGE BOARD REPORTS:

A. Mayor Morton Wexler

1. Tree City USA designation – Mayor Wexler shared that the Village received notice today. He commended Tree Board Chair Margay Blackman, members of the Tree Board and all who put a lot of time and effort in to receive Tree City USA designation. The following is the press release.

Brockport Named Tree City USA by the Arbor Day Foundation

Brockport, NY has been named a Tree City USA community by the Arbor Day Foundation to honor its commitment to community forestry.

It is the first year Brockport has received this national recognition.

MINUTES OF VILLAGE BOARD MEETING HELD March 2, 2009 continued.....page 2

The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

Brockport has met the four standards to become a Tree City USA community: having a tree board or department, a tree care ordinance, a comprehensive community forestry program, and an Arbor Day observance and proclamation.

Communities that receive Tree City USA recognition not only have taken the time to meet these four standards, they recognize that:

*Trees promote healthier communities. Leaves filter the air we breathe by removing dust and other particles.

*Trees moderate climate, conserve water and provide habitat for wildlife.

*Trees in urban areas reduce the heat island effect caused by pavement and buildings.

*Properly placed trees can increase property values, and buildings in wooded areas rent more quickly and tenants stay longer.

“A community, its elected officials and its citizens that provide needed care for its trees deserves recognition and thanks,” said John Rosenow, chief executive of the Arbor Day Foundation. “Trees are a vital component of the infrastructure in our cities and towns, and they also provide environmental and economical benefits. Cities that are recognized with a Tree City USA designation go to great lengths to plant and care for the community forest.”

More information about Tree City USA can be found at www.arborday.org/TreeCityUSA.

About the Arbor Day Foundation

The Arbor Day Foundation is a nonprofit, environmental, an education organization of nearly one million members, with a mission to inspire people to plant, nurture, and celebrate trees. More information on the Foundation and its programs can be found at www.arborday.org.

2. Congratulate Trustee Legg – congratulated Trustee Legg on being recognized for his marketing work at Genesee Community College. He is to receive an award in Kansas City later this month. Mayor Wexler said Board members might not always agree on everything, but it is nice to recognize people’s honors.
3. Reschedule next meeting – is generally opposed to rescheduling Village Board meetings, but at budget time it is particularly important that all Board members are in attendance. Trustee Legg will be out of town March 16th receiving his award. Trustee Wagenhauser has also indicated being out of town. Trustee Castañeda said that still leaves a quorum of 3. Discussion ensued as to dates in March that all Board members are available.

→ Mayor Wexler moved, unanimously carried 4/0 to reschedule the next Village Board meeting from March 16th to March 30th.

Clerk Morelli will publish notice in the paper, on the website and notify Department Heads.

B. Trustee / Vice Mayor Maria C. Castañeda

1. Village Advisory Committee – next meets March 10th
2. Canal Clean Sweep – has organized Village participation in the statewide event and has 23 participants confirmed to meet by the Post Office Sunday, April 19th at 9:30am, do canal clean up, and then gather for pizza sponsored by Chief Varrenti at Noon. Those signed up to help include she, Chief Varrenti, and some members of the Village Advisory Committee, Step Up Community Project and High School and SUNY Environmental Clubs.
3. Museum – referred to unsolicited proposal for maintenance of the museum sign and said she spoke with Museum Committee member Doug Wolcott who is to speak with Historian Jackie Morris as to a recommendation. Also spoke with Congressman Lee’s office regarding funding opportunities for museum improvements.
4. Main Street Rehabilitation – Marketing Subcommittee – attended the meeting earlier this evening. Jason Foote of the Village Engineer’s office was unable to attend, but will attend the next meeting Thursday, March 12th at 6pm at Lift Bridge Book Shop. There are many questions and ideas related to maintaining the vitality of Main Street businesses.
5. Library – plans to attend the next meeting Tuesday, March 17th. Read the following letter to the Village Board from Library Director Cassie Guthrie into the record. This was thanks to the Board for their personal \$50 contributions that totaled \$250.

