

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, August 21, 2006 at 7:00pm.

PRESENT: Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee Carrie L. Maziarz, Trustee David J. Wagenhauser, Trustee Hannelore G. Heyen, Building/Zoning Officer Scott C. Zarnstorff, Clerk Leslie A. Morelli.

EXCUSED: DPW Superintendent Harry G. Donahue, Police Chief Daniel P. Varrenti, Treasurer / Village Manager Ian M. Coyle

ALSO PRESENT: Fire Chief Laurence C. Vaughan, Deputy Village Attorney Frank A. Aloï, Norm Frisch, John Lessord, Bob Canham, Chuck Switzer, Frank Guidice, Norm GianCursio, Christine Hamlin, Barb Deming, Rosario Rangel, Patricia Kutz, Mary Jo Nayman, Jim Sutton, Kathy Snyder, Fred Webster

CALL TO ORDER: Mayor Wexler called the meeting to order and led the Pledge of Allegiance. Mayor Wexler said his prayers are with Chief Varrenti whose niece was in a serious motor vehicle accident and with Trustee Wagenhauser whose mother is in the hospital.

REVIEW OF MEETING MINUTES: Mayor Wexler called for any additions or corrections to the minutes of the regular meeting held July 17, 2006 and the workshop meeting held August 7, 2006.

- ➔ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried that the minutes of the meeting held July 17, 2006, be approved as written.
- ➔ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried that the minutes of the workshop meeting held August 7, 2006 be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT: None

GUESTS:

1. Norm Frisch – Septemberfest – Saturday, 9/9 10am – 4pm – N. Frisch announced the 4th annual Septemberfest. He said 4 churches are now involved. He asked permission to again use the small stretch of Erie Street from Main Street to Lincoln Street from 8am to 5pm. This would include time to set up and tear down.

Trustee Wagenhauser asked if they would use Sagawa Park again. N. Frisch said yes. He has filed a facilities use application with the Village Clerk for use of Sagawa Park and provided a certificate of insurance. Clerk Morelli confirmed. Trustee Maziarz mentioned that this is the same day as the Morgan Manning Peddlers Market and the Operation Patriot Motorcycle stop at the memorial monument.

→ Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried authorizing the closure of Erie Street from Main Street to Lincoln Street from 8am to 5pm on Saturday, September 9th.

2. Michael Brennan / Rosario Rangel / Barbara Deming – Harvesting Hope for Farm workers Procession – Saturday, 9/16 9am – Noon – R. Rangel distributed brochures and B. Deming asked for approval to hold a fundraising walk on Saturday, September 16th to raise funds for emergency purposes for farm workers such as providing housing when an injured worker is released from the hospital. She said they will begin with bagels and orange juice at 9am at the Oak Orchard Community Health Center at 300 West Avenue in Clarkson, walk their proposed route in the Village and return to OCHC when done by noon. There will be walk organizers in bright tunics in the front and rear. They are hoping for at least 2 to 4 dozen participants. They will provide a certificate of insurance like they do for Bienvenida.

Trustee Wagenhauser asked if the walkers are accepting sponsors. B. Deming said yes and welcomed any sponsorship or participation from the Board. Trustee Castañeda wished them luck.

→ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried approving the procession license.

3. SUNY Brockport – Procession 5K Run/Walk – Sunday, 10/1 10am – Noon – Clerk Morelli reviewed the annual application. The Board previously approved the parade license for the homecoming / family weekend parade on September 30th. The application is the same as past years. Sidewalks will be used where available.

Trustee Heyen commented that she would have liked the applicant or a representative to be at the meeting so that any questions could be answered. Clerk Morelli said that she encourages the applicant to attend if they are able, but the Board has never required it. Board agreed to require the applicant's attendance when feasible for (parades/processions, sidewalk use, hawking & peddling/ street closures) to represent the application in the future.

→ Trustee Maziarz moved, Mayor Wexler seconded, unanimously carried approving this procession license.

4. Flowering Water Donations – Pat Kutz of Lift Bridge Book Shop presented the Village with another \$765 for the cost of having DPW labor water the hanging flower baskets in the downtown commercial district on weekends. The total raised equals \$2,086. She said Arjuna Florist gave the Village a good deal on the flowers and Bill Andrews helped solicit donations towards weekend watering. She thanked the Board and said the public-private partnership worked well, but she hopes in the future it is planned out so it is not presented as a band-aid solution to a problem. Trustee Castañeda encouraged her to take up this collection again next year.
5. Charles Switzer RGRTA & Frank Guidice SUNY BSG – Brockport Public Bus Service – C. Switzer of the Regional Greater Rochester Transit Authority (and Village resident and Planning Board member) and SUNY Brockport Student Government Representative Frank Guidice were in attendance to share information about the new Brockport Public Bus Service run by Orleans Transit Service (OTS) which is part of RGRTA – an authority that encompasses 7 counties.

