

**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, February 5, 2007 at 7:00pm.**

**PRESENT:** Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee Carrie L. Maziarz, Trustee David J. Wagenhauser, Trustee Hannelore G. Heyen, Treasurer / Village Manager Ian M. Coyle, Clerk Leslie A. Morelli.

**EXCUSED:** DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Timothy Rombaut.

**ALSO PRESENT:** Jim Hamlin, Bob Canham, Norm GianCursio, Fred Webster, Helen E. Simpson, Lee Lee Muesebeck, Kelly Pratt, Scott Phillips

**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 January 16, 2007.

→ Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried that the minutes of the meeting held January 16, 2007 be approved as amended.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT:** None

**GUESTS:**

1. Chester Henshaw – 90<sup>th</sup> birthday proclamation – Due to the severe cold, Mr. Henshaw did not attend. Mayor Wexler read the following proclamation into the record.

**PROCLAMATION**

WHEREAS; Chester M. Henshaw was born in the Brockport area on January 26, 1917; and

WHEREAS; he worked for the Family and Community Dairy for many years and Eastman Kodak Company for 32 years; and

WHEREAS; he served in World War II from 1942-1945; and

WHEREAS; he married Louise A. Armer on October 24, 1942; and

WHEREAS; he is the father of William F. Henshaw and Betty Jean (Henshaw) Coopenberg; and

WHEREAS; he lived in the Village of Brockport and Town of Sweden for 88 years; and

WHEREAS; January 26, 2007 marked his 90<sup>th</sup> birthday and it is fitting that we set apart a special observance in recognition; and

NOW, THEREFORE, on this momentous occasion I, Morton Wexler, by virtue of the authority vested in me as Mayor, and on behalf of the Village Board and all our citizens, do hereby tender this certificate of public recognition, extending to him our best wishes.

ADOPTED by unanimous vote of the Brockport Village Board on February 5, 2007.

IN WITNESS WHEREOF, we have here unto set our hands and caused the Corporate Seal of the Village of Brockport to be affixed.

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried to adopt the proclamation in honor of Chester M. Henshaw.

2. Reverend Kenneth McCarthy – retirement proclamation – Reverend McCarthy was not in attendance. Mayor Wexler read the following proclamation into the record.

**PROCLAMATION**

WHEREAS; the Reverend Kenneth McCarthy has been pastor of the First Baptist Church of Brockport since 1987; and

WHEREAS; he has used his considerable talents to minister to his parishioners; and

WHEREAS; he has played a significant role in crossing denominational lines to minister to those in need; and

WHEREAS; he has been a model citizen and a mentor for all those fortunate to know him; and

WHEREAS; the Village of Brockport acknowledges the leadership, dedication and talent that Reverend Kenneth McCarthy has invested in the Brockport community; and

WHEREAS; 2007 marks his retirement and it is fitting that we set apart a special observance in recognition; and

NOW, THEREFORE, on this momentous occasion I, Morton Wexler, by virtue of the authority vested in me as Mayor, and on behalf of the Village Board and all our citizens, do hereby tender this certificate of public recognition, extending to him our best wishes.

ADOPTED by unanimous vote of the Brockport Village Board on February 5, 2007.

IN WITNESS WHEREOF, we have here unto set our hands and caused the Corporate Seal of the Village of Brockport to be affixed.

→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried to adopt the proclamation in honor of Reverend Kenneth McCarthy.

- 3. Helen E. Simpson – retirement proclamation – Helen E. Simpson was in attendance with family members Lee Lee Muesebeck, Kelly Pratt and Scott Phillips. Mayor Wexler presented her with the following proclamation. H. Simpson said Brockport has been very good to her. Trustee Heyen said H. Simpson has made everyone look good over the years. Mayor Wexler said that is sometimes a difficult task.

**PROCLAMATION**

WHEREAS; Helen E. Simpson has been a Photographic Artist in downtown Brockport since 1959; and

WHEREAS; she has photographed generations of families including new babies, graduating seniors, pets, brides and weddings as well as restored heirloom photographs and enjoyed oil painting; and

WHEREAS; she has been recognized by the New York State Professional Photographers Association throughout her career; and

WHEREAS; she is Past President of the Brockport Merchants Association as well as the SUNY Foundation; and

WHEREAS; the Village of Brockport acknowledges the dedication and talent Helen E. Simpson has invested in the community; and

WHEREAS; 2007 marks her retirement and it is fitting that we set apart a special observance in recognition; and

NOW, THEREFORE, on this momentous occasion I, Morton Wexler, by virtue of the authority vested in me as Mayor, and on behalf of the Village Board, do hereby tender this certificate of public recognition, and hereby proclaim February 18, 2007 to be Helen E. Simpson Day in the Village of Brockport and encourage all our citizens to extend to her their best wishes.