MINUTES OF VILLAGE BOARD MEETING HELD March 2, 2009 continued.....page 3

“Thank you for your sponsorship at the \$250 level for our After Hours @ the Library event taking place on Saturday, March 28th. Proceeds will create a fun, interactive and literacy-rich environment for babies through age 5 in the Children’s Room at the Seymour Library.

Your generous contribution will go a long way toward making The Tot Spot a reality for the children of the community.

The 2 complimentary tickets included with your sponsorship will be held for you at the door the evening of the event under “Village of Brockport.”

Again, thank you for your support!”

6. Mayors for Meals – will again represent Brockport in the annual Mayors for Meals Day March 18th.
7. NYCOM Main Street Conference – the April 30th 2009 Main Street Economic Development Conference will be in Canandaigua with a special focus on the foreclosure crisis and abandoned properties. She will check her schedule in hopes to attend.
8. Budget – referred to the proposed budget schedule forwarded by Treasurer Tojek some time ago and reminded the Board that had they followed it, the Board would be on their 3rd budget workshop by now. Hopes the Board is willing to meet, as she is open for discussion. Asked for feedback.

Mayor Wexler said he is available. Trustee Wagenhauser asked what she wishes to discuss. Trustee Castañeda said all of the information the Treasurer has provided the Board with thus far as well as non-union wage increases. Trustee Wagenhauser encouraged her to talk about it now, since he and Mayor Wexler did so at the last Village Board meeting. Trustee Castañeda said Mayor Wexler proposes a 3.75% wage increase. Trustee Wagenhauser clarified that Mayor Wexler proposed 3.75% for Village Hall and clerical, but 3% for ambulance and dispatch. Trustee Wagenhauser asked Trustee Castañeda her thoughts and commented that this is the fourth meeting the Board has talked budget, beginning 6 weeks ago. Department Heads submitted budget proposals in early January, then he recommended they try again and re-format with a focus on a 2% cut. The Board has been talking about it at its public meetings and shouldn’t have to go over everything line by line as a group. He said he understands it and Trustee Castañeda should also having been here 3 ½ years. Trustee Castañeda said she feels 3.75% is high. She would be more comfortable with 2.75% to 3%. The cost of benefits has increased. She also feels the Board, elected officials, should not receive any increase. She said Chief Varrenti proposed a 3.75% increase for his clerk and crossing guards to match the Union’s increase. She said she feels that is too high.

Trustee Castañeda asked Mayor Wexler if he sent a letter to Brockport Central School District requesting financial assistance for the crossing guards. Mayor Wexler said yes, as by law a school district can now cover this. He has not yet received a response, but it may have to go to the School Board for action. Trustee Wagenhauser noted that only \$1,800 over last year’s \$5,000 was received. He asked Mayor Wexler to look into this. Mayor Wexler said he would do so.

Regarding non-union wage increases, Mayor Wexler reminded the Board that by law, the Police Chief cannot receive an increase less than the next lower employee, which in this case would be the Sergeants. Trustee Wagenhauser said unless per his contract he agrees to take less.

Regarding elected officials pay, Trustee Wagenhauser reminded the Board that last year he suggested the entire Board lead by example and cut their salaries by 25%. It was implemented for the 2 vacated seats filled by Trustees Hunsinger and Legg and he took the cut voluntarily. He challenged Trustee Castañeda and Mayor Wexler to do the same, but they did not. When the other 3 vacated seats are filled after the June Village elections, they will be lowered to match the others.

Mayor Wexler said he and Trustee Castañeda disagree on proposed non-union wage increase figures. There’s nothing wrong with a difference of opinion. He said he understands where a Union relates to salaries, as he sat on the other side of the negotiating table for many years. He said it bothers him that the Village has workers who contribute a great deal but since they are not in a Union they receive less wages and benefits. Those in the Unions are some of the highest paid workers and are given a very fair wage increase. The same should be considered for those not in a union. He said maybe he should have gone to binding arbitration with the Union(s). When considering non-union, that includes Department Heads. He said

he can't see giving higher wage increases to one Department Heads and not the others.
He understands it is up to a majority of the Board.

