

**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 17, 2009 at 7:00pm.**

**PRESENT:** Mayor M. Connie Castañeda Vice Mayor/Trustee Kelly A. Smith, Trustee Kent R. Blair, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Scott Smith

**EXCUSED:** Clerk Leslie A. Morelli

**ALSO PRESENT:** Village Attorney Michael Leone, Clerk Pamela W. Krahe, John Bush, Jo Matela, Linda LeTougel, Kingsley LeTougel, Bernie LoBracco, Kathy Snyder, Cody Dean, Ashley Meiers, Samantha Raymond, Robert Shipe, Carrie Maziarz, Joan Hamlin, Jim Hamlin, Carol Hannan, Diane Wood, David Moon, Jim Weber, Kathryn White, Elaine Bader, Norman GianCursio, Robin Waller, Frederick Webster and several others who did not sign in.

**CALL TO ORDER:** Mayor Castañeda 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."

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

➔ Trustee Hunsinger moved, unanimously carried 5/0 that the minutes of the meeting held August 3, 2009, be approved as amended.

**AUDIT – PAY BILLS:**

➔ Trustee Hunsinger 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>	8/18/09	179270-179326	\$215,840.25
	8/18/09	179299	\$10,078.97
	8/19/09	179337	\$99.94
	8/19/09	179338	\$201.36
	8/19/09	179339	\$284.88
<u>Village From Reserves</u>	8/18/09	179327-179335	\$9,428.88
<u>Fire</u>	8/18/09	179240-179265	\$10,338.25
	8/19/09	1793336	\$72.77
<u>Third Party Billing</u>	8/18/09	001632-001643	\$13,217.81
<u>Capital Projects</u>	8/18/09	002339-002340	\$4,080.87
<u>Water</u>	8/18/09	002365-002376	\$30,062.75
	8/19/09	002378	\$138.00

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT:**

1. Jo Matela, 76 Adams Street – Representing both the Brockport Merchants' Association and herself, asked the following questions and requested the Board answer them now or get back to her:

- When will construction begin on the Smith Street Bridge?
- When will the Main Street water and sewer reconstruction begin?
- Has the Board applied for federal stimulus money for the water/sewer project? Indicated she had given information about other municipalities' awards to Trustee Blair a couple weeks ago.
- How can you expect to run the DPW with only 9 full-time employees?
- Indicated her disappointment with the discontinuation of televised coverage of Board meetings and her pleasure at seeing John Bush recording tonight; added many people rely on being able to see the meetings on television.

2. Carrie Maziarz, 42 Adams Street – Referencing minutes of the March 2, 2009 Village Board meeting and her comments regarding applying for ARRA money, known as federal stimulus funds, reiterated some of then-Trustee Castañeda's comments about the Main Street project. She noted her comments pertained to the water and sewer replacement that has been bonded and the landscape enhancement that could have been applied for. She stated she hasn't received any comment back from the past or present mayor about her concerns nor whether the information had been forwarded to the Main Street Reconstruction Committee. She added the applications had to be in by May and she pointed out some awards to municipalities similar in size to Brockport which ranged from \$200,000 to \$1,000,000. Ms. Maziarz also offered that some municipalities who had collaborated on applications had also been given awards. She indicated she would leave that information for the Board. She continued, stating the Genesee Transportation Council handles these applications and they have nothing on file to date

from Brockport and she is disappointed we are bonding instead. She also said there would be a second

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round of monetary awards, but they will be for larger projects. In conclusion, she emphasized an opportunity had been lost and she hopes the Board will look for other opportunities.

3. Carol Hannon, 292 Main Street – Suggested in lieu of making budget cuts, the Board look for ways to make living here more affordable such as village electric and municipal garbage collection; recalled the public outcry when these items were originally discussed; also posed the idea of a village traffic court and sewer usage fees. She commented the village needs to thoroughly explain these concepts to residents so they can be understood. Ms. Hannon pointed out we have very intelligent residents and she voiced we should use these community resources as she realizes the Board is limited in what it can accomplish in its part-time hours.

