

**Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, October 6, 2008 at 7:00pm.**

**PRESENT:** Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee David J. Wagenhauser, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli.

**EXCUSED:** DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Interim Treasurer Kari A. Olson, Fire Chief Timothy Rombaut, Village Attorney David F. Mayer

**ALSO PRESENT:** Kathy Snyder, Jim & Joan Hamlin, Kayla Hetherley, Bill Andrews, Carrie Maziarz, Norm GianCursio, Francisco & Linda Borrayo, Bill & Hanny Heyen, Wayne Bennett, Fred Webster, David Ahl, Christopher Graves

**CALL TO ORDER:** Mayor Wexler called the meeting to order and led the Pledge of Allegiance.

**MISSION STATEMENT:** "To provide a high quality of life for all residents, exercising fiscal responsibility and preserving Brockport's unique heritage and historic character."

**REVIEW OF MEETING MINUTES:** Mayor Wexler called for any additions or corrections to the minutes of the last meeting.

- ➔ Trustee Castañeda moved, unanimously carried that the minutes of the meeting held September 15, 2008, be approved as amended.

Trustees Wagenhauser and Legg noted that they did not hear the motions made to pay the bills or adjourn at the September 15<sup>th</sup>. They indicated that they would have been in support of those motions. Trustee Legg read the following statement:

"I regret that I inadvertently abstained from voting on paying the bills and adjourning our last meeting. I abstained because I did not hear the motions pertaining to either because the mayor, whose comments appear correctly in the minutes, was shouting. And when he announced the adjournment as is indicated in the minutes, he stood and began to walk from the dais, quitting the meeting. I regret that I was unable to cast my votes, and I commend Trustee Castañeda for moving to pay our bills, the importance of which has been underscored at recent meetings."

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT:**

1. Bill Andrews of College Street and Historian Emeritus – asked the Board to accept the 2008 CDBG grant in the amount of \$8,760 and authorize the Mayor to sign the contracts. He reminded the Board that this is the 3<sup>rd</sup> time this matter comes before the Village Board. In May 2006 the Board approved the application for Preserve America and then in February 2008 the Board approved the application for County CDBG funds. This is now the contract phase. The project summary from the application is as follows: "The project is a planning grant for contractual services related to the revitalization of Clinton Street in the Village of Brockport. The requested funding would be used to match a federal (National Parks Service – Preserve America) grant program. The funding supplements the two year total commitments of \$30,000 from the Preserve America program along with \$10,656 in in-kind services from village officials and volunteer staff. The goals of the project are to eliminate blight and revitalize the Clinton Street area; restore the corridor to its historic place as an economic engine of the Village proper; provide additional mercantile options for procurement of goods and services; and increase employment opportunities for low to moderate income residents of the Village." B. Andrews said the contract speaks of "a" consultant, but he clarified this with Bill Fritsch of Monroe County and the "a" is generic, but will cover any number of consultants. They hope for 3 consultants to prepare a plan and shepherd it through the approval process.

→ Trustee Hunsinger moved, Trustee Castaneda in favor, Mayor Wexler in favor, Trustee Wagenhauser abstained due to a family member owning a building on Clinton Street, Trustee Legg abstained due to being a member of the GBDC at the time this project was proposed, CARRIED 3 in favor 2 abstained to accept the 2008 Community Development Block Grant (CDBG) grant in the amount of \$8,760 and authorize the Mayor to sign the contracts.

2. Wayne Bennett of State Street and Member/Chair of the Ethics Board – said he received a letter from a Trustee as to the status of the Ethics Board. He said he can respond to some of the questions now and can answer some in writing if necessary. He has scheduled an October 14<sup>th</sup> meeting. The 4 member Board has 1 vacancy and 1 member has indicated she plans to resign. So, they are down to 2 members. Mayor Wexler urged Chair Bennett to ask the member to submit the resignation in writing to the Village Clerk.

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**GUESTS:**

1. Kayla Hetherley of SUNY Brockport Women's Center – was in attendance to review their annual procession application for Take Back the Night march to be held from 7-9pm on Thursday, October 30<sup>th</sup>. She reviewed the route shown on the application and indicated that sidewalks would be used. Chief Varrenti received a copy of the application.

→ Trustee Wagenhauser moved, unanimously carried 5/0 to approve the procession application.

**DEPARTMENT REPORTS:** (most Department Heads are excused from the 1<sup>st</sup> meeting of the month)

A. PUBLIC WORKS – Superintendent Harry G. Donahue (excused)

1. Training Request – Water Operator Grade D Course 10/16-10/17 \$350 – Jeff Woodin

→ Trustee Castaneda moved, unanimously carried 5/0 to approve the training request.

2. Final Brush Pick Up – week of October 27<sup>th</sup> – reminder of the last brush pick up of the season – brush must be to the curb by Monday morning, October 27<sup>th</sup> – details have been published in Suburban News and Tri County Advertiser and on the website.

3. Water Flushing – week of October 13<sup>th</sup> – reminder of the semi annual water flushing next week – details have been published in Suburban News and Tri County Advertiser and on the website.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti (excused)

C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff (excused)

D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Timothy Rombaut (excused)

1. Accept resignation of Michael Bove from paid ambulance staff -

→ Trustee Legg moved, unanimously carried 5/0 to accept the resignation of Michael Bove from the paid ambulance staff.