MINUTES OF VILLAGE BOARD MEETING HELD March 2, 2009 continued.....page 4

Trustee Wagenhauser said non-union employees should be compared to non-union employees in other municipalities. He said he would love to give everyone raises and be considered a hero to non-union employees, but that it is not possible. He did not negotiate the union contracts, the Mayor did. Budget figures given were hundreds of thousands of dollars on the wrong side. The Board needs to see where the numbers fall, as there are many other issues and effects.

Determination as to non-union wage increases can take place at the end of the process.

Mayor Wexler said he does not disagree that all needs to be taken into consideration, but that it's putting the cart before the horse when some Trustees suggested 2% without being fully aware of the figures. Trustee Wagenhauser said he never suggested a 2% increase, he's been saying zero until now. Mayor Wexler said he simply gave the Treasurer his recommendations, not having had the Board do so as a whole.

Trustee Castañeda commented that it appears some of the revenue sources are not materializing such as interest income – only \$9,000 of the \$35,000, and fines and forfeitures – only \$54,000 of the \$75,000. She said Chief Varrenti even reported recently that the Department is not giving out as many parking tickets. NYS Retirement costs are slated to increase 75 – 200% in the next 2 fiscal years. The Water Fund appears to be operating at negative \$140,000 and shows a loss. If that trend were to continue, where does the shortfall get funded from?

As for water, Trustee Wagenhauser commented that the Village hasn't raised its water rates in 4 years like the County did. There was money in accounts to be replenished through water bills which changes the negative flow. Trustee Castañeda said perhaps now is the time to have the county lease the Village's water system. Trustee Wagenhauser said he planned to bring this up, as it is getting closer to the right time – maybe right after the Main Street rehabilitation.

Mayor Wexler said he has discussed this with former Mayors and reminded that the income from water does help pay the salaries and benefits of several Village employees. Obviously, if we're losing money, it's a no-brainer to get rid of it like most other municipalities have. Before we do, let's take a hard look at it and determine the affect of such action. That will be for the next Mayor and Board to deal with.

9. Restore New York Funding – 200 State Street & 100 Fair Street - Trustee Castañeda said she was unable to attend the February 25th workshop on this, but solicited the application and guidelines and spoke to a regional representative and feels the former Kleen Brite properties would be an ideal application. She spoke to new owners Kevin Truelson and Jerry Raoul who ask for the Village's assurance that it would support such an application. They would front the 10% match so the Village would not have to contribute financially. A letter of intent is due Monday, March 9th. She asked for the Village Board's thoughts on this.

Trustee Wagenhauser reminded Trustee Castañeda that Trustee Hunsinger and Code Enforcement Officer Zarnstorff have shared that they will be meeting with the new owners and that there are some serious issues to be dealt with. A draft letter was supplied by CEO Zarnstorff today. There is attorney involvement as well. He suggested that rather than Trustee Castañeda going off on her own, that she work with those that are already working on this.

Trustee Castañeda said she knows there are issues with the properties. They have existed for several years. The new owners look to work with the Village to mediate the problems and have had some contact with NYSDEC. She said Trustee Hunsinger keeps reporting at meetings that he's working on it, but no specifics have been shared.

Trustee Wagenhauser said the new owners were asked to work with the Village last November, but apparently now they are willing to work with Trustee Castañeda? They have owned 100 Fair Street for almost a year and the place is a mess, hasn't been cleaned up, and is rife with code problems. Now they are willing to work with the Village, to get help for funding? Trustee Wagenhauser said he would have hoped Trustee Castañeda would have learned from past experience on these properties with former Trustee Heyen – that it is better to work with others than on your own.

Trustee Castañeda said she had not tried to contact the new owners prior to learning of this recent grant opportunity. She said she, too, is disappointed that the Village Board does not work together – on many things. Yes, the properties need to be cleaned up and meet code. Have the new owners actually been contacted? She said she was given the impression that she was the first Village official to contact them. Support of this application will not cost the Village anything.

Trustee Wagenhauser said they had indeed been contacted. If someone called him and offered

him an opportunity for money, he'd listen. He said he is not spreading negativism, but questions Trustee Castañeda methods and process she is using.

Mayor Wexler said the mess of those properties was there long before the new owners purchased it. There were 2 fires at one site and 1 fire at the other site. Whether the Board likes who purchased the properties or not shouldn't matter.