4. Diane Wood, 38 Adams Street – Said she listened to those commenting previously about wasting money and inquired why two village workers had spent so much time over the last two weeks looking into why a fire truck had been nine miles out of the district for the wedding of a firefighter, when time could have been better spent looking into grants and such. Trustee Legg asked if she was saying a fire truck left the village for a wedding and Ms. Wood replied it was for her wedding and that her husband has been a volunteer firefighter for 23 years. She indicated there was precedent for this, citing numerous times in the past when the truck was used and there had never been any issues before. She pointed out that the two trustees who were investigating this had no problems last year when the truck was used similarly. She did clarify the truck was out for 1 hour, it went 9 miles roundtrip, only 4 miles out of zone, there were personal vehicles there so if the truck was needed, the wedding party could disembark and utilize the other cars, and that the driver of the truck was qualified to put it in service immediately if necessary. Ms. Wood questioned the use of village vehicles for other purposes, for example fire trucks in parades, the police department using their work vehicles to attend calling hours or public events. She emphasized that firefighters are all volunteer and she cited code sections from Chapter 10 that indicate the “Fire Chief has exclusive supervision...of equipment” and that a “reasonable request” can be considered. She concluded by concurring with previous speakers that the Board should spend their time looking at items such as a village court and departments who consistently come in over budget rather than spending so much time on one minor matter.

**Executive Session:**

⇒ At 7:24pm, Mayor Castañeda moved, unanimously carried 5/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss two personnel matters, one regarding a Fire Department matter with Fire Chief Smith attending and the other to discuss an employee contract.

⇒ At 8:41pm, Mayor Castañeda moved, unanimously carried 5/0 that the Board of Trustees re-enter the regular meeting.

**DEPARTMENT REPORTS:**

**A. PUBLIC WORKS – Superintendent Harry G. Donahue**

1. Declare surplus & authorize sale of 2001 Chevy Impala (former Code Enforcement vehicle)

→ Trustee Blair moved, unanimously carried 5/0 to declare as surplus the 2001 Chevy Impala.

→ Trustee Smith moved, unanimously carried 5/0 to authorize the sale of the 2001 Chevy Impala.

**B. POLICE DEPARTMENT – Chief Daniel P. Varrenti**

1. Met with Gary Metz, a professor at the college and part-time deputy, who also writes grants, about the open Grant Writer position. Also met with another retired officer who does similar work. No conditional offers of employment were made, merely inquiries. Chief will keep the Board apprised.
2. Working with Trustee Hunsinger to obtain information on a local criminal court, not a traffic court. Indicated the revenue generated could be ten times the cost of implementing it.
3. Had worked with former Mayor Wexler to apply for the Cops More grant and that the previous Board had given him permission to hire two officers. One has been hired, but he is holding off on the other one until he sees if we get the grant. Indicated the grant has been denied for this fiscal year, but will be considered for the next year. The Chief questioned how long they should wait on this money and cited a case where one of his officers worked 40 hours overtime last pay period between covering the Arts Festival and other officers' time off and vacation. Reiterated he is always working to backfill his department and that the biggest way to cut overtime is to hire additional staff.
4. Indicated he sent the Board a draft benefits agreement on August 5, had since discussed it with three trustees, that Trustee Legg had suggested revisions beneficial to the Village to which the Chief had agreed, then submitted a revised agreement. The Chief said he would not negotiate the agreement publicly and reminded the Board that if they do not accept the

agreement, he

would then go back into the retirement system and obtain village-paid health insurance. He thanked Treasurer Tojek for compiling figures for him that indicated over the life of his contract, the village has saved over \$119,000 in retirement costs, nearly \$92,000 in medical coverage

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and another \$11,088 for dental bringing the total savings over eight years to \$222,486. He asked the treasurer to project another 10 years assuming all costs remain the same and that a 211 waiver was in place, where the potential savings would be in excess of \$550,000, for a total past and potential future savings of \$772,855. Reminded the Board he is a Civil Service Chief, not an appointed one. Acknowledged he had spoken with Trustees Blair, Legg and Hunsinger; encouraged other members to call him with questions or concerns and asked the Board as a whole to consider accepting this agreement.

