

**Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, May 21, 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, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Village Manager / Treasurer Ian M. Coyle, Clerk Leslie A. Morelli.

**EXCUSED:** Police Chief Daniel P. Varrenti, Village Attorney Raja N. Sekharan

**ALSO PRESENT:** Fire Chief Timothy Rombaut, Lori Lessord, Cassandra Guthrie, Jim & Joan Hamlin, George Brocious, Norm GianCursio, Fred Webster, Jen Taylor, Craig Counts, Shane Bartlett, Kaylyn Schlichter, Robbi Hess (Suburban News).

**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 May 7, 2007.

Trustee Heyen expressed concern that the correction she requested at the April 16<sup>th</sup> meeting regarding a statement made by Trustee Castañeda at the April 2<sup>nd</sup> meeting has still not been made appropriately. Trustee Heyen said Trustee Castañeda used a statement made by Wade Beltramo in the November/December 2006 NYCOM Bulletin entitled Planning: The Key to Achieving Long-Term Goals and Overcoming Obstacles to Community Development. A paragraph was used word for word except Trustee Castañeda changed “planning” to “budget” and that Trustee Castañeda originally indicated this was her statement and then credited Wade Beltramo of NYCOM. However, either way it is inaccurate as Wade Beltramo was speaking of planning, not budget and they are not Trustee Castañeda’s words.

➔ Trustee Wagenhauser moved, Trustee Castañeda seconded, unanimously carried that approval of the minutes of the meeting held May 7, 2007, be tabled until Trustee Castañeda corrects the statement in question from the April 2, 2007 meeting.

Excerpt from NYCOM publication:

While it is true that planning results in a document, the process of planning is as important as the finished written product. Planning, when done most effectively, is an inclusive, consensus-building process. This is not to say that plans must be agreed upon unanimously or that every stakeholder gets what they want. But the planning process should be a collaborative effort, where all of the community’s stakeholders are brought to the table, given a meaningful opportunity to express their views and opinions, and have those views and opinions either incorporated into the plan or, if not incorporated into the plan, at least acknowledged and addressed.

Excerpt from April 2<sup>nd</sup> meeting minutes:

Trustee Castañeda: While it is true that working on a budget results in a document, the process of planning a budget is as important as the finished product. Per Wade Beltramo of NYCOM, preparing and working on a budget when done most effectively, is an inclusive, consensus-building process. This is not to say that plans must be agreed upon unanimously or that every stakeholder gets what they want. But planning and working on a budget should be a collaborative effort, where all of the community’s stakeholders are brought to the table, given a meaningful opportunity to express their views and opinions, and have those views and opinions either incorporated into the budget or, if not incorporated into the plan, at least acknowledged and addressed.

Trustee Castañeda’s proposed correction after April 16<sup>th</sup> meeting:

Please add, “While it is true that.....all the way to “at least acknowledged and addressed.”  
Wade Beltramo of NYCOM...

Trustee Castañeda’s proposed correction after May 7<sup>th</sup> meeting:

Trustee Castañeda shared that in a November/December 2006 NYCOM Bulletin article entitled Planning: The Key to Achieving Long-Term Goals and Overcoming Obstacles to Community Development, Wade Beltramo of NYCOM stated the following: “While it is true that planning results in a document, the process of planning is as important as the finished written product. Planning, when done most effectively, is an inclusive, consensus-building process. This is not to say that plans must be agreed upon unanimously or that every stakeholder gets what they want. But the planning process should be a collaborative effort, where all of the community’s stakeholders are brought to the table, given a meaningful opportunity to express their views and opinions, and have those views and opinions either incorporated into the plan or, if not incorporated into the plan, at least acknowledged and addressed.” Trustee Castañeda said although he was referring to planning, she feels the same could be applied to the budget process.

**GUESTS:** None

**PUBLIC COMMENT:**

1. George Brocious of 340 Stony Point Road Rochester reminded the Board that he had submitted a packet of information to the Village and then spoke during public comment at the May 7<sup>th</sup> Village Board meeting. He said he is in attendance this evening for the Board's response to the questions he raised.

Mayor Wexler reminded G. Brocious that the Village still has pending litigation with him, one court decision that he is appealing. Mayor Wexler said he would be more than happy if he came in 4 months from now after resolution. Until the litigation is concluded, the Village will not respond in any manner. G. Brocious was upset that the Village was going to take that tactic.

In the meantime, G. Brocious provided "Exhibit K" to add to his previously submitted "Exhibits A-J" that shows 14 more properties to be investigated in regards to the issue of 3 or more unrelated. He said most of them are from ads in The Stylus that is available at no charge at SUNY and in the community. He said it is hard to believe all of these violations are not being enforced and that he has to bring it to the Village's attention. He said he would like to move on to something that is not related to his case and the Village cannot deny him a response. He referred to the questions previously posed regarding meth labs in the Village.

Mayor Wexler again stated that the Board would not answer any of his questions or respond to any of his allegations at this time. Mayor Wexler said if G. Brocious would like to come in to sit down with him without a lawyer, he would consider it. Trustee Wagenhauser said by no means would we do such on advise of counsel.

Mayor Wexler informed G. Brocious that he had 30 seconds left of his 3-minute time allowed during public comment. G. Brocious said he would take at least 5 minutes. Mayor Wexler said if necessary he would call the Police Department to have him removed.

Clerk Morelli shared that public comment is customarily an opportunity for members of the public to address the entire Village Board as a body and not necessarily a question and answer period requiring Board response.

G. Brocious said he has asked many questions and has received no answers. He said he guesses he will have to F.O.I.L. the information.