MINUTES OF VILLAGE BOARD MEETING HELD March 2, 2009 continued.....page 5

Trustee Wagenhauser said he never said anything of the kind. Have the new owners made it worse? Yes. They knew the property needed to be cleaned up and brought into compliance, regardless of who was responsible for the original mess.

Trustee Castañeda said that is a common goal – to get the properties cleaned up.

Trustee Wagenhauser said of course everyone wants it cleaned up, but there is a process to work through the Code Enforcement Officer. People are working on this. Now, Trustee Castañeda has made an offering like a carrot and a stick.

Trustee Castañeda said she would contact Code Enforcement Officer Zarnstorff to set up a meeting. Trustee Wagenhauser said that's already being done. There's an intermediary involved. Trustee Castañeda said she has not seen the draft letter Trustee Wagenhauser referred to. She questioned why the CEO is just getting to it now. She said she is trying to speed up the process. She will call S. Zarnstorff and the property owners regarding a meeting. Trustee Wagenhauser said she can take his spot.

C. Trustee David J. Wagenhauser

1. Water – referred to Trustee Castañeda's earlier comment that MCWA could lease our system. He said the County Water Authority would buy it when the time comes.
2. Trustee Legg – congratulated Trustee Legg on his national award.
3. Tree City USA Status – congratulated Margay Blackman and the Tree Board on attaining this status.
4. EMS – met with EMS Chief VanDervort to make some slight changes that will benefit the Village.
5. Monies – has spent the last few days chasing monies that were promised the Village and looking at the budget which still requires a lot of work.

D. Trustee Scott W. Hunsinger (excused)

1. Budget – Trustee Legg read the following statement into the record for Trustee Hunsinger who could not be here due to his G.C.C. swim team being at Nationals.

"I am encouraged by the budget packets that Treasurer Tojek put together for the board and then put in our mailboxes last Friday. I know she's been working extremely hard to get up to speed since coming on board in early January, and that gathering all of this information has been an enormous task.

I truly appreciate her efforts.

I have begun looking over the numbers over the weekend, and I look forward to sitting down with Treasurer Tojek, hopefully next week, to discuss the budget.

However, for the sake of clarity because it's not spelled out, I would like to note that I'm not sure if what the treasurer forwarded is the tentative budget, which, as Trustee Wagenhauser pointed out in an email, doesn't have to be presented to the board until March 20th. If it is the tentative budget, then that's all the better for the village to have early. If it's not the tentative budget, then I look forward to receiving the tentative budget and then reacting to that as well."

E. Trustee Hal S. Legg

1. Public Comment – reminded everyone that the Village Board's public comment period at the beginning and end of each meeting is just that – public comment. Nothing more, nothing less. While the Board welcomes the public's thoughts, the public comment period is not designed to be a question and answer period. He encouraged those with questions to call or e-mail Village Clerk Morelli who excels at forwarding information to the appropriate parties.
2. Farmers Market – referred to the proposed amendments to the Farmers Market rules and regulations which were last revised several months ago.

Mayor Wexler said the only concern he has relates to the grievance procedure and giving the Market Manager the authority to terminate the contract of a vendor. Having had a situation last

season, and not yet knowing who the Market Manager might be, he said he would be more comfortable with the Market Manager recommending to the Village Board such termination. He said he remains thankful of former Trustee / Market Manager Carrie Maziarz's work with the Farmers Market. He thanked Trustee Legg for his work on updating the rules and regulations.

Trustee Castañeda noted that the vendor's seasonal stall fee has gone from \$100 to \$300. She asked if this had been discussed with the vendors. Trustee Legg said not yet. However,

MINUTES OF VILLAGE BOARD MEETING HELD March 2, 2009 continued.....page 6

the market would have to be self-supportive and that amounts to only \$15 x 20 Sundays. This would pay for the Market Manager and advertising.

Trustee Castañeda noted that Trustee Legg provided the Board with sample Market Manager job descriptions. She asked which one he recommended. Trustee Legg said he provided them as forward looking documents for the Board and has not made a recommendation.

Mayor Wexler said the Market Manager should rightfully be compensated. If the vendors feel the fee is excessive, the Board can consider amending it next year.