**C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff**

1. Received call from Student Affairs Administration at SUNY Brockport regarding assistance with distributing information materials to students moving in for the upcoming school year. Date would be Friday, August 28. Building Department will be assembling packets of information and appreciates the outreach from SUNY.

**D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Scott Smith**

1. Calls for Service – Fire: 574 and EMS: 1244

2. Membership Drops/Adds – Chief Smith asked the Board to consider the following adds: Jason Ramble to active fire, Brandon Geer and Deanna Kepler to active ambulance and Andrew Young to active fire and ambulance; the following drops: none; the following status changes: Douglas Bopp to support only; and the following leaves of absence: Chris LaDue and Brooke Stoll.

→ Trustee Blair moved, unanimously carried 5/0 to approve the previously mentioned adds, status changes and leaves of absence.

3. Pager Purchase Proposal – Older pagers which will cost money to repair will be replaced. Cost is \$5,992.88, with a savings of \$975 due to a discount of \$75 per pager.

→ Trustee Hunsinger moved, unanimously carried 5/0 to approve the purchase of Fire Department pagers.

4. Thermal Imaging Camera Grant Purchase Proposal – thanks to a \$15,000 grant obtained by Assemblyman Reilich, the department can purchase two additional thermal imaging cameras that are identical to the others already in the department, saving training time on new equipment. The cameras must be purchased up front and then will be reimbursed through the state grant.

→ Trustee Blair moved, unanimously carried 5/0 to approve the purchase of two thermal imaging cameras which will be reimbursed with grant funds.

5. Training Request – EMS – Vital Signs Conference – 10/15-10/18 Rochester – staff need training to maintain certification and this conference will accomplish that at \$150 per person for a total of \$2250; affirmed it is in the budget.

→ Trustee Blair moved, unanimously carried 5/0 to approve attendance at the Vital Signs Conference for 15 personnel who are in need of Continuing Education credits.

6. Update on obtaining estimates for Site Survey – currently working on obtaining two more quotes; indicated Parker Brown cannot participate because of a conflict of interest, but is assisting to find others.

7. New truck is in service, housed at Station 4; have shown old 234 to personnel from Short Tract who are interested in buying it, as well as a second company who is interested.

**E. TREASURER – Gina M. Tojek**

1. Authorize Draws from Letter of Credit – Sunflower Landing Section 1 & 2A – in the amount of \$1000 for a 100' concrete sidewalk in Section 1 and in an amount not to exceed \$11,500 for construction and engineering services related to water, sewer, etc. in Section 2A as requested by the Village Engineer.

→ Trustee Legg moved, unanimously carried 5/0 to authorize the draw from the letter of credit in the amount of \$1,000 for Section 1.

→ Trustee Blair moved, unanimously carried 5/0 to authorize the draw from the letter of credit in an amount not to exceed \$11,500 for Section 2A.

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2. Resolution to Close Deficit Reserve Balances to Fund Balance – Trustee Legg read the resolution into the record as follows:

RESOLUTION TO CLOSE DEFICIT RESERVE BALANCES TO FUND BALANCE.

WHEREAS, the following General Fund Reserves have a deficit balance as of May 31, 2009 and

WHEREAS, expenditures from Reserves cannot exceed available funds appropriated by the Village Board to fund such Reserves and,

WHEREAS, expenditures in excess of available Reserve Funds automatically become a liability for the Operating Fund, be it

HEREBY RESOLVED, that the Treasurer is hereby authorized and directed to close the following deficit Reserve balances as of May 31, 2009 to General Fund Cash/Fund Balance.

<u>Reserve #</u>	<u>Description</u>	<u>Amount</u>
24	Village Equipment	-\$24,194.58
27	CHIPS	-\$30,929.80
34	Clock Restoration	-\$6,680.36
36	Landfill Improve.	-\$55,961.03
44	Canal Waterfront	-\$70,646.70
49	Curbs/Streets/Sidewalks	-\$68,274.88
TOTAL:		-\$256,687.35

→ Trustee Legg moved, unanimously carried 5/0 to approve the resolution to close the deficit reserve balances to fund balance.