Mayor Wexler announced that G. Brocious's time was up and asked if any other member of the public wished to address the Board. G. Brocious said he would be back at the next meeting and the one after that. Mayor Wexler said he would have 3 minutes under Public Comment each time he appears.

2. Pat Kutz of Lift Bridge Book Shop stated that she is generally supportive of the Village administration's promotion of the Village and efforts to make it pleasant. However, she said she is disappointed that the Village Board did not select a Village merchant (Arjuna Florist) to fill the hanging flower baskets on Main Street this season. She said she knows they would have done a wonderful job. She said visitors notice things such as the flowers that make the downtown area attractive. She said it is nice to be able to respond that they came from Arjuna Florist. She said the Village often states the importance of supporting its local merchants, and it would have been nice to show it. She said she understands that the bid submitted was higher than the bid that was awarded. She said she helped raise money last year for weekend watering of the flower baskets and would have done so again if necessary had the Village used a Village merchant. She said she is afraid the flower baskets won't look as nice. She thanked the Board for listening.

3. Lori Lessord, Seymour Library Board President introduced Cassandra (Cassie) Guthrie, new Seymour Library Director who comes from several years with the White Plains Library System. She said she, the Library Board and the staff are happy to have her here. C. Guthrie said she is very excited to be here. She said although she was in Westchester County the last 8 years, she is not unfamiliar with the general upstate New York area as she went to high school in Fredonia and lived in Buffalo for 8 years.

Trustee Heyen, said as liaison to the Seymour Library, she attends their Board meetings regularly and commends the Library Board's fine work on the director search. She welcomed C. Guthrie.

**PUBLIC INFORMATION MEETINGS: None**

**DEPARTMENT REPORTS:**

A. PUBLIC WORKS – Superintendent Harry G. Donahue

1. Resolution authorizing & directing National Grid re Sunflower Landing Phase I –

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried to adopt the following resolution:

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RESOLUTION - VILLAGE OF BROCKPORT

At a regular meeting of the Board of Trustees of the Village of Brockport, Monroe County, New York state held in the Village Hall at 49 State Street on Monday, May 21, 2007 the following resolution was regularly made, seconded and carried:

PRESENT: Mayor Morton Wexler, Trustee Carrie L. Maziarz, Trustee Maria C. Castañeda, Trustee David J. Wagenhauser, Trustee Hannelore Heyen

MOVED BY: Trustee Maziarz  
SECONDED BY: Trustee Castañeda UNANIMOUSLY CARRIED

RESOLVED: National Grid is hereby authorized and directed to do the following work in the Village of Brockport, CSS Reference No.67738-78109:

Install: Four - 100-watt high-pressure sodium architectural street light fixtures on direct embedded fiberglass poles along with associated direct buried cable in Sunflower Landing URD – Anita's Lane.

One - 100 whps cobra head streetlight on wood pole #394

Estimated Annual Cost: \$1,440

BY ORDER OF THE Village Board of the Village of Brockport

- B. POLICE DEPARTMENT – Chief Daniel P. Varrenti (excused)
- C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff - No report
  - 1. Remington Woods Drainage Concerns – Mayor Wexler thanked S. Zarnstorff, H. Donahue and J. Foote of Chatfield Engineers for meeting with some concerned residents of Remington Woods about their drainage concerns. A plan has been outlined to have the developer alleviate those concerns.
- D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Timothy Rombaut
  - 1. Membership Drops & Adds – Chief Rombaut asked the Board to consider approving the following drops: Alex Gelo from the Explorers and the following adds: Lindsay McFarland to ambulance only.

→ Trustee Maziarz moved, Trustee Castaneda seconded, unanimously carried to approve the previously mentioned drop and add.

2. Calls for Service – Fire Calls: 778 and EMS calls: 348 for a total of 1,126 calls year to date.

3. Authorize to hire EMT for Paid Ambulance Staff – Chief Rombaut reviewed Career Staff Administrator Noltee's memo and recommended that the Board hire Rick Cary as an EMT for the paid ambulance staff to fill a vacancy. This is part time at a starting wage of \$12.38 per hour. Trustee Heyen asked where he lives. Chief Rombaut said Holley, but shared that they now have a residency waiver to cross the County line. Trustee Wagenhauser asked if this is ALS. Chief Rombaut said no, it is BLS. He said they are short on Paramedics for ALS and are working on it. Trustee Wagenhauser said the goal is that when necessary, our own Brockport Volunteer Ambulance Corps will assist the Paid Ambulance staff during its hours from 6am to 6pm so as not to have to utilize the city agencies. Chief Rombaut agreed and commended the volunteers for doing a great job supplementing the career staff shifts.

→ Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried to hire Rick Cary as a part time EMT at a starting wage of \$12.38 per hour.

4. Equipment Updates – Chief Rombaut reported that the new air packs that were purchased with the FEMA grant is in place and working fine. He said they have received some interest from other Fire Departments regarding the old air packs. Trustee Wagenhauser asked if the air packs are outdated. Chief Rombaut said they are not yet outdated, as they meet the 2005 standards but need to be upgraded to the 2007 standards. Trustee Wagenhauser asked the value. Chief Rombaut said a ballpark estimate would be \$200 to \$1,000 depending on the condition and the market. He said the market is flooded with used SCBA gear since the FEMA grants have purchased a lot of new ones for various departments. Trustee Wagenhauser

suggested trying to sell them using the Village's new e-bay account. Chief Rombaut said that is a possibility and that he would bring a recommendation back to the Village Board for consideration.