Trustee Castañeda said she was not in favor of the Brockport Merchants Association handling the Farmers Market, was happy they declined, and is glad it will remain with the Village. She said it was started by a Trustee, and reminded the Board that she had expressed a willingness to help out and that the 5 Board members could have shared the responsibilities by taking turns on Sundays. She said she is in favor of the market itself, but feels it can be handled without a market manager, as that person may eventually ask for a pay increase or a larger position.

Trustee Legg said he felt it imperative to forward the sample job descriptions so that the Board would have a better understanding of what skill set it takes to run a successful market. It doesn't simply entail setting up a table on Sunday morning. It is an art and craft unto itself. This is an opportunity to hire someone who can build on former Trustee Maziarz's efforts.

→ Trustee Wagenhauser moved, unanimously carried 4/0 to amend the sentence on the last page in the grievance section to indicate that the Market Manager recommends termination of a vendor contract to the Village Board.

→ Trustee Legg moved, Trustee Wagenhauser and Mayor Wexler in favor, Trustee Castañeda opposed, carried 3/1 to amend the Farmers Market rules and regulations as follows:

Village of Brockport Farmers Market

Rules & Regulations

As Amended March 2, 2009

Market Mission

To promote the sale of fresh fruits, vegetables, plants, and other locally harvested goods.

To provide a direct marketing outlet for local agricultural produce and products.

To stimulate activity in Brockport's downtown business district.

To foster social gathering and community involvement.

Market Governance

The Village of Brockport Farmers' Market (hereafter, "the market") is sponsored by the Village of Brockport (hereafter, "the village"), which shall:

- Promote the market
- Hire or appoint a market manager (hereafter, "the manager")
- Establish rules and regulations, and adopt and amend them as needed
- Establish requirements for vendor participation in the market
- Maintain a general liability insurance policy for the market

- Establish and collect annual membership dues and/or market space fees
- Establish annually or as necessary the market's place and times of operation
- Develop an operational budget

MINUTES OF VILLAGE BOARD MEETING HELD March 2, 2009 continued.....page 7

The manager shall be responsible for the orderly and efficient operation of the market and for implementing the rules and regulations. The manager shall represent the sponsors during market days and in community activities. The manager shall assist the sponsor in determining the market budget, establishing market policies, soliciting vendor participation, collecting fees, establishing the operational schedule, and promoting the market.

Place and Times of Operation

The market shall operate:

- On Market Street in the Village of Brockport
- From 8 a.m.-2 p.m.
- On Sundays
- Every Sunday from the second Sunday in June through the last Sunday in October

Vendors at the Market

Bona-fide growers, craftpersons, and producers of homemade products or other sellers approved by the manager are eligible to become vendors at the market. The manager may grant permission to a vendor to supplement his product line with additional New York state products, as long as such product is otherwise missing from the market. Such permission shall be valid for one season.

Specific Product List

- Fruits and vegetables shall be offered for sale only by their grower; they shall have been grown, harvested and cared for post-harvest so as to insure maximum freshness.
- Cider and fruit juices shall be offered for sale only by the growers of those fruits from which they are made.
- Eggs shall be offered for sale only by the owner of the flock from which they came.
- Honey and honey products shall be offered for sale only by the owner of the hives from which they were derived.
- Maple syrup and maple syrup products shall be offered for sale only by the owner of the sugar bush from which they were derived.
- Cheese and other dairy products shall be offered for sale only by the owner of the herd that produced the milk from which they were processed. All dairy products shall be kept cool.
- Meat and poultry shall be offered for sale only by those that have raised the animals butchered to render it; it shall be kept refrigerated; it shall have passed United States Department of Agriculture or state inspection.
- Bedding plants, nursery products, and cut flowers shall be offered for sale only by their growers.
- Baked goods offered for sale shall have been hand made from scratch by the seller, using a recipe free of commercial mixes, crusts or fillings. Baked goods must have a protective covering or be wrapped.
- Wine may be offered for sale. Any vendor conducting a tasting shall display in his market space during all times of operation a sign that states: "State law requires that consumers be at least 21 years of age, proof required."
- All items offered for sale shall be priced clearly and displayed in a manner that does not confuse or mislead the customer.