E. INTERIM TREASURER – Kari A. Olson (excused)

F. CLERK - Leslie A. Morelli

1. UNYMWCP – (Workers Compensation) Member Representative Appointments – Clerk Morelli shared that HRH, the Program Administrator for the Monroe County Municipal Workers Compensation Program, still has Ian Coyle and Betty Coopenberg listed as Director and Alternate. She recommended that the Board update the appointments to the new Treasurer (to be determined) as Director and Kari Olson, Deputy Clerk-Treasurer as Alternate. Clerk Morelli would remain as Facilitator.

→ Trustee Castaneda moved, unanimously carried 5/0 to appoint the new Treasurer (to be determined) as Director, Deputy Clerk-Treasurer Kari Olson as Alternate and Clerk Morelli as Facilitator for the Workers Compensation Program.

2. NYCOM Fall Training School Report – Clerk Morelli thanked the Board for supporting her attendance at the recent NYCOM Fall Training School held the week of September 15<sup>th</sup>. She presented them with a list of the 11 classes she attended and shared that she collected handouts on these classes as well as many of the other classes offered and vendor booths visited. The conference was very worthwhile.

G. VILLAGE MANAGER -

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

**VILLAGE BOARD REPORTS:**

A. Mayor Morton Wexler

1. Vote on proposed amendments to Chapters 27 & 36 –

→ Trustee Wagenhauser moved, unanimously carried 5/0 to designate amendment to Chapter 27 – Storm Water Management & Erosion & Sediment Control as a Type 2 action under SEQRA because it is local legislation concerning routine Village agency and management that will not affect the environment.

→ Trustee Wagenhauser moved, unanimously carried 5/0 to amend Chapter 27 – Storm Water Management & Erosion & Sediment Control as revised and label this as Local Law #7 of 2008.

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→ Mayor Wexler moved, Trustees Wagenhauser, Hunsinger, Legg in favor, Trustee Castaneda opposed, carried 4/1 to designate amendment to Chapter 36 – Minimum Housing & Buildings Code as a Type 2 action under SEQRA because it is local legislation concerning routine Village agency and management that will not affect the environment.

→ Mayor Wexler moved to amend Chapter 36 – Minimum Housing & Buildings Code as revised.

Discussion:

Trustee Castaneda said she strongly feels that the changes proposed to Chapter 36 will be highly detrimental to the economic health of the community, will create empty houses, blight, decreased home values, and negatively affect the tax base. She referred to recent correspondence received from Attorney Karl Essler of Fix Spindelman Brovitz and Goldman and David Ahl of the New York State Coalition of Property Owners and Businesses, Inc. She said the points brought to the Board's attention should be further reviewed. She reminded the Board that the majority of those who spoke at the public hearings were against the changes and that the Village owes it to the landlords to sit down and discuss this further. She said she cannot support the proposed amendments, as she believes it will harm the Village and its taxpayers.

Call to Question:

→ Mayor Wexler in favor, Trustee Castaneda opposed, Trustees Wagenhauser, Hunsinger, Legg abstained by indicating, "present". Motion defeated.

Mayor Wexler said the matter would be continued eventually, as it does not currently have 3 votes.

2. Appoint to fill vacancy on Historic Preservation Board – Mayor Wexler reminded the Board that there is a vacancy on the Historic Preservation Board for a Historic Archaeologist.

→ Trustee Legg moved, unanimously carried 5/0, upon recommendation of Historic Preservation Board Chair Bill Andrews, to appoint Christine Green to the vacancy on the Historic Preservation Board for a Historic Archaeologist.

3. Adopt annual Educable Agreement – Mayor Wexler introduced videographer Lori Miller who will now be taping the Village Board meetings.

Clerk Morelli said the proposed 2009 Educable agreement was compared with the one adopted for 2008 and it is the same – no changes. The Village Attorney responded to her that he reviewed it and has no significant concerns regarding the Educable agreement.

→ Trustee Wagenhauser moved, unanimously carried 5/0 to adopt the annual Educable agreement for the year 2009 and authorize the Mayor to sign it.

**AGREEMENT**

THIS AGREEMENT between Village of Brockport Monroe County, New York, a municipal corporation having offices at 49 State Street Brockport, New York 14420, hereinafter referred to as the Village, and Educable Communications Corporation, a not for profit corporation having offices as 2221 Ridgeway Avenue, Rochester, New York 14626, hereinafter referred to as "Educable."

**WITNESSETH:**

In order to promote public and governmental access programming in the cable area servicing the residents of the Village, Educable Communications Corporation agrees to provide management, services, facilities in accordance with the following provisions.

- (1) Designated public and governmental channels will be maintained for use by the residents of the Village and local governments for public service programming, municipal services and local expression.
- (2) Cable casting time shall be made available on a first come first served basis at no charge to any individual, association or organization desiring to use it. Programs should conform to access guidelines.
- (3) If public access equipment is made available, Educable will enforce procedures for its use on a first come first serve basis. Access users will be fully liable for damage to the equipment.

Educable will develop procedures:

- A. For scheduling the use of air time -- cable casting of programs and the use of access equipment (if it becomes available) on a first come, first served basis; and

- B. For registering and resolving complaints regarding channel availability, priorities and usage.