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Chief Rombaut shared that they obtained quotes to get the 1993 Pearce #233 repaired and brought up to standards. Churchville Fire Equipment quoted \$8,440. Reed Fire Equipment quoted \$10,950. Colden Enterprises quoted \$8,469. He said they recommend going with Churchville Fire Equipment, which is the lowest quote. They anticipate 5 to 6 weeks to get it scheduled and 3 weeks to complete the work. By putting the money into #233 they hope to extend the life of the truck. The funds would come from the truck replacement line due to the fact that they did away with the truck rehab line a few years back. He said Village Manager feels the budget line can handle it.

Trustee Maziarz asked for some details on what needs to be fixed. Chief Rombaut said things such as paint blisters, corrosion spots, door hinges and the like. Trustee Wagenhauser said it is all bodywork, not engine work. He said he got the long tour of how they take it apart and down to bare metal. He said it is quite a process. Trustee Maziarz asked Manager Coyle if the \$8,440 is available. Manager Coyle said yes and that the funds would be expended from Project 22, which requires him to place a notice in the paper.

➔ Trustee Wagenhauser moved, Trustee Maziarz seconded, unanimously carried to expend \$8,440 from Project 22 and accept the quote of Churchville Fire Equipment for repairs to Truck #233.

**PUBLIC HEARINGS:** (7:30pm)

- To amend Chapter 13 of Village Code re Code of Ethics
- To amend Chapter 58 Article II of Village Code re §58-4, 5, 6 & to adopt the Village's official maps
- To establish real property tax exemption for capital improvements to residential property – one and two family dwellings

Clerk Morelli read the following legal notice and stated that it was advertised in the Suburban News and posted on the Village website and Village Hall bulletin board.

VILLAGE OF BROCKPORT  
LEGAL NOTICE

Please take notice that the Board of Trustees of the Village of Brockport will hold a **Public Hearing beginning at 7:30pm on Monday, May 21, 2007**, in the Conference Room of the Village Hall, 49 State Street, Brockport, New York to consider proposed Local Laws of 2007 as follows:

- To amend Chapter 13 of the Village of Brockport Code relating to Code of Ethics.
- To amend Chapter 58 Article II of the Village of Brockport Code relating to §58-4 Districts Established, §58-5 Zoning Map; district boundaries established, §58-6 References, and to adopt the Village's official maps.
- To establish real property tax exemption for capital improvements to residential property – one and two family dwellings.

Full text and maps are available for review at the Village Clerk's Office. All interested parties will be given the opportunity to be heard.

- ➔ Trustee Maziarz moved, Trustee Castaneda seconded, unanimously carried to close the regular meeting and open the public hearing to amend Chapter 13 of Village Code re Code of Ethics.
- ➔ Hearing no public comment, Trustee Castaneda moved, Trustee Heyen seconded, unanimously carried to close the public hearing to amend Chapter 13 of Village Code re Code of Ethics and re-open the regular meeting.

Board discussion:

Mayor Wexler stated that he is opposed to the proposed revision as it relates to the appointment of the Board of Ethics. He said he confirmed with Wade Beltramo of NYCOM that the Mayor can appoint subject to Village Board approval. He understands that General Municipal Law gives the Village Board the option. He said the proposal would create two different methods of making committee appointments. If adopted, this amended text will allow the Village Board to make appointments to the Board of Ethics, but the Mayor would still appoint to vacancies on other Boards / Committees. He said

it

bothers him to have to say this, but if one of three current Trustees were sitting in the Mayor's seat, he believes this proposal would not have been made. He said he believes it is an issue of trust. He said he opposes creating two different selection methods.

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Trustee Castaneda said it is unfortunate that the Village Attorney is not in attendance as she would have liked to ask his opinion on whether a referenda is needed since this could be considered curtailing the power/authority of the Mayor. She said she tried to contact W. Beltramo of NYCOM today, but was unsuccessful. Mayor Wexler said the Village Attorney is not in attendance because G. Brocius had informed the Board that he would be appearing again under public comment and the Village has pending litigation with him.

Trustee Heyen said she spoke at length with W. Beltramo of NYCOM by phone and e-mail. He confirmed that the Village Board can give itself the power to make initial appointments and fill vacancies on the Board of Ethics. Trustee Heyen said she previously provided the Board with the information and relevant sections of law. She said the issue of appointments to the Board of Ethics was discovered when she was researching how to make appointments to the various boards and committees. She said she was making an effort to see that the selection process was clear and consistent. She said she has no qualms with the individuals previously appointed to the Board of Ethics. She just wants to insure that they get a good cross section from the community. She said no matter what year it was or who the Mayor was, she would have seen this option from her research and made the same proposal.

Trustee Castaneda said she is not disagreeing that the Village Board has the power to make this change, she just wondered if per section 23-2F of the municipal home rule law, a referenda is needed if it curtails the power of elected officials. Trustee Wagenhauser said he is confused as to where Trustee Castaneda is coming from. He reminded the Board that they shouldn't get hung up on one small portion of the proposed amendment as the larger issue is the proposed change of the size of the committee, inclusion or not of a Village employee and voting rights. He said by changing the language it makes it more black and white as to what is acceptable. He said he thinks the proposal is good and based on good information and acknowledged by NYCOM. He said the Mayor, as a member of the Village Board, would still be voting on the appointment of individuals to the Board of Ethics.

Trustee Maziarz said municipal law has set forth that the Board of Ethics is a whole different ball of wax than any other board or committee. She said appointments are not supposed to be political. She said the proposed amendment is really not as strong as she would like it, as she believes there should not be a Village employee on the Board of Ethics. She said she believes the Board of Ethics should be as unbiased as possible. Trustee Castaneda agreed with that statement. She said she just wants to follow the correct process in adopting any amendments.