C. Switzer said RGRTA has partnered with SUNY Brockport's BSG to provide public transportation services. In doing so, it opens it up to anyone, not just those affiliated with the College. There will be 6 fixed routes. Route 10: Campus / Village shuttle. Route 11: Campus / Main Street shuttle. Route 12: Albion / Brockport / East End. Route 14: Albion / Brockport / Greece Ridge Center. Route 15: Albion / Brockport / Marketplace Mall. Route 16: Albion / Brockport / Airport / Amtrak / Midtown. He distributed copies of a power point presentation and copies of the bus schedule with details on each of the routes. He shared that the Brockport community will benefit by: expanded public routes being open to the general public, improved service to senior living facilities and shopping, affordable, reliable. There will be 50 bus stops throughout the Village and around the campus. It is free to SUNY students through their BSG fee. Public Routes 10 & 11 fees: adults are \$1, seniors/disabled/children 6-12 years are .50 and children under 6 accompanied by an adult are free. Public Route 3 fees: Adults are \$3, seniors/disabled/children 6-12 years are \$1.50 and children under 6 accompanied by an adult are free.

C. Switzer shared that customers are able to go to their web site or to kiosks around town for information on the best route to their destinations. Trip planner service begins September 11th. There will be customer information displays on the busiest routes to provide real-time information on bus arrival times. A newly designed web site allows customers to log on and know the actual arrival time of their buses. Schedules will be available on their website, at Village Hall, Town Hall and SUNY campus.

Trustee Maziarz suggested schedules also be made available at the Welcome Center. Trustee Wagenhauser suggested schedules also be made at the Sweden Senior Center. Trustee Maziarz asked if the buses have bicycle racks on them. C. Switzer said they would be next spring. He also said if the service becomes really popular they will expand the stops. Trustee Wagenhauser said he is all for encouraging the students to come downtown and spend money. However, he said the former BSG shuttle bus would often let students off in the middle of a residential neighborhood late at night after the bars closed. This could get rather noisy and boisterous. C. Switzer said this bus will only stop at posted bus stops and will head directly back to campus late weekend nights. Trustee Heyen asked the bus capacity. C. Switzer said 15 until there is a greater need. Trustee Heyen suggested the Village include this information in its next newsletter and create a link from our website. Trustee Maziarz asked C. Switzer to thank RGRTA for creating such a great service for all. She said she hope it is advertised well and utilized often. Trustee Castañeda agreed.

EXECUTIVE SESSION:

Bob Canham asked why the Board needed to enter executive session so early in the meeting and asked if as a courtesy to those members of the public in attendance, they could conduct executive session after the regular meeting has concluded. Mayor Wexler said they do so when they can, but when an attorney is involved and is on the clock, they try to save the taxpayers money.

At 7:40pm Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried that the

Board of Trustees of the Village of Brockport enter into an executive session to discuss pending litigation (Webster case).

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At 8:45pm Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried that the Board of Trustees of the Village of Brockport exit executive session and re-enter the regular meeting.

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

Leslie Ann Morelli, Village Clerk

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
 - 1. Off Campus Student Rental Housing – S. Zarnstorff shared that he plans to do his annual information blitz to off campus student rental housing on Sunday, September 10th beginning at 1pm. He, L. Vaughan, various Fire Explorers and Police Explorers will meet at the Market Street fire hall at noon for a light lunch and instructions. He invited any available elected officials to help. Trustees Maziarz, Heyen and Castañeda indicated a willingness to help.
- D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Laurence C. Vaughan
 - 1. Membership Adds/Drops/Transfers – Chief Vaughan asked the Board to consider approving the following drops from Explorers: Derrick Stovie, Amanda Hoy and Cody Dean from Explorers, but add to Fire and Ambulance, drop: Aaron Biscaro, Michael Pratt, Timothy Barber, Charles Connors the following adds: Kyle Boyst to fire, Kenneth Neville to fire and ambulance.

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried approving the previously mentioned drops and adds.

- 2. Call Load – Chief Vaughan reported 543 fire incidents year to date and 1108 EMS calls year to date for a total of 1,651 calls on the year. He said they are averaging 6.5 calls per day.
- 3. Authorize Hiring of Daniel Weatherbee as EMT – Chief Vaughan referred to a memo from Career Staff Administrator Noltee and asked for Board authorization to hire Daniel Weatherbee as a basic EMT for the paid staff.