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- (4) Educable Communications Corporation shall adopt business hours which shall provide for cable casting of programs for a minimum of 20 hours per week between the hours of 6 p.m. to 10 p.m. (Monday-Friday).
- (5) Records shall be maintained of the use of the designated television channels, including the names and addresses of persons and organizations providing programming for such channels; such records shall be available locally for public inspection and retained for a minimum of two years;
- (6) Educable shall provide adequate programming and technical staffing for the maintenance and operation of the access channels, faculties, studio and equipment.
- (7) Educable shall provide information to the public on the availability of the access channel and ensure the development and propagation of public access as a vital community resource.
- (8) Educable shall create and maintain an access Advisory Board. The Board will hold regular meetings as it deems appropriate. The Board shall review and monitor access policies and procedures.
- (9) Educable shall provide the Village with quarterly reports on channel usage and a program log.
- (10) Educable will maintain a Community Bulletin Board for community use on Cable Channel 15
- (11) Educable Corporation will staff the station during any DECLARED EMERGENCY in order to furnish the community with up to date information on the emergency.
- (12) In consideration for the above, the Village will pay Educable Communications Corporation 5% of the franchise fee paid to Village by Time Warner Communications for the 2009 year.
  - A. Educable shall provide the Village with a statement certified by Time Warner Communications which indicates the franchise fee paid within the service area of the Village as of January 1st of each year for which the provisions of this agreement are in effect. Said statement shall be provided to the Village as soon as possible.
  - B. Payments shall be made on a semi-annual basis in January and July basis upon the promulgation of the necessary forms as approved by the Village of Brockport Director of Finance.
  - C. Overall services and costs are shared by those municipalities who are current in their affiliation with Educable Corporation. However, the Village's liability shall be limited to the affiliation fees specified in Paragraph 12.
- (13) The Term of this agreement shall be for a period of one (1) year, commencing on January 1, 2009, and ending on December 31, 2009.

- 4. Use of Environmental Attorney – Mayor Wexler said they could not have the last workshop due to a lack of quorum, but that he wanted to discuss the use of an environmental attorney for any matters related to pollution or contamination. He said the Village Attorney does not feel his firm can handle this and Code Enforcement Officer Zarnstorff is not qualified to deal with significant environmental matters. In the past, the Village has utilized the firm of Underberg and Kessler as its environmental attorney. He asked the Board their wishes. Trustee Wagenhauser said he believes Underberg and Kessler remain the Village's environmental attorney of record. Clerk Morelli said they were re-appointed at the July organizational meeting.
- 5. Farmers Market – rules and regulations – Mayor Wexler reminded the Board that he had questions and concerns regarding the rules and regulations amended in a 3 to 2 vote on September 2<sup>nd</sup> and that he forwarded such to the Village Attorney. He read the Village Attorney's September 18<sup>th</sup> opinion:

"I have been asked for a legal opinion as to whether the Brockport Farmers' Market is a Village entity, and if so, whether the Brockport Merchants' Association can choose the Market manager.

I am of the opinion that the Brockport Farmers' Market, under the regulations sent to me by the Village Clerk on September 4, is a Village entity. I base this on the Village Board's level of involvement in Market management: i.e., the Village maintains insurance, collects dues and fees, determines hours

and location for operations, and is partially responsible for budget development. The Village also has authority to resolve disputes between the Market Manager and Market vendors. This level of involvement, in my opinion, is deep enough and broad enough that the Market must be considered to be analogous to a department of the Village government.

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Section 4-400(1)(c)(i) of the New York Village Law grants to the Mayor the authority to appoint all department and non-elected officers and employees subject to the approval of the board of trustees. This authority is absolute under that statute; subject only to the Mayor's authority, at his/her discretion, to hand that authority to another village officer or employee. Thus, the Mayor does not have the authority to delegate the authority to the Merchants' Association."

Trustee Wagenhauser commented that he contacted Wade Beltramo of NYCOM some time before receipt of the Village Attorney's opinion, and that the two opinions were not in total agreement. He said he could say with certainty that 100 attorneys would likely give 100 different answers. He said it is unfortunate that the market, a positive, wholesome, healthy event has been turned into a political football. He said although former Trustee Carrie Maziarz has done a great job as Market Manager, he questions why the Village is running a farmers market when it really has no expertise and whether the Village needs to be in this role.

Mayor Wexler agreed that former Trustee Maziarz did a good job with it and had previously thanked her for volunteering her time every Sunday from June through October for the last 4 years. He asked Trustee Wagenhauser if he received a written opinion from NYCOM Attorney Beltramo and concurred that different attorneys sometimes answer the same question differently. However, Mayor Wexler said he asked the attorney who represents the Village of Brockport who rendered his opinion in writing. Unless he sees a written opinion to the contrary, it stands. He said he does not necessarily disagree with NYCOM, as they are a legislative body that has assisted the Village many times. Mayor Wexler said letting the Farmers Market rules and regulations stand as amended would be willingly and knowingly disregarding New York State Village Law. Each elected official took an oath to uphold the law.

Mayor Wexler further reminded the Board that even Trustee Hunsinger had moved that street closure and Market Manager appointment should come before the Village Board. Trustee Hunsinger clarified that he didn't make a motion to that affect. It was a comment. Mayor Wexler said that was correct and that he remembered suggesting Trustee Hunsinger make that motion and he'd be happy to vote in favor of it. Mayor Wexler said the amended rules and regulations are not legal and if need be, he'll refer it to the New York State Attorney General.

Trustee Castañeda questioned whether the Village Attorney's 9/18 opinion would make the 9/2 amended rules and regulations null and void.

Trustee Legg read the following statement:

"The first point to recognize is that when current market manager, former Village Trustee Carrie Maziarz, decides finally to when Market Manager Maziarz moves on, the future of the market will depend squarely on what kind of leadership takes over.

Second, let's acknowledge that the only things the village needs to contribute to the market are a place and time of operation.

Third, while I recognize the mayor's drive to assert his executive power and insist on appointing a market manager, I'm more interested in safeguarding the transition of what really is former Trustee Maziarz's project to a higher level. And I'm also concerned about politicizing the market and diminishing its worth as an asset to the community.