Mayor Wexler said the composition of the Board of Ethics is set forth by law, which requires a Village employee be a member. He said in workshop discussions, the Board agreed that it would be best to have the Village Attorney serve as the Village employee but that he would have no voting rights. He said this was because some Trustees were uncomfortable with the employee he considered appointing.

Trustee Maziarz said that is not true. She said it had nothing to do with the individual Mayor Wexler considered appointing, it was the general idea of having ANY employee on the Board of Ethics.

Trustee Maziarz said the employee Mayor Wexler considered is exemplary and she would not want him to think that his credibility was in question. Trustee Maziarz said Mayor Wexler's comment was incredibly inaccurate and misleading.

Mayor Wexler said he asked Jim Sutton to drop off the Board of Ethics so that a Village employee could be appointed. He said he informed the Village Board that he had approached a particular Village employee that even lives in the Village and that he said would be willing to serve. He said some Trustees questioned this.

Trustee Wagenhauser said the question was not regarding the individual, but having an employee on the Board of Ethics. He said it puts an employee in a bad position if an issue arose regarding his supervisor or colleague. He said it had absolutely nothing to do with the individual.

Trustee Maziarz said at no time did the Village Board ask for that person's name to be removed from consideration. She said this needs to be removed from the political forum. Mayor Wexler said he is not making it political. He said the Code of Ethics was adopted long before any current Board members

were in place. He said if there was not an issue with the individual, then he does not see the problem. Trustee Maziarz said the issue is about having ANY employee sit on the Board of Ethics. She said a compromise is what is being considered by having an employee serve, but without voting rights. This protects the employee by not putting him or her in a compromising situation if an issue should arise with a superior. Mayor Wexler said he thought most Ethics Boards include a Village employee.

Trustee

Heyen said that the Board had discussed having the Village Attorney serve with no voting rights. Trustee Wagenhauser said this is the most ethical way to handle it.

Trustee Maziarz said she is personally offended that Mayor Wexler implied that the Village Board objected to this individual employee. She said she wouldn't vote in favor of any version that includes an employee serving with voting rights. She said this is the first she is even hearing that the Mayor thought

the Village Board did not want the particular employee. She said inaccurate statements such as that smears the Board's reputation as well as that of the individual employee.

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Mayor Wexler said he is offended that Trustee Maziarz would say he wasn't telling the truth. Trustee Wagenhauser suggested closing the Board discussion. Mayor Wexler said the Chair would do so.

Mayor Wexler asked for a motion to move on to the next matter for public hearing.

➔ At 8:08pm Trustee Wagenhauser moved, Trustee Maziarz seconded, unanimously carried to close the regular meeting and open the public hearing to amend Chapter 58 Article II of Village Code re section 58-4, 5, 6 and to adopt the Village's official maps.

S. Zarnstorff shared that approximately a year ago he was trying to compare the Village's zoning map with the Village Code text regarding zoning districts. He said the Village Code makes a lot of references to old account numbers and old tax map identification numbers and former property owners' names. This is difficult to make sense of and outdated. He also found a couple of errors on the zoning map last updated prior to his arrival. Therefore, upon recommendation of CGR (Center for Governmental Research), he and Clerk Morelli contracted Bergmann Associates to update the zoning map and street map. He and the Code Review Committee reviewed the related code text and recommend that much of it be deleted. The Village Attorney reviewed it and gave it the thumbs up. Clerk Morelli shared that the street map was upgraded to include municipal buildings, parks and playgrounds, historic designations and particular points of interest. The zoning map includes the last zoning change adopted by the Village Board of property on East Avenue to Planned Unit Development (Sunflower Landing). Once adopted, both maps will be posted on the Village website and copies will be available at Village Hall. She said some minor changes were made since the first draft maps were put out a few months ago.

Public Comment:

Jim Hamlin of 50 Park Avenue commented that the Planned Unit Development districts are also Q districts and are subject to certain zoning regulations such as setbacks. He suggested that be indicated.

Trustee Wagenhauser said Q district gives the Planning Board greater ability to tailor the Planned Unit Development zoning. S. Zarnstorff asked how that is tied to the map. Trustee Wagenhauser said the Board can postpone adoption this evening in order to confer with counsel on this question.

Joan Hamlin asked what Clerk Morelli referred to when she said changes were made. Clerk Morelli said she was not referring to adding Remembrance Park and section one of Sunflower Landing and section two of McCormick Place.

➔ At 8:20pm Trustee Maziarz moved, Trustee Castaneda seconded, unanimously carried to close the public hearing to amend Chapter 58 Article II of Village Code re section 58-4, 5, 6 and to adopt the Village's official maps and re-open the regular meeting.

Board discussion:

Trustee Maziarz said she was a member of the ZBA when Village Center Apartments (222 Main Street) made application. She said that parcel has a split zoning. She said it was left as such because the Village Board would have had to change the zoning. She asked if this should be done now to tidy up the zoning map. S. Zarnstorff said there is no advantage of doing so. Clerk Morelli said that could not be folded into this notice and public hearing and would have to be published separately as a proposed zoning change.

➔ At 8:25pm Trustee Wagenhauser moved, Trustee Castaneda seconded, unanimously carried to close the regular meeting and open the public hearing to establish real property tax exemptions for capital improvements to residential property – one and two family dwellings.

Trustee Wagenhauser shared that the intent of the proposed legislation is to encourage property owners to make improvements to one and two-family houses, to improve the quality of housing in the community, and to preserve and expand the tax base of the Village of Brockport. He said property owners would not be immediately “punished” by the increase in assessment that qualifying improvements would cause. An example would be installing a fence valued at \$10,000. The first year that would be no affect on assessment, as it would receive 100% exemption. The second year it would receive 87.5% exemption and so on in increments of 12.5% through year 8. This is on an application basis to the Assessor. It is a simple 2-page application. The property must not have code violations or be sold to non-heirs within the 8-year exemption period or the exemption is lost. This exemption does not affect assessment changes other than the applied for improvement. The home does not have to be owner occupied. This is optional.