ADOPTED by unanimous vote of the Brockport Village Board on February 5, 2007.

IN WITNESS WHEREOF, we have here unto set our hands and caused the Corporate Seal of the Village of Brockport to be affixed.

→ Trustee Heyen moved, Trustee Castañeda seconded, unanimously carried to adopt the proclamation in honor of Helen E. Simpson.

**REPORTS:**

- A. VILLAGE MANAGER / TREASURER - Ian M. Coyle
  - 1. DPW - Request for stop signs on Brookdale Road – Manager Coyle referred to DPW

asked the Board to discuss this at the next workshop meeting and consider approving the request at the next regular meeting.

2. Police Department – Annual Traffic Safety Board / DWI Awards Luncheon – Mayor Wexler encouraged the Board to respond to Chief Varrenti's invitation to attend the annual awards luncheon on March 7<sup>th</sup>. Brockport Police Department and Officers Curley and S. Mesiti will be recognized.
3. H & V Risk Consultants (Brian Baty) – accept amended agreement – Manager Coyle asked the Board to accept the amended agreement with H&V Risk Consultants. The contract is an agreement to pay Brian Baty per hour of service used rather than the \$625 per month previous retainer arrangement. Any charge for his service will run through Manager Coyle. This is an expense reduction in that we will only pay for services rendered.

Village Attorney Sekharan said he reviewed the proposed agreement and suggests that paragraph four include language for less than an hour worked. Other than that it is fine. Trustee Wagenhauser suggested the agreement have language right up front that says he will only act when called upon. Attorney Sekharan said he would agree with adding "at the request of".

→ Trustee Wagenhauser moved, Trustee Castañeda seconded, unanimously carried to accept the amended agreement with the changes noted.

4. Simplex Grinnell – accept agreement for testing & inspection of fire suppression systems – Manager Coyle asked the Board to accept the agreement for testing and inspection of fire suppression systems in the Village Hall, Police Department, Village owned Fire Halls and Welcome Center. This includes testing and inspecting of fire alarm detection systems, control panels, smoke detectors and portable extinguishers. The pricing is off of a certified NYS bid, contract #PC61068. DPW Superintendent Donahue conducted a walk through with Simplex Grinnell personnel and has verified the charges and scope of services. This is a budgeted item split between departments and fire budget. The cost is \$3,150.

→ Trustee Castañeda moved, Trustee Heyen seconded, unanimously carried to accept the agreement with Simplex Grinnell for testing and inspection of fire suppression systems.

3. Preserve America Grant – Resolution of Support – Manager Coyle reminded the Board that they adopted a resolution on May 15, 2006 in support of a Preserve America grant application submitted by Bill Andrews. Manager Coyle said although that application was unsuccessful, he and Bill received the written reviewers comments, re-worked the application where needed and are re-applying. There will be no dollar cost to the Village as the match can come from in-kind services such as Bill Andrews time and CDBG funding.

Trustee Wagenhauser asked if this is just to develop plans, not to actually do any work. Manager Coyle said that is correct. Nothing is being built or purchased. It goes along with the Sweden/Brockport Comprehensive Plan and the Canal front Master Plan. Trustee Wagenhauser said he has family members who own property on Clinton Street. He asked Village Attorney Sekharan if he should recuse himself. Attorney Sekharan asked if he had a financial interest in the property. Trustee Wagenhauser said no. Attorney Sekharan said there is no need for Trustee Wagenhauser to recuse himself.

→ Trustee Maziarz moved, Trustee Heyen seconded, unanimously carried to adopt the following resolution.

#### RESOLUTION

WHEREAS the revitalization of the Clinton Street area could bring important economic and heritage tourism benefits to the Brockport community, and

WHEREAS the Preserve America Historic Preservation Grant Program provides funds for planning projects that advance economic development through historic preservation; and

WHEREAS an application for such a grant to plan for the revitalization of the Clinton Street area has been proposed and is strongly supported by the Village of Brockport; and

WHEREAS such grants require a 50-50 match by the applicant and an authorizing resolution by the municipality's governing body;

THEREFORE this Board hereby authorizes the submission of the proposed application and agrees to commit \$10,656 of in-kind support and to apply for Community Development Bloc Grant funds in the amount of \$17,522 for the fiscal years 2008 and 2009 to be used for this purpose.

**MINUTES OF MEETING HELD February 5, 2007 continued.....page 4**

B. CLERK - Leslie A. Morelli – no report

C. ATTORNEY – Raja N. Sekharan

1. Approve contractual service agreement for non-local court work – Manager Coyle referred to the proposed retainer agreement provided for Board review and approval for attorney services in the Brocius appeal. The fee is set at \$115 per hour.