F. CLERK - Leslie A. Morelli (excused)

G. VILLAGE MANAGER – (vacant)

H. ECONOMIC DEVELOPMENT COORDINATOR (vacant)

I. VILLAGE ATTORNEY – Michael Leone, Esq.

**VILLAGE BOARD REPORTS:**

A. Mayor M. Connie Castañeda

1. Honored Department of Public Works Superintendent Harry Donahue for over 25 years of municipal and public service on behalf of NYCOM with presentation of certificate.
2. Appoint to Welcome Center Greeter Program –

→ Trustee Blair moved, unanimously carried 5/0 to appoint the following as Welcome Center Greeters: David Virgilio and Marianne Virgilio

→ Trustee Smith moved, Trustee Blair abstained, carried 4/0 to appoint the following as Welcome Center Greeter: Kent Blair

3. The meeting with Pro Accounting Solutions has been rescheduled.
4. Met with Mr. Coyle and Mr. Frost on August 11 regarding the municipal space on Market Street.
5. Attended a beneficial workshop by Local Government Leadership Institute August 13 and 14.
6. Received correspondence from National Grid who has approved the reimbursement of \$250 toward trees planted by the Tree Board.
7. NYS Canal Corp has responded positively to the request to install grab cables.
8. Thanked the DPW, the Brockport Merchants' Association and the Bless Brockport program for their concerted efforts on the beautification of downtown with flowers and plants.
9. Has received the ADP from Dan Schwind for the highway reconstruction project for Route 19; indicated Board members can come in to review it and comment.
10. Regarding the memo from Treasurer Tojek, asked Board members to meet with the treasurer by next week, asked all Department Heads to meet next week. Department Heads agreed on August 24 at 10am with the exception of Supt. Donahue who will be out of town all week; the mayor and treasurer will meet with him separately.

11. Thanked John Bush for volunteering to tape tonight's meeting.

B. Trustee / Vice Mayor Kelly A. Smith

1. Thanked DPW for work on salt barn that, according to the Superintendent, is staying within budget, and for keeping up with everything else.

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2. Commended Police Department following her firsthand observation of them in action during a non-routine EMS call.
3. Thanked those who volunteer for ambulance and fire service.
4. Thanked John Bush for taping the meeting, concurred that community wants to see it televised.
5. Opined we live in a great community and should be proud of what we have here.
6. Noted Summer Serenades are awesome and draw many from neighboring towns.

C. Trustee Kent R. Blair

1. Has spoken with One Communication regarding activation of 911 emergency phone at Welcome Center; may be able to install direct dialer. Will keep Board apprised.
2. Sent letter to Assemblyman Reilich regarding need for additional lighting and signage at Welcome Center/canal wall. Will keep Board apprised.
3. Has spoken with Michele Reed at Sunnking about computer at Welcome Center.
4. Regarding grab lines mentioned by Mayor Castañeda, in order for us to have someone offer canoes for use on the canal; we must have grab lines in place.
5. Spent time at the Arts Festival, delivered coffee and goodies with the mayor and vice mayor; thanked Deputy Chief Henry for his time and explanations.

D. Trustee Scott W. Hunsinger

1. Thanked the bands who perform and all others involved with and/or who attend Summer Serenades.
2. Thanked Fire Chief Scott Smith for all he did for the Arts Festival all weekend.
3. In 1948, Shirley Jackson wrote The Lottery which details a small town addicted to gossip, participating in a barbaric annual ritual of stoning to ensure a good harvest and how this was something that "has always been done." He stated similar words have been said around Brockport over the last few months to justify things, but he opined "if something is wrong, it is wrong" and added that change occurs when people realize the right thing must be done. He concluded by saying The Lottery is an eye-opener to the brainwashing that can go on with a "just go with it" attitude, but in the end, if something is wrong, it is wrong and progress can be made if things are made right.