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Public comment:

Carol Hannan of 292 Main Street said she read through the proposal and asked if it applies to boarding houses. Trustee Wagenhauser said it applies to one and two-family homes only. C. Hannan asked if it applies to rental houses. Trustee Wagenhauser re-iterated that it does, as the property does not have to be owner occupied. C. Hannan asked if there is an income limit. Trustee Wagenhauser said no. C. Hannan said she does not feel it is appropriate for taxpayers to carry the load for landlords or millionaires to get an exemption for improving their property. She wondered if the Village could afford to do so when last year a merchant took up a collection to pay for DPW labor to water the flowers on the weekends. She said if the Village wants to help, it should create an exemption for those that are impoverished. Mayor Wexler said there is an income based tax exemption for senior citizens already in place. Mayor Wexler said certain improvements to single and two-family homes would benefit the entire Village. C. Hannan said she would be more apt to be in favor of a tax exemption to turn some of the rental properties back into single-family homes. The focus should be on encouraging families to buy and improve homes. Trustee Wagenhauser said that might happen over time through opportunities such as this. He said the Village cannot make up an exemption, but can adopt exemptions as laid out by New York State. Trustee Wagenhauser said this is not intended as a landlord initiative. C. Hannan suggested the Village provide an incentive to landlords to turn their rental properties back to family owned single-family homes. She said the Board needs to look to the long-term viability of the Village. Trustee Wagenhauser said he is not even sure some landlords would take advantage of this exemption. C. Hannan said many rentals are well maintained, but a few landlords are a problem. She suggested the Board consider whom this will really benefit and the cost to the Village.

➔ At 8:38pm Trustee Castaneda moved, Trustee Maziarz seconded, unanimously carried to close the public hearing to establish real property tax exemptions for capital improvements to residential property – one and two family dwellings and re-open the regular meeting.

E. VILLAGE MANAGER / TREASURER - Ian M. Coyle

1. Approval of Main Street Engineering Services Proposal – Manager Coyle referred to the revised proposal from Chatfield Engineers for Engineering Services for the Main Street water and sanitary sewer replacement project. The project involves the replacement of approximately 3,590 LF of 6 – 12” water main, fire hydrants, water services, valves and miscellaneous appurtenances and replacement of approximately 5,370 LF of 8 – 16” sanitary sewer, sanitary sewer laterals, manholes and other miscellaneous items.

Trustee Castañeda asked Manager Coyle if there is a tax increase per household estimate. Manager Coyle said that is still to be determined since there are many factors. There will be an additional line item for debt service. He reminded the Board that 2008 is the last debt service payment for the Seymour Library. Mayor Wexler said there is possible grant funding. Manager Coyle concurred and shared that any grant funding would be taken off the total debt service costs to reduce the annual payment.

Trustee Castañeda shared that she spoke to John Wilson, the Mayor of Orchard Park at the Main Street conference she attended recently who indicated that they recently had a NYSDOT rehabilitation project. He said DOT covered these costs since it was in their right of way and they were not making betterments. Trustee Maziarz asked if they have their own water. Trustee Castañeda said she did not know but said they are willing to share their information. Trustee Maziarz said Orchard Park is on the Main Street Rehabilitation Committee’s list to contact.

- ➔ Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried to approve the revised Main Street Engineering Services proposal as provided by Chatfield Engineers.
- 2. Approval of Main Street Bond Counsel Contract – Manager Coyle referred to the proposal from Timothy R. McGill, Esq. for bond counsel services.

Trustee Maziarz suggested that the letter of agreement specify an hourly rate per service should there be extenuating circumstances that need coverage. Trustee Heyen agreed that it would be wise to attach an hourly fee so that it is known ahead of time. Trustee Maziarz said a blanket agreement may be commonplace elsewhere, but the Village of Brockport is somewhat shell-shocked by special attorney fees. Manager Coyle said he would have that included in the agreement. However, it does not need to delay approval.

- ➔ Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried to approve the bond counsel contract with Timothy R. McGill, Esq.

3. SEQR Declaration – Main Street Rehabilitation Project -

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

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RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) procedures, the Village Board of the Village of Brockport hereby expresses its intent to serve as lead agency to comply with SEQR. In accord with the likelihood that the Village Board will serve as lead agent, the Board has prepared an environmental assessment of the significance of and potential impact of the Main Street Water Main and Sanitary Sewer Replacement Project.

WHEREAS the Village of Brockport intends to complete the Main Street Water Main and Sanitary Sewer Replacement Project, prior to the anticipated re-construction of NYS Route 19 (Main Street).

WHEREAS the proposed improvements will be completed within the NYS Department of Transportation (NYSDOT) right-of-way. The project area is located on Main Street within the Village of Brockport from the south Village line to the north Village line (West/East Avenue), and consist of the following improvements:

- Replacement of approximately 5,370 linear feet of 8” – 16” sanitary sewer.
- Replacement of sanitary sewer laterals to the right-of-way.
- Replacement of sanitary sewer manholes, frames and covers.
- Replacement of approximately 5,000 linear feet of 8” – 12” water main.
- Replacement of water services to the right-of-way.
- Replacement of valves, fire hydrants and appurtenances.