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried authorizing the hiring of Daniel Weatherbee as basic EMT with a starting wage of \$12.38 per hour pending confirmation of placement on the Civil Service list.

- 4. National Night Out – Chief Vaughan said they are working with the Police Department to re-schedule the National Night Out activities. He said they made a good call to cancel it due to the extreme heat. However, a lot of planning goes into the event.
- 5. SUNY Drill – Chief Vaughan reported that the large-scale drill at SUNY Brockport’s Mortimer Hall on July 23rd went very well. About 125 firefighters from Brockport and our neighboring departments participated.
- 6. Consolidation – Chief Vaughan reported that consolidation plans continue to move forward. They have a ballot of candidates in place for the election on September 5th. The application process is just about complete, and they will have the list for Board approval either on September 5th or September 18th. The transfer of authority from the Chief to the President should take place on September 21st. There will be a small reception following the ceremony.
- 7. Hose – Chief Vaughan shared that Bergen accepted Brockport’s bid on the hose and they are in the process of making arrangements to pick it up and store away the old hose.
- 8. Steamer Display – Chief Vaughan shared that the July 29th trip to Friendship, NY with the antique steamer was a very nice affair. Their restoration project was nicely done. They had a team of horses draw the steamer. Chief Vaughan thanked the Board for granting approval to go.
- 9. Grant Funding – Chief Vaughan said they just learned they will be receiving \$6,790 on a

member initiative grant from Assemblyman Reilich towards the purchase of two power rescue saws and two complete sets of turnout gear and accessories. They are pleased with the continued relationship they have with the Assemblyman and his staff. He said it also speaks volumes for his respect for this community and its leaders.

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Mayor Wexler shared that he has sent thanks to Assemblyman Reilich for this and for the \$6,800 funding for the Brockport Police Department.

10. Spencerport Fire Department – Chief Vaughan referred to the fire at the Lyell Road fire station in Spencerport. He said Brockport offered as much support as possible. We had a pumper and crew staged at the Spencerport Bowl from 3:40am to 10am Friday morning to cover calls in their district. Relief efforts are usually organized by the County Fire Bureau and the County Fire Coordinators. However, before the fire was even under control, plans were being made for coverage, equipment and relief. Prior to the Mayor calling and stating his support for offering anything Spencerport needed, we were inventorying our on hand turnout gear, were on alert for use of our gear washer, and knew we would probably be one of the overnight fill-in crews from Friday night until Saturday morning. We are also on automatic mutual assistance for calls on the West side of their district until further notice.
11. Operation Patriot Motorcycle Ride – Chief Vaughan reminded the Board of last year’s ride by the monument down Main Street. This year, on Saturday, September 9th, they have requested not only to ride by, but also to stop at the memorial monument for a short service. This would be the highlight of the 80-mile ride. Chief Vaughan said he stated that he would need the blessing of the Village Board to close Main Street between Park Avenue and Monroe Avenue from noon to 1pm on that day. Then they would proceed with more in-depth planning for resident and business notification and traffic control. They have a preliminary incident management plan in place that will be modified to insure all situations will be covered.

Trustee Wagenhauser asked how far down Main Street would really be necessary to shut down. Chief Vaughan said if they shut down Main Street from Park Avenue/Adams Street to College Street/South Street they should be fine. Trustee Castañeda asked if the motorcycles could utilize Park Avenue instead of Main Street. Chief Vaughan explained that maneuvering them that way would have more impact partly because Park Avenue is not as wide and has more houses.

Trustee Maziarz mentioned that the weekend of September 9th and 10th are pretty busy with the Peddler’s Market, Septemberfest, Farmer’s Market and dedication of the art sculpture at Remembrance Park. Chief Vaughan said they would notify the local papers and hand deliver notice to the residences and businesses that will be impacted.

→ Trustee Maziarz moved, Trustee Wagenhauser seconded, unanimously carried authorizing the closing of Main Street between Park Avenue / Adams Street and South Street on Saturday, September 9th from approximately Noon to 1pm.

12. Station #4 Fire Alarm System – Chief Vaughan said they are making progress on the replacement of the fire alarm system at Fire Station #4. They estimate delivery of parts and installation in 7 to 10 days with hopes that the system will be back on line in 4 weeks. Until then, Pumper 234 will be housed at Station #1.

