

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, July 21, 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, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Clerk Leslie A. Morelli.

EXCUSED:

ALSO PRESENT: Fire Chief Timothy Rombaut, Interim Treasurer Kari Olson, Clerk to Planning/Zoning/Code Enforcement Pamela Krahe, Carrie Maziarz, Bill Heyen, Jim & Joan Hamlin, Norm GianCursio, Francisco Borrayo, Robin Waller, Ray Duncan, Kathy Snyder, Fred Webster

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 5/0 that the minutes of the meeting held July 7, 2008, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT: None

GUESTS: None

DEPARTMENT REPORTS:

A. PUBLIC WORKS – Superintendent Harry G. Donahue

1. Stormwater Annual Report – public comment period closed 7/14 – resolution to accept

➔ Trustee Hunsinger moved, unanimously carried 5/0 that the Stormwater Annual Report be accepted as follows:

WHEREAS, the Village of Brockport has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Village's efforts to protect and improve the water quality of our streams and water bodies, and

WHEREAS, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Department of Public Works and Code Enforcement Office, and

WHEREAS, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY by June 1, 2008,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board accepts said Draft Annual Report and is available for public review at the Village Hall and on the Village website at www.brockportny.org.

BE IT FURTHER RESOLVED, that all comments on the Draft Annual Report will be incorporated into the Final Annual Report to the NYSDEC.

2. Letter of Credit Release - \$1,500 – Alco Paving re Remington Woods Subdivision

➔ Trustee Legg moved, unanimously carried 5/0 upon recommendation of the Village Attorney and DPW Superintendent for a Letter of Credit release in the amount of \$1,500 for work performed by Alco Paving at the Remington Woods Subdivision. The work involved performing grading in the rear yard areas of #11 and #15 Cailyn Way to alleviate drainage concerns.

3. Salt Storage Building – SEQR resolution

→ Trustee Castaneda moved, unanimously carried 5/0 upon recommendation of the Village Engineer and DPW Superintendent for SEQR related to the proposed salt storage building at the Public Works Compound at 38 East Avenue:

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 2

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) procedures, the Village Board of the Village of Brockport has reviewed the significance of and potential environmental impact of the construction of a new Salt Storage Building.

RESOLVED, that the Village Board hereby concurs with Chatfield Engineers, P.C. that the Project is considered a Type II Action in accordance with 6NYCRR Part 617.5, Paragraph C.7.

RESOLVED, that the Town Board hereby accepts the Environmental Assessment of this Project prepared by Chatfield Engineers, P.C. The Village Board further declares that, based upon the Environmental Assessment, it finds that the Project will result in no significant adverse impact to the environment and requires no further action.

4. Authorization to declare surplus equipment and sell on Auctions International website –

→ Trustee Castaneda moved, unanimously carried 5/0 upon recommendation of the DPW Superintendent to declare the following pieces of equipment as surplus and authorize sale on Auctions International website: 1) John Deer 14hp commercial walk behind mower 48" cut with cart serial #GX1320X030124 2) Homelite 3" blue trash pump 385gpm 2 cycle serial #82561 3) Homelite 3" red trash pump 385 gpm 4 cycle serial #85111810 4) Homelite 1500 watt generator serial #41840 5) Homelite 1 ½" blue trash pump serial #22077361.

5. Authorization to purchase new overhead garage door w/ electric opener –

→ Trustee Hunsinger moved, unanimously carried 5/0 upon recommendation of the DPW Superintendent to accept the lowest quote from Paul's Services for \$5,472 with funds to come from either building renovations line or from CHIPS reimbursement for a new overhead garage door with electric opener.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Welcomed new Trustees

2. National Night Out – announced the annual event held in conjunction with the Fire Department and Ambulance Corps to be held Tuesday, August 5th from 5:30pm to 8:30pm. This year's location will be the Police Department and municipal parking lot at 1 Clinton Street instead of the Vets Club on West Avenue. This will allow not only for the display of apparatus, but also for an open house of the Police Department. This year will be an ice cream social rather than a hot dog cookout. All are welcome as it is fun, informative and a value to the community.

→ Trustee Wagenhauser moved, unanimously carried 5/0 upon recommendation of the Police Chief to authorize the closure of Clinton Street from Main Street to Gardiner Alley from 5pm to 9pm on Tuesday, August 5th as well as the Clinton Street municipal parking lot at a time deemed appropriate for set up and clean up of the event.