RESOLVED, that the Village Board hereby accepts the Environmental Assessment of this project, prepared by Chatfield Engineers, P.C. The Village Board further declares that, based on the Environmental Assessment, it finds that the project will result in no significant adverse impacts to the environment. The Village Board hereby authorizes Chatfield Engineers, P.C. to complete the coordinated review process on behalf of the Village of Brockport in accordance with 6 NYCRR Part 617 SEQR Regulations.

- 4. Summer Serenades – Manager Coyle reported that the Village received notice today of a successful grant application and will be awarded \$2,000 towards the Summer Serenades program. This is through the Rochester Area Community Foundation, which is a community enrichment fund. The award is from an anonymous donor.

→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried to accept the grant and thank the Rochester Area Community Foundation and its anonymous donor.

F. CLERK - Leslie A. Morelli – no report

G. ATTORNEY – Raja N. Sekharan / DEPUTY ATTORNEY – Frank A. Aloï

**SUPPORT BOARDS REPORTS:**

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

**VILLAGE BOARD REPORTS:**

- A. Trustee Maziarz
  - 1. Main Street Rehabilitation Committee – Trustee Maziarz shared that through the marketing subcommittee a merchant donated a display case to the Welcome Center to rotate a display of items and goods from downtown merchants as a point of advertising. This subcommittee is also planning a Taste of Brockport event. The Rehabilitation Committee is reviewing NYSDOT design concepts and Fred Perrine will discuss material options and design elements at the next meeting.
  - 2. NYCOM Main Street Conference – Trustee Maziarz reported that this was a worthwhile conference with relevant subject matter on designing new centers, creating community, dealing with neglected properties, brownfields, linking downtown to the community, colleges as a force for economic development and the like. She said private colleges and universities can do amazing things for a community. Unfortunately, this is not the case with state colleges. However, there are areas that can be worked on with SUNY.
- B. Trustee Wagenhauser
  - 1. Mulch – Trustee Wagenhauser reminded everyone that free mulch from DPW brush grinding is available at the designated site on East Avenue. He said he is thankful it is not red.

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- 2. Rooster – Trustee Wagenhauser shared that the Village had received a complaint of a rooster being harbored at a residence on Morgan Court. (Farm animals are not allowed per Village Code.) The owner relocated the rooster out of the Village.
- 3. Proposed Tax Exemption – Trustee Wagenhauser referred to the proposed tax exemption discussed at previous meetings and at the public hearing earlier this evening. This is part of a housing revitalization initiative to improve the Village’s neighborhoods and quality of life as well as eventually raise the tax base. He stated that this was neither meant for or against landlords or non-landlords. He realizes this will not transform the Village overnight. However, it is a piece of the puzzle for revitalization over a number of years. He said the first part of the initiative was to pair those in need such as seniors and disabled with volunteers to make some improvements to their properties such as clean up, painting, weeding, raking and the like. The proposed tax exemption for single and two family homes is to help property owners improve their properties without being punished financially through assessment right away. Trustee Wagenhauser said improving properties could be infectious like the saying “Keeping up with the Jones’.” He said it would be wonderful if the improvements encouraged people to purchase and transform multi-family homes back into single-family homes.

Trustee Castañeda said it is important to reinforce that this is voluntary and optional. She said she hopes property owners take advantage of it. She said she also likes the idea of volunteers helping seniors in our community with things they have trouble keeping up with. She commended Trustee Wagenhauser for his work on this.

Trustee Heyen also commended Trustee Wagenhauser on his work and said this is a great beginning to plant the seeds for revitalizing our neighborhoods. She said if real estate agents are made aware of the tax exemption for improvements it might encourage potential buyers.

Mayor Wexler also commended Trustee Wagenhauser. He said years from now this would still be a college town with a mixture of residential and rental properties. He said this initiative is for the betterment of the community and everyone benefits whether directly or indirectly. He said he hopes it is well taken advantage of.

→ Trustee Wagenhauser moved, Trustee Castañeda seconded, unanimously carried to establish a real property tax exemption for capital improvements to residential property – one and two family dwellings and label it as Local Law #1 of 2007.

- C. Trustee Heyen
  - 1. Benches – Trustee Heyen reported that 5 new benches have been installed on the North side of the Canal between Main Street and Park Avenue. These were purchased from grant funding obtained through Assemblyman Reilich. She recommended that if we haven’t already done so, that a letter of thanks be sent.
  - 2. Mulch – Trustee Heyen thanked the DPW for the mulch, expressed that she is also thankful it is not red in color and said the cost of grinding was shared with the Town of Sweden.
  - 3. Parks – Trustee Heyen reported that she and Trustee Castañeda met with the Parks Committee and DPW Superintendent Donahue on May 14<sup>th</sup> and surveyed the parks and determined their needs. They will meet again this week to create a priority list and discuss

recommendations received regarding Barry Street Park and fencing.

Trustee Heyen reported that 24 junior high school students helped in many places through a grant they received including the canal between Park Avenue and Main Street and Evergreen Park. She said a few years back the Village was fortunate to have Gary Thomas' son do some improvements to Evergreen Park for his Eagle Scout project. She said they have been maintaining the canal bank since then. She said she and a neighbor dug out many of her day lilies and they were planted and mulched on this bank. She thanked DPW and the volunteers for their help.

Trustee Heyen that flowers were planted today at Harvester Park and it is to be mulched this week.

- 4. Personnel Committee – Trustee Heyen reported that she and members of the Personnel Committee (Manager Coyle, Clerk Morelli and Deputy Clerk Coopenberg) meet once or twice each month. Besides working on proposed updates to the Employee Handbook, they have completed the proposed travel policy and it has been reviewed by Department Heads and is ready to go to the Village Board for review and adoption. The Travel Policy and the Workplace Violence Prevention Policy that was adopted recently will be incorporated into the Employee Handbook.