E. TREASURER / VILLAGE MANAGER - Ian M. Coyle (excused)

1. Year End budgetary transfers – In Manager Coyle’s absence, Trustee Maziarz asked the Board to authorize the year end budgetary changes he provided.

→ Trustee Wagenhauser moved, Trustee Castañeda seconded, unanimously carried authorizing the budgetary changes as outlined in Manager Coyle’s document.

2. Appoint Bernard Donegan, Inc. municipal financial services consultant of record – Trustee Maziarz asked the Board to authorize the Mayor to sign the agreement making Bernard Donegan, Inc. the Village’s municipal financial services consultant of record. This is in connection with the proposed approximate \$3,000,000 Route 19 Water and Sewer Line Replacement Improvements Capital Project. Trustee Maziarz said I. Coyle previously forwarded the proposal to the Board and that he and Mayor Wexler met with B. Donegan.

Trustee Castañeda said she would like the opportunity to discuss this at a workshop meeting and maybe have B. Donegan attend before approving the agreement. She questioned any time constraints. Trustee Maziarz said the Board already discussed it at a workshop and has had this proposal and a memo from I. Coyle for a couple of weeks.

Mayor Wexler commented that they are the firm the Village employed years ago when it bonded out for the Seymour Library. Mayor Wexler said he was very impressed with him and

that there are lots of funding options. Trustee Heyen asked where the money would come from to pay the consultant. Mayor Wexler said from the bond. Trustee Wagenhauser suggested Trustee Castañeda or any others with questions should contact I. Coyle before the September 5th meeting and be prepared to act on it then. Board agreed.

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3. Authorize Mayor to sign Waste Services Agreement – Trustee Maziarz referred to I. Coyle’s memo indicating that the Village’s disposal service contract is up with Waste Management this month and he has reached out to the other two Village-approved local haulers, Suburban Disposal and Heberle Disposal for quotes on our monthly waste service bill at public works. Suburban Disposal’s quote came in approximately \$180 per month cheaper than our current plan for an annual savings of over \$2,000.

Trustee Heyen commented that it will be a nice savings and commended I. Coyle for doing that work. Trustee Castañeda commented that he is also doing some comparison-shopping regarding banking.

→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried to authorize the Mayor to sign the waste services agreement with Suburban Disposal.

F. CLERK - Leslie A. Morelli (no report)

G. ATTORNEY – / DEPUTY ATTORNEY – Frank A. Aloï

SUPPORT BOARDS REPORTS:

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

VILLAGE BOARD REPORTS:

- A. Trustee Maziarz
 1. SUNY – Trustee Maziarz reminded everyone that students are beginning to arrive and that classes begin August 27th.
 2. Correspondence – Trustee Maziarz asked that two pieces of correspondence be submitted for the record. They include an August 18th e-mail from Annette Locke with a complaint regarding 77 State Street and an August 20th e-mail from Scott Winner with a concern re The Galley Restaurant “Rotten Ross’s Drinkery” as well as lack of follow up on conditions imposed by the Planning Board with several past approvals such as 77 State Street, Merchant Street Smokehouse and Flash’s Tavern. (Letters attached)
 3. Farmers Market – Trustee Maziarz shared that commercial production has begun. Funding did not come through for it from the Fairport Farmers Market, so Senator Maziarz has picked up the entire production cost.
- B. Trustee Wagenhauser
 1. Re-Tool Jack Mazzarella – Trustee Wagenhauser said they will soon be gathering up the donation jars of money and used tools to complete this project. J. Mazzarella secured, repaired and donated 10 bicycles available to be signed out by anyone free of charge at the Welcome Center. Trustee Wagenhauser thanked his wife Laura and daughter Dana for making the sign over the bike rack at the Welcome Center.
 2. Village Attorney Search – Trustee Wagenhauser reported that approximately 12 attorneys applied for the vacancy of part time Village Attorney. He, Manager Coyle and Mayor Wexler interviewed eight of them and have narrowed it down to two. The rest of the Board will be given the opportunity to sit in on callback interviews with the two finalists next week.
- C. Trustee Heyen
 1. Seymour Library – Trustee Heyen reported that she has attended two meetings at the Library. They have had a successful summer program and have been managing without a Library Director or a Children’s Librarian. However, Kelly Deltoro-White has been hired as the new Children’s Librarian. They are still searching for a Director and are working on the budget process that will be shared with the three municipalities.
 2. Personnel Committee – Trustee Heyen reported that the Personnel Committee is working with Amtek Human Resources Consultants to update the employee handbook that was adopted in 2000. Recommended changes will be forwarded to the Board for review and consideration of adoption.