Trustee Castañeda said she thought this was included when the Board approved Attorney Sekharan's general retainer agreement. Manager Coyle said Attorney Sekharan's retainer arrangement does not take into account cases that end up in county court via the appeals process. Attorney Sekharan said the rules of ethics require a formal retainer agreement for services in excess of \$1,000. It is an hourly fee retainer agreement for work on behalf of the Village for defending the Brocius decision by Sweden Court on appeal to County Court. He said he should amend it to include any such work in County Court – not just this particular case. Mayor Wexler said otherwise the Village Board would have to make such a motion each time a similar situation arises.

→ Trustee Castañeda moved, Mayor Wexler seconded, unanimously carried to approve the contractual service agreement with Attorney Raja Sekharan for work in courts outside of local court.

2. Brocius Appeal – Attorney Sekharan asked for a brief executive session at the end of the meeting to discuss this case.

#### **VILLAGE BOARD REPORTS:**

A. Trustee Maziarz

1. Main Street Rehabilitation Committee – Trustee Maziarz provided a brief update on the last meeting. Dan Schwinn of NYSDOT attended the January 24<sup>th</sup> meeting and gave a preliminary view. It was a long but good meeting. Once meeting minutes are approved, they will be posted on the Village's website. Visits have begun to communities in the area that have had similar projects. Trustee Maziarz visited Lockport. Although theirs was not a NYSDOT project, it involved utilities and streetscape design. Useful information was gained. A report of that visit will be included in the committee's minutes. The marketing subcommittee has met and defined interested parties.

B. Trustee Wagenhauser

1. Housing Revitalization Initiative – Trustee Wagenhauser shared that some contacts have been made and he will provide a report in the next month or two.

C. Trustee Heyen

1. Appointments to Village Committees – Trustee Heyen commended Village Clerk Morelli for designing a directory and an overview on each board and committee. There are different types of committees that may have different needs regarding selection or terms. Trustee Heyen checked with Chairs of the committees that are impacted by the process and procedures being finalized for discussion and approval by the Village Board. These committees are the Historic Preservation Board, Code Review Committee and Walk Bike Brockport Action Group. All said the decision was not timely. She said citizens so generously give of their time in our community, and she does not wish to hold up those that are interested in serving. She said she also does not wish to require an interview component to the process, but more of an informal orientation or welcome. She said Scott Zarnstorff, who chairs the Code Review Committee has agreed, for example to meet with candidates informally. It would be a good opportunity to educate the candidate(s) about the committee, as well as get to know them a bit. Trustee Heyen said she would present the suggested text, that includes information from the Village Attorney, at the February 15<sup>th</sup> workshop for discussion and for approval at the February 26<sup>th</sup> Board meeting.
2. Carolin Drive additional street lighting – Trustee Heyen shared that DPW Superintendent Donahue will be meeting with a National Grid representative February 14<sup>th</sup> regarding the need for additional lighting on Carolin Drive and the options that are available.
3. Main Street Flowers – Trustee Heyen shared that the bids have gone out for the flowers/pots for Main Street.
4. Property Remediation Committee – Kleen Brite – Trustee Heyen shared that there is an upcoming meeting with Monroe County real estate specialist Bill Fletcher.

→ Motion by Trustee Heyen as Co-Chair of the Property Remediation Committee and at the recommendation of county and state officials that Village Manager Ian Coyle be the spokesperson to the general public regarding the Kleen Brite Labs remedial initiative. He will be responsible for the flow of information including announcements, updates, changes and progress of the steering committee's work and press releases of Board approved plans and

**MINUTES OF MEETING HELD February 5, 2007 continued.....page 5**

projects. Trustee Maziarz seconded, unanimously carried.

5. Seymour Library – Trustee Heyen reported that Brockport, Sweden and Clarkson municipal representatives met last week to discuss the 1990 Seymour Library agreement, specifically the responsibility of who serves as treasurer, who handles payroll, accounting and the like. Trustee Heyen said that Lori Lessord, Chair of the Seymour Library Board and its Board of Directors are pleased to announce Cassandra Guthrie as the new director of the Library. S. Guthrie currently lives in Greenwich, Connecticut with her husband and two children and works at the White Plains Library. Her tentative start date is May 1<sup>st</sup>.

D. Trustee / Vice Mayor Castañeda

1. Village Advisory Committee – Trustee Castañeda shared that the next meeting of the Village Advisory Committee will be February 13<sup>th</sup> at 7pm.