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- 5. NIMS (National Incident Management System) – Trustee Heyen reported that she and Mayor Wexler received training and passed their NIMS test recently.
- 6. Boards / Committees Selection Process / Terms – Trustee Heyen reminded the Board that there are a few Boards / Committees that need Village Board confirmation regarding terms. These include the Parks Committee, Tree Board and Board of Ethics.
- 7. Chapter 13 Code of Ethics – Trustee Heyen said she is ready to make a motion that the amendments to Village Code Chapter 13 regarding the Code of Ethics and Board of Ethics be approved. Clerk Morelli read the text as follows:

**13-14 Gifts and favors from persons, and those interested in dealings with village**

No **public** officer, employee of the Village of Brockport, **nor immediate family member thereof**, whether paid or unpaid, shall accept any gift or gratuity, whether in the form of services, **travel, entertainment, hospitality**, loan or any promise, benefit, **or reward** of any kind, from any person, firm, **entity**, or corporation, which is interested directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the village or agency thereof, **even if the intention is innocent. It is understood public officers must avoid the appearance of impropriety.**

The **bolded** text modifies the original Village Code

[Existing 13-25, 13-28, and 13-29 shall be repealed, and are replaced with the following 13-25]

13-25. Creation of Board; membership; advisory opinions; rules and regulations.

- A. Membership. There is hereby established a Board of Ethics consisting of (5) members to be appointed by the Board of Trustees, all of whom shall serve without compensation and at the pleasure of the Board of Trustees of the Village of Brockport. Four of such members shall be persons other than village officers or employees, or members of other Village Boards. These members must live within the Village and shall have voting rights. One member shall be a village employee of the Village of Brockport. This Village employee shall be a non-voting member and need not live within the Village. The Board of Trustees of the Village of Brockport are ineligible to serve as voting members of the Board of Ethics, or as observers or advisors to the Board of Ethics. Vacancies on the Board of Ethics shall be filled by the Board of Trustees as soon as practically feasible.
- B. Advisory opinions. The Board of Ethics established hereunder shall render advisory opinions to village officers or employees on written request and/or upon written request of the Board of Trustees of the Village of Brockport; in addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon request of the Board of Trustees. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the village officer or employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Village Attorney.

- C. Rules and regulations. Such Board of Ethics upon its formation shall promulgate its own rules and regulations as to its form and procedures (subject to Village Board approval) and shall maintain appropriate records of its opinions and proceedings.

[existing 13-26 is restated as presently numbered with no changes]

[existing 13-27 is restated as presently numbered with no changes]

[existing 13-30 is restated as 13-28]

[existing 13-31 is restated as 13-29]

Mayor Wexler said his only concern with the proposed amendment regarding gifts and favors is that a dollar amount be specified. He gave an example of a delivery of a tray of cookies or box of candy to an official at holiday time or being asked to join someone for a “sarsaparilla” and chicken wings after a meeting. He said an official might not be aware if the person has an issue or application before a Board.

Trustee Heyen said at the Federal level, any goodies received such as cookies were left out for the public to enjoy. Regarding going out for a drink or a meal, she suggested that the official use common sense and pay his or her own way and let someone else pick up the tab. She said even if the intention is innocent, officials should hold themselves to a high standard. Trustee Heyen said she understands that an event like the Fire Department banquet is different.

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Trustee Castañeda asked Trustee Heyen if she attended the recent SUNY Brockport President’s Donor Recognition Dinner? Trustee Heyen said she did. Trustee Castañeda asked Trustee Heyen if she had made a donation, as her name was not in the program. Trustee Heyen said she saw in the program that Trustee Castañeda donated. A certain donation level provided recognition in the program. Trustee Heyen said she is a 1962 graduate and has worked as an alumnus on fundraising and donated in many capacities for many years. She said her donations are personal and she was surprised to be asked the same questions in public that Trustee Castañeda had already asked her in private. Trustee Heyen said it was unnecessary to bring this up in a public forum. Trustee Castañeda said she is just looking for consistency on officials receiving gifts such as a ticket to an event. She said the Village is not supposed to make gifts of donations to private entities. She said that’s why she has been opposed to sponsoring funds for the Brockport Merchants Association Sidewalk Sale and the Western Monroe Historical Society’s Fourth of July event.

Manager Coyle provided an example of the last couple of years the Village receiving sponsorship from various vendors for the Summer Serenades concert series. He said he and the Board examined the effort and decided not to seek business donations due to potential conflicts. Instead, the Village sought grant support this year and did not solicit or accept sponsorship.

→ Trustee Heyen moved, Trustee Wagenhauser seconded, Mayor Wexler opposed, carried to amend Chapter 13 of the Village Code regarding the Code of Ethics and Board of Ethics and label it as Local Law #2 of 2007.

D. Trustee / Vice Mayor Castañeda

1. Village Advisory Committee – Trustee Castañeda reported that the Village Advisory Committee met May 9<sup>th</sup>. Member Scott Hunsinger is working on creating a neighborhood inventory sheet that will be used to list the needs and concerns of each street. The committee will also help with the NYSDOT pedestrian generator survey. The next meeting is June 19<sup>th</sup>.
2. Parks Committee – Trustee Castañeda reported that she attended the May 14<sup>th</sup> Parks Committee meeting. She thanked H. Donahue for attending. Besides the great volunteer efforts at Evergreen Park that Trustee Heyen mentioned, she said some Girl Scouts planted flowers at the Barry Street Park. She reported that vandals set a piece of equipment at the Utica Park on fire. She suggested that park rules be established and placed on the website.
3. Main Street Economic Development Conference – Trustee Castañeda reported that she attended the Main Street Conference as did Trustee Maziarz and two Main Street Rehabilitation Committee members. She said it was informative and rewarding to meet other officials who are faced with similar issues. She said it confirmed that we don’t need to re-invent the wheel but that we must have strong collaboration from all stakeholders in the community. She said having a vision is vital and Manager Coyle has recommended a flexible strategic plan. Trustee Castañeda said she wants to work to make that a reality.
4. Main Street Rehabilitation Committee – Trustee Castañeda reported that she attended the May 19<sup>th</sup> marketing subcommittee meeting. She congratulated Kathy Halstead, the new GBDC President. She said she hopes the GBDC can work towards serving as the chief

economic development arm.