3. Energy Audit – Trustee Heyen mentioned that the Village is having an energy audit conducted of all its buildings. Trustee Castaneda said this is through the NYS Power Authority for cost savings. Trustee Heyen said the representatives visited all Village buildings and will be making recommendations.

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4. Street Closure Requests – Trustee Heyen recommended that the Village implement a process regarding groups requesting streets or sections of streets be closed for events, block parties and the like. She said this is especially important since the Smith Street Bridge is closed to vehicular traffic. A plan needs to be in place that entails when the bridge will be raised or lowered, how to detour traffic around the closing, and that police, fire and ems responders are able to get to and from their destinations with ease. An information packet with application form should be created in which the Department Heads sign off. She said she would like to work with the Department Heads on this.
5. 52 South Avenue - Park Designation – Trustee Heyen said about a decade ago the Village purchased this property and demolished the house due to inhabitability. The DPW has provided the upkeep. Recently, residents of South Avenue and the greater Brockport area petitioned the Board to have it become a park. Trustee Heyen said that while at the recent re-dedication of the clock, Assemblyman Reilich spoke of the importance of preserving history. She said the property at 52 South Avenue and the large copper beach tree are clear examples of saving for our future generations. She said she believes in progress, but in preservation as well. She said parks have a special status under New York State law and it is quite a process to change their status. Trustee Heyen read an excerpt from the NYCOM publication on parks and playgrounds.

→ Trustee Heyen moved, Trustee Maziarz seconded, to dedicate the 1-acre Village property at 52 South Avenue as a public park with preferred status under New York State law. A dedicated public park is impressed with public trust for the benefit of the general public and may not be diverted to other uses either for a period of years or permanently, or alienated without a special act of the State Legislature.

Trustee Castaneda commented that prior to the last Village election the Board decided to keep the parcel as green space and not sell it at this time. However, it left the option of selling it open to a future year or a future Village Board. She agreed that per state law it would be very difficult to undo a park designation. She said she is happy keeping it as green space and not designating it a park. She said it concerns the whole community and wonders if the residents of South Avenue are aware that it would be open to anyone, anytime. She said that Village has several other parks.

Trustee Heyen said the Village can and should erect signage that includes park hours. She said part of the charge of the Parks Committee is to oversee the green spaces and parks, which includes health and safety and quality of life issues. They help to enhance existing parks and create new parks when the opportunity arises. Trustee Heyen said she recently attended the Recreation Center foundation kick off to raise funds for things outside the recreation budget. She said Senator Maziarz, Assemblyman Reilich, County Executive Brooks and County Legislature President Zyra all spoke of the importance of recreational space in communities to enhance quality of life. She asked what better time?

Trustee Wagenhauser clarified that Trustee Heyen is asking that the space go from green space to being designated a park. He said the residents could petition the Board in the future for playground equipment. Trustee Heyen said yes and that usage and signage can and should be looked at with all Village parks. Trustee Wagenhauser commented that it would actually be more flexible as a park than green space. Trustee Heyen said yes because it is protected by a “public trust” and New York State recognizes the need for parks. Trustee Wagenhauser said past Village officials created the other parks at some point. Trustee Heyen said yes and those they enjoy a preferred status.

Trustee Castaneda said the Village Board that purchased, cleared and maintained 52 South Avenue as green space included in their motion that it could be sold at some future date. She said she does not know that changing it to a park is in the best interests of the Village. Trustee Heyen said they would have to agree to disagree.

Mayor Wexler said two-thirds or 66% of the assessed valuation in the Village of Brockport is not taxable. For example, if there were a million dollars of taxable property, approximately \$333,000 would be taxable. Most of these non-taxable properties are college related properties. There are also churches and former businesses such as Kleen Brite, General

Electric and Owens Illinois that are off the tax rolls or have had their assessments lowered. We do not make Village government more affordable by taking possible tax dollars permanently off the tax rolls. If you want green space, leave the existing property on South Avenue the way it is. Maybe future Village Board members may think that \$30,000 for the sale of the property and \$1,000 to \$1,500 or more per year in tax revenue should be considered. By permanently taking possible tax dollars off the tax rolls, we do a dis-service to the people who do pay property taxes. He said those of us who have lived in the Village of Brockport for 40 or more years can remember when South Avenue was solely residential housing. Mr. Dailey, Mr. O'Brien and Mr. Klahn resided in the house located at 52 South Avenue. It wasn't a tree house. People didn't complain when townhouses became a part of South Avenue even though this growth

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eliminated play area for youngsters. Mayor Wexler further commented that the Board in 1997 probably should sold the parcel for a home or two to be rebuilt right away. He concluded that he supports keeping it as green space for now, but not designating it as a park.