Fourth, what's clear to me is that the farmers' market will need leadership. But it doesn't necessarily need leadership from within the village or the mayor's office. I can only assume that's why former Trustee Maziarz reached out to the Brockport Merchants' Association in the first place. The association's business is growing business. And the association has a vested interest in growing business downtown. There's no reason to believe the association can't do this job at least as well as and probably better than the village after from Trustee Maziarz waves goodbye to the market.

Fifth and finally, with all that's before Brockprt currently – the Stetson Club contract, whatever is going on at the former Kleen Brite property on Fair Street, the future of 200 State Street, finding the village's next treasurer, planning for Main Street's reconstruction, the list goes on and on – to me, letting an organization like the merchants' association run with the market would be a more ideal outcome than

sharing responsibility for it. If there's another group waiting in the wings that can take over the market after this season and build on Trustee Maziarz's success, then I think we'd be foolish not to welcome that."

Mayor Wexler said he is not saying the list of things to do is not significant, but the Farmers Market is a Village responsibility that can't be given away. Whether he or someone else is sitting in the Mayor's seat, manager appointment and street closure authorization is determined by the Village Board. The Merchants Association can make recommendations, but the Board makes determinations.

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Trustee Legg suggested the Village terminate its involvement in the Farmers Market and turn it over to another party. The Village Board would continue to grant street closure requests as is done for other community functions. The current season is wrapping up and we have some time to plan for next season.

Trustee Castañeda reminded the Board that they had planned to discuss the Farmers Market at a couple of workshop meetings, but did not do so. She stressed the importance of following the law and commented that this is the second time this year that a motion has been adopted prior to obtaining legal counsel. The other instance was last budget season and involved reducing the salary of elected officials. She expressed concern of passing motions before getting legal counsel.

Trustee Wagenhauser commented that attorneys do not make decisions on legality – courts do. With regards to the salary reduction, the 2 new Trustees involuntarily took a 25% cut and he voluntarily took a 25% cut. He stressed that Trustee Castañeda and Mayor Wexler could have volunteered to do the same.

As to running the Farmers Market, Trustee Wagenhauser reminded the Board that there are many great things in the Village that are not run by the Village such as the Arts Festival, the Halloween Party and the like. He said so much time is spent worrying about who has the power or control over things. The Village does not need to be in the business of running the Farmers Market. The Merchants Association has expressed an interest and may even get experts involved to improve upon it.

Trustee Castañeda asked what happens when the Village Board approves something and later finds out through the Village Attorney that they shouldn't have. Shouldn't the approval be retracted?

Trustee Wagenhauser questioned why Trustee Castañeda quotes the landlords attorneys when it comes to amendments to Chapter 36 instead of our own Village Attorney, but here she goes with the Village Attorney.

Mayor Wexler said the Mayor has some rights granted by New York State Village Law and he is not abdicating any of them.

Trustee Wagenhauser said he doesn't think Mayor Wexler is getting the point that the Farmers Market does not have to continue to be a Village function. The next logical step would be to vote whether the Farmers Market would continue to be sponsored by the Village.

Mayor Wexler said a precedent was set since the Village created it. He encouraged Trustee Wagenhauser to get a contrary legal opinion in writing.

6. Stetson Club Contract Negotiations – Mayor Wexler shared that a mediation session is scheduled for this Friday.

**B. Trustee / Vice Mayor Maria C. Castañeda**

1. Village Advisory Committee – next meets at 7pm Tuesday, October 14<sup>th</sup> at Village Hall.

2. Seymour Library – attended their September 16<sup>th</sup> meeting. The Library was successful in its bid to get a John Adams exhibition, has solicited businesses for the 2<sup>nd</sup> annual Library card partnership, announced Assemblyman Reilich funding earmarked to expand career information, announced upgrades to website, referred to a question regarding insurance. Clerk Morelli indicated that she had researched the insurance question and responded to the Library Director and Board President. Trustee Castañeda said the proposed Library budget calls for a \$12,500 or 7.3% increase. The Director and Board representatives will likely attend an upcoming Village Board meeting.

3. Step Up Community Project – met with Maria Maddaleno – student volunteers will be weeding,

raking and planting around Village Hall on October 13<sup>th</sup> using a \$50 gift card donated by WalMart and pizza from Mark's. They will be raking leaves upon request by senior citizens on Saturdays between October 18<sup>th</sup> and November 21<sup>st</sup>. They will also be helping with the Merchants Association Halloween Party and Midnight Madness with balloons and flyers.

4. Brockport Merchants Association – attended the September 30<sup>th</sup> meeting along with Trustee Hunsinger and Police Chief Varrenti who arrived at 8pm to take questions and concerns. Merchants expressed appreciation for the extra police presence.
5. Museum – shared that Historian Jackie Morris will now have Suburban News saved and bound since there is no longer a Brockport Post and shared that window air conditioning has been donated to cool the museum.

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Trustee Hunsinger suggested Trustee Castañeda recognize the donor of the air conditioner. Trustee Castañeda responded that Bill and Hanny Heyen donated it.

6. Walk Bike – referred to Walk Bike Brockport's brochure and reminded everyone that October 8<sup>th</sup> is Walk to School Day.
7. Parking Tickets – referred to some correspondence received by Sweden Town Court regarding a parking ticket complaint.