E. Trustee Hal S. Legg

1. Clarified that a recent Summer Serenade was not cancelled, but rather that the band didn't indicate they were unable to come, nor did they notify anyone from the village they were not coming and that these circumstances were beyond the control of the village.
2. Requested the Code Review Committee take a look at the Ethics Code to make it more reasonable and practical.
3. Thanked Chief Varrenti for his time in discussing his benefits agreement.

→ Trustee Legg moved to authorize and direct the Mayor to enter on behalf of the Village of Brockport into the benefits agreement as presented by Police Chief Dan Varrenti.

Trustee Legg led the discussion by again confirming with Treasurer Tojek the past savings on medical, dental and retirement; the fact that costs for all three will undoubtedly continue to rise significantly over the next ten years as opposed to the projections discussed earlier which assumed static costs. Stated previous agreement expired 6/30/09. Trustee Legg indicated many items in the contract remained unchanged and salary adjustments do not apply to retirement or to health and dental HRA payment. Attorney Leone asked for clarification on which of the two versions of the contract they were discussing and they agreed that, in lieu of it having a date, it would be referred to as the version received by the Village on August 13, 2009.

Mayor Castañeda reviewed the timeline in which she corresponded with the chief, received the proposal, sent it to the Village Attorney for review, received it back and received the revised proposal. She said she would not be in favor of voting tonight and enumerated her concerns as: 1) the contract is for 10 years which will outlive her term in office; 2) the contract does not relinquish the chief's right not to take health insurance from the village; and 3) she would like to see the language "on call 24 hours a day" added.

The chief readily agreed to add "on call 24 hours a day" and reiterated his intention not to obtain health insurance through the village as long as the 211 waiver is in place. There was additional discussion about "legacy" costs and various sections of municipal law addressing health insurance, retirement, and waivers. Mayor Castañeda restated her desire that the Board take more

time to review the proposal. As for the contract outliving the term of the mayor, Trustee Legg indicated he has requested we ask the Attorney General to give an informal opinion, which could take 6-9 months. Attorney Leone noted the Chief has Civil Service protection.

→ The motion passed 4-1 with Mayor Castañeda voting against.

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4. Trustee Legg read the following into the record:

**Fiscal Policy**

While the village board amended its purchasing and procurement policies recently, I think we ought to begin framing policy directed at evaluating the costs of services, identifying expenses that we need not incur, and potentially increasing revenues. That Brockport is in rough shape when it comes to money is not a secret, and so it makes no sense to me to wait for the auditor's report at the end of this month to start taking actions that hopefully will positively affect the village's financial position. I expect the audit to define the problem in terms of dollars and cents; but it's up to this board to define solutions in terms of practices and policies.

My sense is that at least at the local level, the next few years will be a period of contraction for government. Even knowing what we know now just a few weeks into this fiscal year, it is plausible that next spring, this board will present as a best-case scenario another double-digit tax increase.

With that in mind, what I have this evening will be, I hope, some steps in the right direction with regard to a few high visibility areas of your local government, and a handful of smaller initiatives. I don't present these with the idea that they'll rescue the budget. Rather, my goal is to ensure that we define and entertain choices.

**Assess the viability of municipal water sales**

The original idea behind municipal water sales is a good one. Here in Brockport, the village generates revenue from tax-exempt entities like the college that use lots of water. However, while the Monroe County Water Authority, where the village buys its water, has increased its prices, the village hasn't raised water rates in years. And overall water consumption has declined. The net effect is that the village is spending more to purchase water and collecting less from selling it. Moreover, the water fund subsidizes other village operations with inherently rising costs. The fact is that the once profitable water fund is losing money.

Another option worth exploring is the dissolution of the water department with the goal of selling out to the county water authority. Brockport is one of a handful of municipalities in western New York that remains in the water business. Our infrastructure is aging, and it's costly to maintain. One needs look no further than the upcoming \$2.4 million replacement of nearly century-old Main Street water and sewer lines to understand the costs involved and their impact on taxpayers. We plan to bond that project, putting it on the expense side of the village budget for years and years to come.