Trustee Heyen responded that replacing other entities that Mayor Wexler refers to that no longer bring in taxes or bring in reduced taxes is the bigger problem that needs priority.

Trustee Heyen said she attended the recent "Dailey Day" held at the green space and believes the Village Board in 1997 made the right decision to purchase, clear and maintain the parcel. She compared \$1,500 - \$3,000 per year in tax revenue versus the petition of the entire street and said other communities are paying large sums of money to purchase land to make into parks.

Trustee Maziarz commented that if a piece of property has been used for recreational purposes for a period of time, it could have the same protection as a formally designated park. If it were left as green space for a number of years and a future Village Board tried to sell it, the residents could sue the Village. You must recognize the evolved use of this particular property. Mayor Wexler said anyone could play semantics. Trustee Maziarz said it is law. Mayor Wexler said it is a vacant lot. A house was there. Some don't want playground equipment. He said, tongue in cheek, Tony Orlando could sing, "Tie a Yellow Ribbon Round the Old Beech Tree". Trustee Maziarz said the Village needs to formally recognize and make a commitment to not touch the property. She said that quadrant of the Village has no park.

Trustee Castaneda reminded the Board that when this was discussed at budget time all were in favor of gaining the sales money and tax revenue and asked two realtors to provide comparative market appraisals. Trustee Castaneda suggested a compromise – sell half the parcel for a building lot and keep half the parcel for a park. Trustee Heyen said she wonders how people could feel comfortable that it would be kept green space when she says that. Trustee Maziarz responded that she, in fact, initially agreed to put the parcel on the surplus list. However, that action generated strong public support. If we listen to the public on one issue, we must listen to them on all issues. She cited the garbage collection issue as an example. Trustee Castaneda said some signatures on the petition do not even live in the Village. Trustee Maziarz said some that were against the garbage collection proposal did not live in the Village either.

Mayor Wexler reminded the Board that there was a motion and a second and asked for a vote.

Trustee Heyen moved, Trustee Maziarz seconded, Trustee Wagenhauser in favor, Trustee Castaneda opposed – motion Carried 3 to 1 to dedicate the 1-acre Village property at 52 South Avenue as a public park with preferred status under New York State law. A dedicated public park is impressed with public trust for the benefit of the general public and may not be diverted to other uses either for a period of years or permanently, or alienated without a special act of the State Legislature.

D. Trustee / Vice Mayor Castañeda

1. Association of Village Mayors – Trustee Castaneda shared that she represented Mayor Wexler at the August 17th dinner meeting of the Association of Monroe County Village Mayors. Topics discussed included the lawsuit that the Towns, Villages and School Districts have with the County and NIMS Compliance. Officials were encouraged to take the NIMS compliance testing on the County's website. The next meeting will be in Brockport October 19th. The December 14th meeting will include past Mayor's of the 10 Villages.
2. Village Advisory Committee – Trustee Castaneda reported on the August 7th Village Advisory Committee meeting. Dave Ball was in attendance and discussed the October 4th Walk to School Event. Committee members expressed an interest in helping. The committee would like to have Department Heads scheduled one at a time to come to their meetings. The committee would like to have some input at budget time. The committee recommends the Village Board meet twice per month in the summer instead of once per month. They are

looking to do a voter registration drive. Much of the committee is not in favor of the NYSDOT's request that the Village take ownership of the Smith Street Bridge. Regarding new or repaired benches on the north side of the Canal (resident L. Lomanco's correspondence) and a conversation with an International student volunteering at the Senior Center regarding needing walking trail improvements including lighting and litter containers, a suggestion was made that we look for grant funding or Eagle Scout involvement in this. There has been a request to have the meeting minutes of the Village Advisory Committee on the website.

3. Strategic Plan & Mission Statement – Trustee Castaneda reminded the Board that Manager Coyle had memo'd them some time ago about the importance of a strategic plan and with four possible mission statements to choose from. She asked that they be prepared to discuss this at the next workshop.

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4. Board of Ethics Update – Trustee Castaneda shared that the Code Review Committee and Manager Coyle have reviewed the Code of Ethics, made a couple of recommended changes and Deputy Village Attorney Alois is looking at it.

E. Mayor Wexler

1. Accept resignation of Hanny Heyen from Village Advisory Committee – Mayor Wexler reviewed the letter of resignation since H. Heyen is now a Trustee.