C. Trustee David J. Wagenhauser

1. Walk Bike – thanked Walk Bike and Dr. James Getz and Dave Ball for their efforts in organizing the upcoming October 8<sup>th</sup> Walk to School Day. Mayor Wexler shared that Lorna Steinbeiser is also involved. Trustee Castañeda shared that Sara Silverstone is also involved.
2. Canal Path – encouraged use of the canal path, an incredible resource used by walkers, bikers, runners, dog walkers and the like from Spencerport to Hulberton – beautiful scenery and wildlife and great people along the way.
3. Fire Department Budget – distributed a handout, encouraged Board members contact he or Chief Rombaut with questions - will discuss it at the next meeting.
4. Proposed Amendments to Chapter 36 – read the following statement:

“About 3 months ago, we held a public hearing on Section 36, the Minimum Housing and Buildings Code. For over two hours, we listened to many thoughtful comments from those in favor and those against the proposal. I thank them all. We listened, made some changes and ultimately produced a better piece of legislation.

It should be noted, the overwhelming majority of Section 36 is mandated by the State. The Village's portion principally concerns the yearly registering of rental properties. Brockport would not be the first municipality to enact such legislation - and yes, those other codes have been upheld by the courts.

The purpose of this Code is to increase the safety of our rental properties and safeguard our tenants. Overcrowding and other violations create safety issues that - in many cases - can be prevented. We have had many close calls in rental properties over the past ten years that could have resulted in fatalities. I'd like to know we've done everything we can to prevent unnecessary injury or loss of life.

As for those landlords, rental owners or their attorneys who claim this code places “enormous burdens” on them that could result in their properties being “boarded up” - I strongly disagree. In fact, this regulatory process could be called “Postcard Renewal.” Here is what they will have to provide yearly and/or when information changes:

- Owners name, address, daytime and evening phone number(s).
- Property's address, number of units, whether oral or written lease and number of tenants/unit.
- A property manager/agent's name if owner lives more than 45 miles from the Village.

It should be noted that the number of rental owners located a distance from Brockport or out of State has increased. Code Enforcement often needs the ability to reach a representative in short time. Rather than being draconian “enormous burdens” as we heard, these requirements seem downright reasonable. Whatever the reason for the concern, we have listened to landlords telling us they were struggling to fill their houses with college students.

Obviously, the recently built housing on campus is a factor. The recent announcement of privately funded housing on Redman Road for 400 additional students by fall of 2009 will only exacerbate the situation.

The Village is more than willing to work with landlords and property owners to assist them in a period of change in the Village. Trustee Legg will speak more to that point.

I do want to make it clear that the overwhelming majority of rental owners are conscientious, responsible and play by the rules. Those people should have nothing to worry about with this new code.

Section 36 is an important piece of legislation to protect the safety of those residents we have been entrusted to protect.”

→ Trustee Wagenhauser moved to amend Chapter 36 – Minimum Housing & Buildings Code as revised, pending final review by the Village Attorney for typos only and label this as Local Law #8 of 2008.

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Discussion:

Trustee Castañeda said she had already spoken of her concerns.

Trustee Legg read the following statement:

“I am thankful and appreciative that so many people voiced their concerns regarding chapter 36, both at the two public hearings held regarding village code and in other correspondence with the village. Should the village enact what’s proposed, one idea that I believe would be helpful is to provide assistance with regard to compliance to any interested rental property owners. I’ve spoken with Code Enforcement Officer Zarnstorff about the possibility of the village hosting meetings with rental property owners, and he supports it. As Scott pointed out, rental property owners are merchants, too, and important to our local economy. Regardless of the disposition of chapter 36, or anything else that may affect housing here in the village, I think it’s imperative that the lines of communication between these businesses and this municipality remain open.”

Trustee Castañeda questioned why sitting down with rental property owners wouldn’t take place before passing the amendments. She said she supports the idea of meeting, but that adopting the amendments first is like putting the cart before the horse.

Trustee Legg reiterated that he was thankful for the feedback at the two public hearings and later correspondence. The input was taken and helped make a better piece of legislation.

Call to Question:

→ Trustees Wagenhauser, Hunsinger and Legg & Mayor Wexler in favor, Trustee Castaneda opposed, carried 4/1 to amend Chapter 36 – Minimum Housing & Buildings Code as revised, pending final review by the Village Attorney for typos only and label this as Local Law #8 of 2008.

5. Board – Trustee Wagenhauser said resident Kathy Snyder commented at the last meeting that Trustees were seen at a local drinking establishment after the last meeting. He said they were enjoying the football game and will be enjoying another football game after tonight’s meeting. He said anyone who would like to join in on the social event is welcome.

D. Trustee Scott W. Hunsinger

1. DPW – mentioned that the good weather has been helpful with a lot of paving going on in the Village.

2. Parks – commended the Parks Committee for conducting an audit of all the Village parks and playgrounds on September 11<sup>th</sup> and forwarding their report to the Board and DPW Superintendent which labels a couple of urgent concerns. The Village continues to be proud of its parks.

3. Ethics Board – thanked Ethics Board member/Chair Wayne Bennett for his attendance this evening in response to his letter. He said W. Bennett commented at the last meeting on he and Trustee Legg’s newness and involvement. Trustee Hunsinger said he sent an e-mail to the members of the Ethics Board on September 3<sup>rd</sup>, received a response from one member on September 8<sup>th</sup>, W. Bennett attended the September 15<sup>th</sup> Village Board meeting, a letter was sent to members of the Ethics Board via certified mail on September 19<sup>th</sup> and delivery receipts were returned the week after. He said he is glad to hear that the Ethics Board will finally meet on October 14<sup>th</sup> and that the mission, direction and leadership are of concern. The Village Attorney recommends a process and investigative standards be put into place, but to date none have been adopted. There are no meeting minutes or record of anything from the Ethics Board. He said he plans to attend the October 14<sup>th</sup> meeting and asked W. Bennett for the time and location. W. Bennett said 6pm at Village Hall. Clerk Morelli indicated that she had not received a request to use the conference room, but that she will schedule its use.