Considering this outlay, and acknowledging that there's a practical limit to what the village could charge for water, it's inconceivable to me that our water department ever again will be profitable. So at this time I suggest that the village board form a committee to explore the likely fiscal and organizational effects of dissolving the water department. I recommend that membership include, but not be limited to, the superintendent of public works or his designee, the treasurer or deputy treasurer, and at least of one the liaisons to that area.

**Prioritize and reduce the number of projects**

Two of the more significant non-entitlement cost centers in the village are the department of public works and the fire department. To date this administration has provided little guidance with respect to determining which projects might be delayed or forgone to conserve money. So while I recently have signed off on projects like re-seeding the lawn here at the village offices, or the four-figure price tag of purchasing and affixing uniform badges or patches, in the absence of policy, I can question their necessity only in retrospect. While it would be easy to enact a moratorium on spending from certain budget lines, for example A 7145.4, A 7550.4 and A 8560.4, I believe a more comprehensive approach would be appropriate. Also of particular interest would be the method of payment and replacement schedule for heavy equipment purchases, such as fire trucks or dump trucks. The village historically has paid cash for these items; perhaps we ought to consider bonding them and planning to extend their service lives. So at this time I suggest that the village board form a committee to enact further spending controls. I recommend that membership include, but not be limited to, the superintendent of public works or his designee, the fire chief or his designee, the treasurer or deputy treasurer, and at least of one the liaisons to both the fire department and DPW.

**Consider discontinuation of local dispatch service**

While this idea was raised during budget talks earlier this year, and the village board has discussed it more recently in parallel with securing fire protection contracts with Sweden and Clarkson, turning emergency dispatch over to Monroe County's E911 center was researched fairly comprehensively between 2002 and 2003.

At that time there were two results. First, local police dispatch was ceased. Second, a March 2003 "Village of Brockport Dispatcher Study" identified key observations regarding: the importance of coordination of local activities; the possibility of inadequate 911 communication coverage throughout the Brockport Fire Department's service area; the impact of technological upgrades on how dispatch might be handled; and the necessity of competent completion of emergency services related paperwork.

This comprehensive study laid the groundwork for the village's understanding of the dispatch issue, and so in revisiting it, I believe we ought to look into the status of the key observations it raised:

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Would the county's 911 Center be able to coordinate our fire department's activities?

Would the county's communication coverage be adequate, or could it be made so?

Could Brockport absorb the cost of upgrading the village's own communication technology; and to what degree should that be a budgetary priority?

In the absence of local dispatchers, could the village ensure that paperwork would be completed competently?

I already have spoken informally about dispatch with John Merklinger, the director of Rochester's 911 Center. Mr. Merklinger was a member of the group that looked at dispatch in 2002-2003. He's familiar with the issue.

In line with his suggestions, I suggest that the village board create an ad hoc committee to resolve these questions and understand better the pros and cons of local versus county-based dispatch. I recommend that membership include, but not be limited to, the mayor, the fire chief, and at least of one the liaisons to that area.

**Other ideas**

Some pieces of the village's financial puzzle either don't need formal workgroups to move forward or are just coming into focus. Among these ideas are to:

- Reduce the number of village vehicles
- Explore creation of a village criminal court—which I understand Trustee Hunsinger and Chief Varrenti are pursuing
- Reduce further the fire department budget
- Hold funding flat (at best) for the Seymour Library
- Ban non-essential conference travel
- Consolidation of IT and related providers across all village departments
- Work with the New York Department of State towards Brownfield designation of the former Kleen Brite site
- Pursue ARRA funding for the Main Street water and sewer project

I realize that the mere suggestion of some of these ideas already has been met with resistance in the minds of those hearing them. To those opposed to investigating the kinds of change we might make in the areas I have suggested, I say this: either present practical alternatives or please be helpful in moving forward these ideas.

While I have suggested several action items tonight, I've not put any in the form of motions because they deserve independent consideration by the village officials that would be involved in carrying them out. Professional courtesy aside, the meter is running already. What we need to decide is where we're going.

**ADJOURNMENT:**

➔ Trustee Smith moved, unanimously carried 5/0 that the meeting be adjourned at 9:50pm.

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Pamela W. Krahe, Clerk