E. Mayor Wexler

1. Upcoming Workshop – Mayor Wexler said he hopes that the Board is prepared to come to a consensus on what text needs changing in Village Code Chapter 13 – Code of Ethics / Board of Ethics as this has been pending since September. He said enforcing the provision of the 1990 agreement of the tri-municipal library related to payroll/personnel/accounting functions or amending the agreement will not be easy. He hopes it can soon be resolved.
2. Historic Preservation Board Attorney Vacancy – Mayor Wexler said per the Village Code, membership on the Historic Preservation Board includes an attorney. He said Chair David Strabel contacted him and he has also spoken with Bill Andrews. Attorney Jim Bell submitted a position interest form. Both D. Strabel and B. Andrews recommend his appointment. Mayor Wexler said he understands that selection procedures are in the making, but he does not think that should stall this appointment. He said the appointment can wait until the next meeting, but the Mayor has the right to bring names forward for consideration. Mayor Wexler said he understands that Trustee Heyen probably feels sometimes like she is swimming uphill.

Trustee Castañeda asked if the vacancy was advertised. Mayor Wexler said yes. The Historic Preservation Board needs an attorney and he is the only attorney that applied. Furthermore, the co-chairs of the Historic Preservation Board have recommended his appointment.

Trustee Maziarz said it has nothing to do with a specific person or putting up roadblocks to specific applicants. This is strictly procedural. Trustee Wagenhauser agreed and said he would vote in favor of Jim Bell's appointment if it were brought up. Trustee Wagenhauser said it is not just the 1 Historic Preservation Board applicant and 2 Code Review Committee applicants. There are approximately 15 positions when you include those wishing to join the Walk Bike Brockport Action Group. This is not about an individual person. Mayor Wexler said they are entitled to their opinion. Trustee Wagenhauser said he could speak for himself. Mayor Wexler said he could too. Trustee Wagenhauser asked that no one speak for him. Mayor Wexler said the Walk Bike group presents the Village Board with names for appointment and the Village Advisory Committee is open to any Village resident. He said he would go along with the recommendation of the committee.

Trustee Heyen said when she made her remarks earlier she stated that there are different types of committees. Again, this has nothing to do with individuals. Trustee Heyen said Mayor Wexler has asked previously that the Board discuss things ahead of the regular meeting. She said it is unfair to bring up applicants names prematurely. Trustee Castañeda said this was discussed January 16<sup>th</sup> and January 22<sup>nd</sup> and is now on the February 15<sup>th</sup> agenda. She said she hopes this gets settled so that it does not keep getting carried over. These people want to serve.

Mayor Wexler agreed and said the Ethics Board has been discussed for several months. He said the Board never came to him and to his knowledge never went to Manager Coyle with any feedback. Yet at the last workshop a couple of Trustees said they do not want a Village employee to serve on the Board of Ethics. Village Code Chapter 13 allows it and other municipalities have the same boilerplate code regarding ethics. Mayor Wexler said he has no doubt that if an issue arose that pertained to that employee's department, he/she would recuse himself. He said some Board members were not supportive of appointing Jim Sutton because he was his friend. Mayor Wexler said by law the Mayor presents the names for consideration. Mayor Wexler said he knows establishing a process is not an easy task. He asked Trustee

Heyen to get information on the selection process of surrounding municipalities. He said he would just like to put it to rest and hopes in the meantime the applicants do not withdraw their names.

**MINUTES OF MEETING HELD February 5, 2007 continued.....page 6**

**PUBLIC COMMENT:** None

**Executive Session:**

⇒ At 7:55pm, Trustee Castañeda moved, Trustee Maziarz seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss pending litigation (Brocius case and appeal).

⇒ At 8:33pm, Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried that the Board of Trustees re-enter the regular meeting.

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

\_\_\_\_\_  
Leslie Ann Morelli, Village Clerk

**AUDIT:**

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

<u>Village</u>		
Date	Check #	Amount
1/4/07	174524	20.00
1/17/07	174668	6,363.00
1/17/07	174670	76.00
1/18/07	174671	25.00
1/25/07	174681-174693	8,978.15
2/5/07	174714-174756	26,959.55

<u>Fire</u>		
1/9/07	174564	60.00
1/22/07	174673	105.00
1/25/07	174675-174680	6,565.83
2/5/07	174694-174713	13,856.27

<u>Third Party Billing</u>		
1/19/07	928	550.00
1/25/07	930-931	191.46
2/5/07	932-941	3,982.41

<u>Capital Projects</u>		
2/5/07	002071	14,302.03

<u>Water</u>		
1/18/07	1621	80.70
1/18/07	1623-1630	2,188.31
2/5/07	1631-1636	1,404.23

**ADJOURNMENT:**

→ Trustee Maziarz moved, Trustee Castañeda seconded, unanimously carried that the meeting be adjourned at 8:34pm.

\_\_\_\_\_  
Leslie Ann Morelli, Village Clerk