5. Main Street Closures – Trustee Castañeda shared that she plans to solicit feedback from downtown merchants regarding the recent and coming Main Street closures for various events and its impact on their businesses.

E. Mayor Wexler

1. Adopt Bienvenida Proclamation – Mayor Wexler read the following proclamation and asked for its adoption.

➔ Trustee Castaneda moved, Trustee Heyen seconded, unanimously carried to adopt the following proclamation.

#### PROCLAMATION

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

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

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

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

NOW THEREFORE, The Village of Brockport Board of Trustees designates the week of June 17<sup>th</sup> – June 24<sup>th</sup> as a week of recognition of the presence and contributions of our local farms and farm works, and proclaims Sunday, June 24<sup>th</sup> as a Day of Welcome to the migrant farm workers.

ADOPTED by unanimous vote of the Brockport Village Board on May 21, 2007.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Corporate Seal of the Village of Brockport to be affixed this day, May 21, 2007.

2. Request for Recreation to use Corbett Park tennis courts – Mayor Wexler referred to the request of Sweden-Clarkson Recreation to use the tennis courts at Corbett Park for several youth programs including instructional tennis, tennis clinic and an adult league. The dates requested are June 21<sup>st</sup>, June 28<sup>th</sup>, July 5<sup>th</sup>, July 12<sup>th</sup>, July 19<sup>th</sup>, July 26<sup>th</sup>, August 2<sup>nd</sup> and August 9<sup>th</sup> at 6:30pm and June 25<sup>th</sup>, July 2<sup>nd</sup>, July 9<sup>th</sup>, July 16<sup>th</sup>, July 23<sup>rd</sup> and July 30<sup>th</sup> from 5:30pm – 6:30pm and August 6<sup>th</sup> – August 9<sup>th</sup> from 9:30am – 11:30am.

Trustee Heyen recommended that they display signage to let park-goers know.

Superintendent Donahue said he thinks they have done so in the past. Clerk Morelli said she would also place a notice on the website.

➔ Trustee Maziarz moved, Trustee Castaneda seconded, unanimously carried approving the request.

3. Accept Village Advisory Committee Resignations: Sharon Kehoe, Josephine Matela – Mayor Wexler referred to the resignation letters submitted by Sharon Kehoe and Josephine Matela.

➔ Trustee Castaneda moved, Trustee Maziarz seconded, unanimously carried to accept the resignations of Sharon Kehoe and Josephine Matela from the Village Advisory Committee with regret.

4. Accept Code Review Committee Resignation: Mary Jo Nayman – Mayor Wexler shared that the Village had received a verbal resignation from Mary Jo Nayman.

➔ Trustee Wagenhauser moved, Trustee Maziarz seconded, unanimously carried to accept the resignation of Mary Jo Nayman from the Code Review Committee.

5. Appoint to fill vacancy on Historic Preservation Board – Mayor Wexler referred to the application submitted by David Markham and commented that Bill Andrews of the Historic Preservation Board endorses such.

➔ Trustee Wagenhauser moved, Trustee Heyen seconded, unanimously carried to appoint David Markham to the Historic Preservation Board to complete a term to June 30, 2009.

- 6. Appoint to Welcome Center Greeter program – Mayor Wexler referred to the application submitted by Susan Edmonds and commented that Bill Andrews who leads the Welcome Center Greeter Program endorses such.
- ➔ Trustee Maziarz moved, Trustee Castaneda seconded, unanimously carried to appoint Susan Edmonds as a Canal front Greeter.
- 7. Miscellaneous – Mayor Wexler shared that members of the Brockport High School baseball team will be performing community service by painting the asphalt trail between Park Avenue and Main Street. He thanked Superintendent Donahue for canceling due to weather. A rain date has been set for June 3<sup>rd</sup>. Mayor Wexler shared that L. Vaughan recently attended a FLBOA (Finger Lakes Building Officials Conference) and provided a copy of his certification of attendance. (S. Zarnstorff attended same.)

**PUBLIC COMMENT:** None

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**AUDIT:**

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

	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
<u>Village</u>	5/7/07	175200	45.76
	5/15/07	175207-175210	2,766.23
	5/21/07	175230-175285	43,657.26
<u>Fire</u>	5/14/07	175205	110.00
	5/15/07	175212	2,247.68
	5/21/07	175213-175229	11,375.30
<u>Third Party Billing</u>	5/21/07	1005-1017	13,188.91
	5/21/07	1018-1021	277.48
<u>Capital Projects</u>	5/21/07	2085-2086	7,695.36
<u>Water</u>	5/15/07	1719-1720	37,564.94
	5/17/07	1721	26.37
	5/21/07	1722-1729	2,411.98
<u>Sewer</u>	5/21/07	1092-1093	38,539.33

**ADJOURNMENT:**

- ➔ Trustee Maziarz moved, Trustee Wagenhauser seconded, unanimously carried that the meeting be adjourned at 9:45pm.

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Leslie Ann Morelli, Village Clerk