Items not specifically listed herein must be pre-approved by the manager.

Guidelines for Selling at the Market

- Each vendor shall display at his market space during all times of operation a sign clearly indicating his name and the location of his farm/place of business.
- Each vendor shall be responsible for all equipment and supplies for the setup of a booth. Displays shall be constructed in such a way that they do not block customer walkways or pose any other hazard to customers.

MINUTES OF VILLAGE BOARD MEETING HELD March 2, 2009 continued.....page 8

- Vendors that provide samples and/or products that generate waste material, such as cups, rinds, or corn cobs, shall provide containers for waste disposal.
- Vendors shall keep their market space neat and clear of obstacles, litter and debris.
- Vendors shall clean and remove all refuse from their market spaces at the close of business each Sunday.
- All produce displayed for sale shall be at least 12” off the ground, with the exception of heavy or large items such as pumpkins.
- Smoking, alcoholic beverages and firearms are forbidden at the market with the exception of wine tasting and selling.
- Hawking and amplified music are forbidden at the market.
- All items offered for sale shall be of good quality and condition as determined by the manager, who may at his discretion require that inferior items be removed from displays.

Products Sold at the Market

Vendors agree to adhere to all applicable regulations while selling at the market.

- Any vendor selling taxable items shall display in his market space during all times of operation a valid New York state certification of authority
- Any vendors selling nursery and greenhouse crops shall display in his market space during all times of operation a valid New York state nursery license.
- Vendors selling processed foods, prepared foods, and other perishable items shall do so in compliance with the requirements of the New York State Department of Health.
- Vendors selling by weight shall have scales approved by the Monroe County Department of Weights and Measures.
- Vendors selling by volume shall use standard size containers, e.g., pint, quart, etc.
- Any vendor selling wine shall display in his market space during all times of operation a valid New York state winery license.
- Produce shall not be advertised as organic unless it has been certified by a recognized, independent, third party certifying agency. Vendors shall display during all times of operation their organic certification certificates.
- All prepackaged items, such as baked goods, must be labeled in accordance with New York state labeling requirements.

Vendors participating in the Farmers Market Nutrition Program (FMNP) shall be certified by New York State Department of Agriculture and Markets and provide crop reports to the manager.

All vendors participating in accepting Women, Infants, Children (WIC) program or Senior Nutrition coupons shall file a crop plan at the beginning of each season. The plan must show all products being grown or produced, quantities produced, and acreage under production of each item.

Vendors consent to inspection of their farms and/or businesses by the manager to verify claims of production. Any such inspection shall be made with the owner or his representative present, unless permission otherwise is given by the owner. The owner shall provide any help necessary to document products and conditions recorded at the inspection. The manager shall deliver to a vendor whose farm or business has been so inspected the results of such inspection and shall make the initial determination of any violations of this contract and their remedies.

Insurance

- As sponsor of the market, the village shall provide insurance coverage for the market place to cover such injuries as slips/falls and damages to property at the market.
- Vendors selling only fruits and/or vegetables shall have in force general liability insurance.
- All other vendors selling food products shall have in force general liability insurance of at least \$1 million. Documentation of such policy, which names the market, shall be provided to manager prior

to the market season.

- The market is a member of the New York Farmers' Market Federation and members of the market can qualify for liability insurance under their program. It is recommended that all vendors carry liability insurance.
- All vendors shall execute a general indemnification of the village, its instrumentalities, departments, officers, trustees, employees, and agents, against any losses resulting from the vendor's sales and/or activities at the market.

MINUTES OF VILLAGE BOARD MEETING HELD March 2, 2009 continued.....page 9

Fees

- An annual market space fee of \$300 shall be due at contract signing. A \$30 daily fee shall be charged to those who do not have a reserved space.
- Vendors shall notify the manager in advance if they will be absent. The manager may allocate an absent vendor's market space to another vendor.
- The village's board of trustees annually shall determine market space fees.
- Fees collected shall pay for operating expenses and advertising and promotional costs.
- Subletting of market space by vendors is forbidden.