Trustee Castaneda moved, Trustee Maziarz seconded, Trustee Heyen abstained, carried to accept the resignation of H. Heyen from the Village Advisory Committee with regrets.

2. Appoint Renee Erbe to Village Advisory Committee – Mayor Wexler reviewed the position interest form of Renee Erbe of Frazier Street.

Trustee Heyen moved, Trustee Castaneda seconded, unanimously carried to appoint Renee Erbe to the Village Advisory Committee.

3. Appoint Mary Jo Nayman to Code Review Committee – Mayor Wexler announced that as Mayor, by general municipal law, he has the right to appoint when a vacancy has occurred with an unexpired term. He said he wishes to appoint Mary Jo Nayman to the vacancy created by Kathy Snyder on the Code Review Committee.

Trustee Maziarz said she understands that the Mayor has the authority to fill a vacancy, but when the Code Review Committee was formed in 2004, the Board never established terms. Mayor Wexler said the person that created the vacancy was assigned a term to expire June 30, 2008. Trustee Maziarz said that might be the case, but the Village Board never voted on terms for the Code Review Committee or other ad hoc committees. She said she posed the question to NYCOM and the authority is given to the Mayor regarding standing committees such as the Planning Board and Zoning Board of Appeals.

Trustee Wagenhauser asked who assigned the terms. Clerk Morelli indicated that she did. She said she had mentioned to Mayor Wexler and Manager Coyle some time back the need to assign terms to the members of the Code Review Committee, Canal Revitalization Committee, Tree Board and Board of Ethics. This is so that there is not a mass exodus at one time causing a committee to start from scratch. Therefore, she assigned staggering terms (one member expiring each year) a few months ago by simply doing so in order on the committees roster listed in the employee / appointee / volunteer directory. (According to NYCOM, this was not wrong, but they recommend that the Board and Village Attorney discuss the missions, functions, powers and terms for such "ad hoc" committees that it forms.) The Village Code defines the Historic Preservation Board and the Board of Ethics.

Trustee Heyen said there needs to be a clear process which includes makeup, number of members and terms or no terms. She said it shouldn't be up to the Village Clerk to have to assign terms. She commented that the Village Advisory Committee is different yet. As formed, there is no limit to the number of members, anyone who applies is appointed, and there are no terms. The idea was to get one person from every street. A rotation may be needed. Trustee Wagenhauser said in some cases terms may be unnecessary. He suggested the Village Board take a look at each committee.

Trustee Heyen reminded the Board that last May they changed the Code Review Committee from 7 to 5 members because of lack of applications and spreading volunteers thin. She said she is in favor of changing it back to 7. She said the Village has 2 applications on file and if they are both willing to serve, she would be in favor of appointing them both. Trustee Wagenhauser suggested a review of all such committees at an upcoming workshop.

4. Name Norman Knapp and Mark Philippy NIMS Points of Contact – Mayor Wexler shared that

he invited former Trustee and Fire Department member Norm Knapp and Police Sergeant Mark Philippy to go with him this morning to a County meeting re NIMS – National Incident Management System and setting up a program on mass dispensing in the case of a pandemic. He recommended that the Board appoint them as points of contact. They would represent the Village of Brockport and work with the representatives from the Town of Sweden and the Town of Clarkson.

Trustee Castaneda moved, Trustee Heyen seconded, unanimously carried appointing Norman Knapp and Mark Philippy as NIMS points of contact for the mass dispensing strategy.

5. Smith Street Bridge – Mayor Wexler shared that he sent a letter to Senator Maziarz and Assemblyman Reilich asking for their assistance with NYSDOT on this issue. Trustee Maziarz said she spoke to Senator Maziarz yesterday and he would like to set up a meeting after Labor Day.

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6. Flood Assistance – Mayor Wexler shared that the Village received letters from Binghamton area officials thanking Scott Zarnstorff through the CEDAR program and Joe Richards and Pat Maar through the Brockport Fire Department for their assistance after the flooding in early July.
7. Stetson Club Negotiations – Mayor Wexler reminded the Board that he memo'd them asking for proposals for the upcoming Stetson Club contract negotiations and included the proposals from the 2003 negotiations. He further shared that the Village has the option of negotiating on its own behalf or hiring an outside negotiator. An outside negotiator could be costly. Manager Coyle agreed to contact the Stetson Club President to see if they would be willing to start negotiations early. The contract expires at the end of May and negotiations would typically start in December.