Trustee Hunsinger said the Ethics Board should be above reproach and that he finds it a disgrace that nothing has been put into place and that a complaint remains unanswered. He said he hopes it will soon be resolved.

4. 200 State Street – thanked former Trustee Hanny Heyen for providing him with a binder full of information and contacts of county and state officials she had gathered regarding this property. Displayed 4 large binders of information related to the property that he is going through with a fine toothcomb. Shared that the county and state officials he has spoken to are excited that the Village wants to be proactive. The County is looking at another attempt to auction the property at a time to be announced. He said he would continue to report on the matter and is very interested in this 26.8-acre site just down the street from him on his daily run. It is a large task, but one that needs to be handled head on.
5. Brockport Merchants Association Meeting – attended the recent meeting of the Brockport Merchants Association. Commented that it was well run and extremely friendly. Chief Varrenti spoke to recent concerns.

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6. Police Department Staffing – shared that he has spoken with Chief Varrenti and fellow liaison to the Police Department, Trustee Wagenhauser and reviewed topics such as calls for service and scheduling and all that goes into it including sick days, vacation days, and training needs. Overtime is time and a half and a recent month example came up with 240 hours of overtime. That is divvied up by seniority and is sometimes put into a “comp” bank. There is a way to be proactive and provide for a safer community.

→ Trustee Hunsinger moved that the Village begin the process to hire 2 new full time police officers.

Discussion:

Mayor Wexler commented that it would have been nice if Trustee Hunsinger had the common courtesy to forewarn all Village Board members that he planned to make such a motion, as he would have come more prepared with facts and figures. He said his concern is not solely the overtime costs, but the entire cost of the Brockport Police Department of which overtime is just a part. He referred to the spreadsheet he provided the Trustees today that details compensation costs for all Brockport police officers for the 2007-2008 fiscal year. It shows salary, overtime, comp time, holiday, shift differential, laundry, and longevity that make up total cash compensation. It also shows health, dental, life, disability, social security, workers compensation, and retirement in benefits. The benefits add 40% to the cash compensation. The average officer makes \$92,000 plus another \$36,000 in benefits for a total of \$128,000 per year. Overtime totaled \$213,000. Hiring 2 additional full time officers will far exceed the money spent in overtime since after 4 years they'll be making over \$90,000 each.

Mayor Wexler questioned how he is to go back to police contract negotiations when there is really not enough money to pay the current officers. Hiring may reduce overtime, but it will cost more in the long run. Maybe an argument could be made to hire 1, but not 2. The Brockport Police Department has the highest paid officers in Western New York. He expressed concern of the cost to the community including long time taxpayers who either don't work full time or live on a fixed income.

Trustee Castañeda stressed that these are difficult financial times when places are making cuts, not adding people. Everyone has to do more with less and more and more employees have to contribute towards their health insurance. She said she is opposed to hiring, as it will cost too much money and since the Stetson Club contract is not yet settled. If the department can't deal with the number of calls for service, they can call for assistance from the Monroe County Sheriff's Department or SUNY University Police.

Trustee Castañeda suggested the Board discuss this at a workshop, but commented that sometimes workshops have to get cancelled due to a lack of quorum.

Trustee Legg said he has met with Chief Varrenti and reminded the Board that Chief Varrenti has long wanted more police officers on staff. Safety is important, as are finances. Plans have been put into place to deal with crime on the streets. There are some serious issues including drugs and weapons. Trustee Legg said the \$200,000 in overtime is used to maintain the day-to-day operations. There are officers that work 16-hour days.

Mayor Wexler said he received some information on the stress put on police officers regarding double shifts a couple of years ago and found that only 1 officer had worked a double shift. He reminded the Board that there is a provision in the police contract that allows for the hiring of 8 part time officers. East Rochester has more part time officers than full time officers, but realizes you can't necessarily compare the two. Mayor Wexler said the total cash and benefits far exceed the overtime cost. The Village is better off paying the overtime. Regardless, there will always be some overtime. Hiring won't make it go away. Hiring might reduce overtime costs, but not department costs. He said the few part

time officers we have are not putting in enough hours.

Trustee Castañeda said she is certainly concerned with safety, but thinks there are other ways to eliminate some problems in the Village. Hiring is not in the best interest of the taxpayers.

Trustee Wagenhauser reminded the Mayor that he has had 2 years to negotiate a police contract and that he will have very little control once it goes to arbitration. Regarding the use of part time officers, the contract limits when part timers can be used. He shared that the Police Department used to be 14 officers strong and is now at 11 with 1 on workers compensation. The question is not whether we need more officers, but if we can afford them. He said Chief Varrenti has stated that hiring 2 officers will have no affect on the department's budget. Overtime can be reduced by \$150,000, paying the 2 new officers from that. This will provide for more police presence. So, for the same price, we get more cops on the beat – more bang for your buck and less liability issues. Maybe then some officials and candidates won't parade officer salaries in front of the public. The constant finger pointing is unacceptable. It's not the officers fault that they're making overtime. There aren't enough officers to cover the shifts. The average base officer salary is \$62,000 plus \$11-\$12,000 in maintenance. Hiring is the right thing to do. The world will not collapse. Trustee Wagenhauser said he hopes Mayor Wexler gets a police contract in the near future to save the Village some money elsewhere.