Market Space Assignment

The manager shall assign all market spaces. A vendor shall be limited to one stall and shall contain his display within the designated area. Seasonal vendors may work off their trucks in a designated market space not to exceed said limits. The manager shall assign to each vendor a market space for the duration of the season. At his discretion, the manager may alter vendors' market spaces. Vendors may arrive two hours prior to the market opening as to allow for timely set up without interfering with pedestrian traffic. Any vendor arriving after the opening of market shall not be permitted to enter or setup for that particular market day. Rents are not refundable, either in part or in whole.

Grievance Procedure

Vendors agree to be bound by the terms, conditions, rules and regulations set forth herein. The manager may recommend to the village board the termination of the contract of a vendor found to be in violation of such terms, conditions, rules and regulations. Vendors may appeal in writing to the village's board of trustees. The village's board of trustees shall respond in writing to any vendor that so appeals and make a final determination of the disposition of any such appeal.

3. Library – filing of 990 – had a conversation with Treasurer Tojek regarding the May deadline to file the Seymour Library's 990. A recommendation will be forthcoming as to possibly looking to find the appropriate person/firm do this.

PUBLIC COMMENT:

1. Carrie Maziarz of Adams Street – congratulated Margay Blackman and the Tree Board on attaining Tree City USA status. Having been the Farmers Market Manager, which has been a passion of hers, she has conversed with Trustee Legg the future of the market and that it is time to take it to the next level as the Village has exhausted its resources as a volunteer endeavor. A paid Market Manager will help facilitate it, especially with the upcoming Main Street rehabilitation. She would be happy to sit on a committee to select a Market Manager. She has had conversations with Trustees Wagenhauser and Legg regarding the upcoming Main Street rehabilitation and the possibility of obtaining stimulus funds. Whether for or against the stimulus funds, the Village should be proactive to get their fair share. The Village's water and sanitary sewer portion is a shovel ready project and while a bond is in place, it would be great not to have to be obligated to it. Further, the Village should outline its original desires regarding the Main Street rehabilitation that would include enhancements such as complete sidewalk replacements, new lampposts, new planters, new banner poles, an irrigation system for the hanging baskets like those in East Aurora and Batavia, an audio system to broadcast concerts, events, holiday music and emergency matters and the like. She encouraged the Village to have the Village Engineer submit applications for these enhancements which would be beneficial and complement what NYSDOT plans to do. When she was a Trustee, she and Trustee Castañeda attended the Main Street rehabilitation committee meetings in which these enhancements were discussed. She urged making appropriate applications for clean water act and stimulus funding. by the application deadlines.

Trustee Castañeda commented that a lot of the merchants want the project in and out as quickly as possibly. The enhancements would be good, but would take even more time. She believes this should go back to the Main Street Rehabilitation Committee. She believes the Village Engineer is making application for the clean water funding for the water and sewer portion. Mayor Wexler said he would check.

MINUTES OF VILLAGE BOARD MEETING HELD March 2, 2009 continued.....page 10

Mayor Wexler shared that the possibility of stimulus funding has sparked renewed interest in the 531 extension and that he received a letter today from NYSDOT's Kevin Buckley regarding the possibility of continuing the 531 extension. He has asked to meet with the Supervisors of Brockport, Clarkson, Sweden, Hamlin to get feedback. Senator Quattrochocchi always said to have a plan ready for when money becomes available. Mayor Wexler said he would keep the Board apprised.

AUDIT:

➔ Trustee Castañeda moved, unanimously carried 4/0 that the bills be allowed and paid upon audit.

| | <u>Date</u> | <u>Check #</u> | <u>Amount</u> |
|----------------------------|-------------|----------------|---------------|
| <u>Village</u> | 3/3/09 | 178518-178551 | \$44,604.72 |
| <u>Fire</u> | 3/3/09 | 178503-178517 | \$8,401.93 |
| <u>Third Party Billing</u> | 3/3/09 | 001482-001496 | \$16,514.85 |
| <u>Capital Projects</u> | 3/3/09 | 002302-002303 | \$133,406.74 |
| <u>Water</u> | 3/3/09 | 002210-002221 | \$22,003.78 |

ADJOURNMENT:

➔ Trustee Castañeda moved, unanimously carried 4/0 that the meeting be adjourned at 8:25pm.

Leslie Ann Morelli, Village Clerk