Trustee Maziarz said she would first like to hear if the Stetson Club is willing to begin negotiations early. Mayor Wexler said either way, it will likely not be an easy process. He said the Stetson Club likely knows what the Village will be looking for. Mayor Wexler said he has not yet received anything from the Trustees. Trustee Heyen said she was awaiting an opportunity for discussion at a workshop first. In the meantime, she is doing some research that she will bring to the Board. Mayor Wexler asked that the Board be prepared to discuss in executive session at the September 5th meeting.

PUBLIC COMMENT:

1. Mary Jo Nayman of Carolin Drive asked if the budgetary transfers approved earlier in the meeting would be made available. Trustee Maziarz said it was a whole page. Clerk Morelli said they will be attached to the approved minutes and that she will provide her a copy.

MJ Nayman shared that she was on the Board when the petition was filed with the Village to make 52 South Avenue a park. She said many of the signatures were not Village taxpayers. She said she felt the parcel should remain green space as long as possible. She said she believes Trustee Heyen's push to designate it a park is putting the cart before the horse. The said the land and the money that could be generated from it belongs to the taxpayers. Before making it a park, perhaps it should be determined what it will be designated for: a playground, a tot lot, or what?

MJ Nayman said she wishes to remove her name from consideration for the vacancy on the Code Review Committee. Mayor Wexler asked her to wait. MJ Nayman asked that it please be removed.

2. Bob Canham of Winston Woods thanked the Board for designating 52 South Avenue as a park. He said he wishes to set the record straight that there were 160 signatures on the two petitions to preserve the green space and designate as a park so that no future Board could sell the parcel. He said he remembered first meeting Trustee Castaneda on her campaign trail. He said she promised to get people more involved and to represent more interests. He said he does not know why it is so hard for her to get behind this. Trustee Castaneda responded that she represents the interests of the entire Village and its taxpayers, not just a section. B. Canham asked if she would propose selling the existing parks in the Village. He said MJ Nayman had previously indicated that she fully supported designating 52 South Avenue as a park. Mayor Wexler asked B. Canham to express his views to the entire Board, not just one member. B. Canham said the recent "Dailey Day" event showcased how that space could be used for something special. He shared that some Eagle Scouts helped to preserve the tree with a ring around it.
3. William Heyen of Frazier Street congratulated the Board for doing the right thing. He said he has never been political in his life and quoted a poetry line "give me oh nature your primal sanities". He said people benefit by the oxygen gained from the trees and green space. It is a blessing for moms with kids. He said if the Village can't afford what this parcel will cost in lost

taxes, it doesn't deserve to be a Village. He said this might be the last time that the Village of Brockport adds a park. This is a great legacy to leave.

4. Kathy Snyder of Lyman Street asked if any issues regarding this year's Brockport Arts Fest would be discussed. She said one involves an ambulance on Park Avenue not being able to get through. Chief Vaughan commented that if the festival remains in its current location (Main Street), there are some things that will need to happen to make it go more smoothly. K. Snyder suggested that key officials and organizers get together to discuss before chastising people on the streets. Mayor Wexler said he and the Village Board would be elated to see the Department Heads and BISCO Arts Fest representatives sit down soon to debrief and work on improvements for the future. Chief Vaughan clarified that the Fire Department is not anti-use of the Village's downtown district, but that they take a chance with safety each and every time. It depends which side of chaos you want to be on. They need to plan for the worst-case scenario. Some changes may need to be made.

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AUDIT:

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

Village

Date	Check #	Amount
7/5/06	173604	787.28
7/7/06	173608-173609	800.00
7/11/06	173612	738.00
7/11/06	173613	140.00
7/17/06	173727	24.97
7/18/06	173728	1,143.06
7/19/06	173729	6,763.00
7/25/06	173734-173737	77,996.21
7/28/06	173738-173740	9,917.00
8/8/06	173747	33.50
8/9/06	173751	378.83
8/21/06	173752	5,000.00
8/21/06	173753-173864	212,906.19

Fire

7/11/06	173611	94.50
7/25/06	173731-173733	17,740.83
7/25/06	173742	95.00
8/21/06	173865-173892	15,218.32
8/22/06	173893	130.00

Third Party Billing

7/25/06	820	6,225.53
8/21/06	824-832	3,648.67

Capital Projects

7/19/06	2006	2,421.25
7/24/06	2007	21,886.00
8/21/06	2008-2013	7,867.95

Water

7/25/06	1471-1473	51,479.73
8/9/06	1479	17.00
8/21/06	1480-1487	43,096.97

ADJOURNMENT:

- ➔ Trustee Wagenhauser moved, Trustee Maziarz seconded, unanimously carried that the meeting be adjourned at 10:55pm.

Leslie Ann Morelli, Village Clerk