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Mayor Wexler said contract negotiations are heading to arbitration by an impartial third party if not resolved in the upcoming mediation. It's an ongoing process. He said he heard from a couple of Trustees in the back room that the Stetson Club would wait him out to get a better contract once he's gone. He said he would fight the fight and get information to the public and let them in on salaries. He said Brockport has the second highest Village taxes in Monroe County while the income is the lowest. The cost of the Brockport Police Department is the highest per capita. He said many taxpayers were happy with the new tax installment payment option this year as many are on fixed incomes.

Trustee Wagenhauser said no one has done more on the Village Board than he when it comes to reducing costs, finding efficiencies and staying on or under budget.

Mayor Wexler said he does not disagree, but said hiring is not good timing while in the midst of contract negotiations.

Call to Question:

→ Trustee Hunsinger, Trustee Wagenhauser, Trustee Legg in favor, Trustee Castañeda, Mayor Wexler opposed, carried 3/2 that the Village begin the process to hire 2 new full time police officers.

E. Trustee Hal S. Legg

1. Treasurer Search – reported that he met with SUNY's Lou Spiro and has conversed with former Village Treasurer/Manager Ian Coyle who have each agreed to assist with the search for a new Treasurer. The application deadline has passed and they are reviewing applications and determining whom to interview. L. Spiro served on the search committee when I. Coyle was hired.

2. Ethics – referred to a discussion thread at the last meeting in which Mayor Wexler suggested he and Trustee Hunsinger recuse themselves on the farmers market issue since the market manager helped campaign for them. He commented that if it were unethical to speak of supporters, it would be a very long list. He said the attorney affirmed that the actions of he and Trustee Hunsinger are appropriate and are no ethical malfeasance.

3. Workshop Meetings – read the following statement:

“As Clerk Morelli has pointed out from time to time, the difference between a village board workshop and a village board meeting is superficial. Workshops are meetings, plain and simple. We may dress more casually for them; and we may sit at the conference table for them, but they're legally indistinct from meetings like this one.

In fact, the practice of calling meetings “workshops” is a bit odd. Villages like East Rochester, Honeoye Falls, Hilton, Fairport, Holley, Churchville, Bergen and Leroy manage to conduct their business in one or two meetings per month, as do the towns of Hamlin, Gates, Brighton, Clarkson, Ogden, Parma and Chili. Meetings of those municipalities are called “meetings,” by the way.

If there's a benefit esoteric to Brockport's workshops, I haven't found it. As a trustee, I can tell you that I do most of my village work not at board meetings, but in between board meetings. As much as I enjoy spending Monday evenings here, I'm not convinced we need to meet so often.

Not too long ago, village leadership realized that having department heads present for every village board meeting was unnecessary. Now they give their reports once a month, which has worked out well for them and for the board. I feel that it's time to recognize that we, just like the governing bodies of the

15 municipalities I just mentioned, would convene once or twice monthly, and that doing so would not affect adversely our ability to discharge our duties.

→ Trustee Legg moved that the village discontinue immediately the practice of holding “village board workshops” and cancel all scheduled meetings of the village board known as “village board workshops”.

Discussion:

Trustee Castañeda said it is quite obvious why some Trustees would want to cancel workshops since instead of discussing upcoming agenda items as a whole Board; they do so while watching “the game”.

Mayor Wexler agreed that workshop meetings are really the same as regular meetings, but that he believes holding as many meetings open to the public is a benefit to the community. He said workshops used to be used to discuss issues at greater length and to prepare for an upcoming “regular” meeting so there were no surprises. He expressed concern that meeting only once in the months of June, July and August.

Trustee Hunsinger shared that Village Board members have the authority to call for a special meeting when needed and that holding only “regular” meetings will force the Board to be more efficient and timely with an emphasis on moving forward so as not to lollygag or filibuster.

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Trustee Castañeda reminded the Board that she suggested rescheduling the workshop meeting that was cancelled September 22<sup>nd</sup> to September 29<sup>th</sup> and didn’t even receive a response. She said it is very clear that some Board members don’t want to be in one room with the entire Board and discuss everything in front of the public. She said she is a busy person, but made the commitment. She said the Village Board is very dysfunctional and should be a “we” instead of “I’s”.

Trustee Legg said he doesn’t see any member of the Village Board as any less competent than the 15 area municipalities he cited earlier. He said he has confidence that the Board can get it done in its 2 regular meetings per month.

Mayor Wexler said maybe Brockport couldn’t be compared to those other municipalities. We may be different. Just look at the cost of taxes and the police department.

Trustee Castañeda requested that if special or emergency meetings were found to be necessary, that they be scheduled in the evening when all Board members are available rather than during the workday.

Call to Question:

→ Trustee Legg, Trustee Hunsinger, Trustee Wagenhauser in favor, Trustee Castañeda, Mayor Wexler opposed, carried 3/2 that the village discontinue immediately the practice of holding “village board workshops” and cancel all scheduled meetings of the village board known as “village board workshops”.

4. Merchants Association Halloween Parade & Party -

→ Trustee Wagenhauser moved, unanimously carried 5/0 to approve the parade/procession application of the Brockport Merchants Association for the annual Halloween parade Friday, October 24<sup>th</sup> and allow use of the Market Street fire hall for the Halloween party.

**PUBLIC COMMENT:**

1. Joan Hamlin of Park Avenue – a) commented that if the Village ends up turning the Farmers Market over to the Merchants Association, it should sever all ties with it including money, advice and any related costs. She said she believes the Village should not give any money to the Merchants Association in general. b) said Board members sometimes cite NYCOM as the law, not opinion and sometimes as opinion, but not the law, and the Village Attorney as opinion – whatever is convenient for whomever. c) supports the Brockport Police Department, but after tonight’s vote to increase staffing, she believes a lot of people will want to vote out the police department altogether. d) each Board member ran for office knowing full well that the Village Board holds 2 regular meetings and 1 workshop meeting each month. If some Trustees are not able to meet that commitment, then they shouldn’t have run for office. Except in the case of an individual emergency, there should always be at least a quorum of 3 to hold the meetings. e) at one time the Village Board worked all together, and then there was a period when the Board did not work well together, now it seems there is a “gotcha” mentality with surprise motions. She believes this is a sad commentary and hopes that people watching the replay of the meetings on TV will see this. She said she lives it by attending the meetings, so why would she watch it again. She questions how the Village elected these people.

2. Bill Heyen of Frazier Street – takes issue with J. Hamlin’s comments. The Village Board is not dysfunctional. It is efficient and issue driven. He said he is proud of the Board.
3. Christopher Graves of Lake Road South – had met with the Mayor about the Police Department’s walking patrols and shooing people off public benches on Main Street. He said some residents have medical problems and sit on the benches and are approached by Police officers and forced to move off the benches. Mayor Wexler reminded C. Graves that he would be happy to set up a meeting for him with Chief Varrenti.
4. David Ahl of the New York State Coalition of Property Owners and Businesses, Inc. – thanked the Board for their consideration of Chapter 36 amendments and wondered if maybe he hadn’t seen the latest version. He expressed concern of innocent families being rousted out of bed at 7am by those wishing to execute a search warrant. He wondered how the Board would feel if it were them – simply due to the landlord recording a new mortgage. He said he had hoped the Board would take more time to consider the many points made.
5. Wayne Bennett of State Street and Member/Chair of the Ethics Board – a) commented on the ramblings of Trustee Wagenhauser regarding wildlife, football, Mayberry, etc and said at least Trustees Hunsinger and Legg are succinct. b) the Trustees were elected knowing the meeting schedule and that it included workshops – to change it now is wrong. c) insulted by Trustee Hunsinger’s comments after he came forward at the beginning of the meeting under public comment and asked if there were questions and concerns. He said reference was made to the

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Ethics Board being formed in 1971. He said it was just formed not long ago. Mayor Wexler clarified that the Ethics chapter of the Village Code originally went into effect in 1971 and was amended recently. The Board as it now exists was created a couple of years ago. W. Bennett objected to the characterization that the Ethics Board had bad leadership. He said the Board met in February 2008 to set the Village Attorney’s guidelines into motion. He said he assumed the Village Attorney would relate back to the Village Board for things such as requesting a P.O. box for concerns. The Ethics Board was told that there would be an upcoming complaint where they would go to executive session to discuss it. They never got it. The Ethics Board has had nothing to report. Then in September, the Village Attorney said the Ethics Board never finished what it started. He said either the Village Attorney slipped up or misled them. Don’t blame the Ethics Board. Further, it’s the Village Board’s job to fill vacancies on the Ethics Board, not his. However, he recently encouraged a couple of residents to apply.

6. Carrie Maziarz of Adams Street – a) commented that she is glad 2 full time officers will be added to the Police Department. She said this was something she tried to do as a Trustee and that it is a step in the right direction. The Mayor saying overtime is the leading argument doesn’t account for the fact that he has had 2 years to negotiate a new police contract and hasn’t. The 2 new hires as well as the 1 last hire are all hired under the current contract. If the Mayor is that concerned, then get the contract settled. b) regarding the Farmers Market – it never cost the Village a dime – it is self-funding through vendor stall fees – and even made money. Clarified that the Village Board has always had the authority over street closures and nothing has suggested otherwise. Management of the Farmers Market by another entity would not take that authority away. Said only 1 Trustee has even asked her opinion on the Farmers Market Management. She would be glad to talk to any Board member as well as hear their suggestions. c) Clarified that NYCOM is not a legislative body as Mayor Wexler said earlier.

Trustee Castaneda said Farm Market Manager Maziarz was invited to a Village Board workshop to discuss future management. She did not attend and did not notify Clerk Morelli of her cancellation. She reminded the Board that she had suggested that the Village Board share Farmers Market management responsibilities as it has done recently with the Summer Serenades, but the Board was not open to that idea.

Trustee Hunsinger reminded the Board that public comment is not meant to be a question and answer session and that his concerns were noted at the time of his report.

**AUDIT:**

➔ Trustee Castañeda moved, unanimously carried 5/0 that the bills be allowed and paid upon audit.

	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
<u>Village</u>	9/16/08	177699-177702	\$288.98
	10/1/08	177704	\$402.05
	10/1/08	177706	\$647.01
	10/1/08	177708	\$83.25

	10/7/08	177713-177718	\$2,365.25
	10/7/08	177728-177794	\$30,950.48
<u>Fire</u>	10/1/08	177710-177712	\$2,484.20
	10/7/08	177795-177798	\$777.02
<u>Third Party Billing</u>	10/1/08	1345-1346	\$393.44
	10/7/08	1348-1359	\$1,976.82
<u>Capital Projects</u>	10/7/08	2266-2272	\$11,647.20
<u>Water</u>	9/26/08	2081	\$27,874.54
	10/1/08	2083	\$10.59
	10/1/08	2085	\$35.08
	10/7/08	2089-2099	\$27,829.92

**ADJOURNMENT:**

➔ Trustee Hunsinger moved, unanimously carried 5/0 that the meeting be adjourned at 9:30pm.

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Leslie Ann Morelli, Village Clerk