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

D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Timothy Rombaut

1. Calls for Service – 520 fire and 1,129 ambulance for a total of 1,629 calls year to date.
2. Membership Drops & Adds – none
3. Bid Results – ambulance – July 8th bid opening resulted in 2 bids: \$139,550 from VCI Emergency Vehicle Specialists and \$145,000 from Gorman Emergency Vehicles. This is for an on-schedule, normal replacement in the budget rotation for an ambulance.

→ Trustee Castaneda moved, unanimously carried 5/0 upon recommendation of the Ambulance Replacement Committee to accept the low bid of \$139,550 from VCI Emergency Vehicle Specialists for one new 2008 emergency medical vehicle (ambulance) per specifications for use by the Brockport Fire Department.

4. Proposed contract with U of R – physician EMS Medical Director Services -

→ Trustee Wagenhauser moved, unanimously carried 5/0 upon recommendation of the EMS Chief with review by the Village Attorney to enter into an agreement with the University of Rochester School of Medicine and Dentistry for the services of a physician to provide EMS Medical Director services, on the condition that the insurance requirements are met as specified by the Village's insurance agent.

5. Operation Ranger Program – announced a grant awarded through US Smokeless Tobacco for a 6 x 6 Polaris Ranger utility vehicle through Precision Power for use by the Fire Department.

- E. INTERIM TREASURER – Kari Olson
- F. CLERK - Leslie A. Morelli
- G. VILLAGE MANAGER -
- H. VILLAGE ATTORNEY – David F. Mayer, Esq.

ANNUAL APPOINTMENTS & ADOPTIONS:

ANNUAL APPOINTMENTS AND ADOPTIONS:

1. ANNUAL FENCE PERMITS –

⇒ Trustee Castañeda moved, unanimously carried 5/0 that the following annual fence permits be renewed:

- 1. GE – 98 Lyman Street
- 2. RG&E – Perry Street and Erie Street

2. AMEND FOIL POLICY –

⇒ Trustee Hunsinger moved, unanimously carried 5/0 that the following Freedom of Information Law (FOIL) Rules and Regulations for public access to records of the Village of Brockport be adopted, hereby superceding the one last amended January 2002.

**RESOLUTION adopted by Village of Brockport Board of Trustees
July 21, 2008
Freedom of Information Law (FOIL)
Rules and Regulations**

**PUBLIC ACCESS TO RECORDS OF
Village of Brockport**

- 1. Purpose and scope
- 2. Designation of records access officer
- 3. Location
- 4. Hours for public inspection
- 5. Requests for public access to records
- 6. Subject matter list
- 7. Denial of access to records
- 8. Fees
- 9. Public notice
- 10. Severability

Section 1 Purpose and scope.

(a) The people’s right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.

(b) These regulations provide information concerning the procedures by which records may be obtained.

(c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

(d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 Designation of records access officer.

(a) The Village of Brockport is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

Brockport Village Clerk
Brockport Village Hall
49 State Street
Brockport, NY 14420

(b) The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefore.
- (5) Upon request for copies of records:
 - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - (ii) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:
 - (i) The Village of Brockport is not the custodian for such records, or
 - (ii) The records of which the Village of Brockport is a custodian cannot be found after diligent search.

Section 3 Location.

Records shall be available for public inspection and copying at:

Brockport Village Hall
49 State Street
Brockport NY 14420

Section 4 Hours for public inspection

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are:

8:30 a.m. to 4:30 p.m., Monday through Friday, except holidays

Section 5 Requests for public access to records:

(a) A written request may be required, but oral requests may be accepted when records are readily available.

(b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

(c) A response shall be given within five business days of receipt of a request by:

- (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
- (2) granting or denying access to records in whole or in part;
- (3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
- (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period

under the circumstances of the request, when the request will be granted in whole or in part.

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(d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

- (1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
- (2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
- (3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
- (4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
- (5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
- (6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
- (7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6 Subject matter list.

(a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

(b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

(c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 7 Denial of access to records.

(a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.

(b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.

(c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Brockport Village Attorney
C/o Brockport Village Hall
49 State Street
Brockport, NY 14420
(585) 637-5300

(d) Any person denied access to records may appeal within thirty days of a denial.

(e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

- (1) the date and location of requests for records;
- (2) a description, to the extent possible, of the records that were denied; and

(3) the name and return address of the person denied access.

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(f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(g) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
41 State Street
Albany, NY 12231

(h) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

Section 8 Fees.

(a) There shall be no fee charged for:

- (1) inspection of records;
- (2) search for records; or
- (3) any certification pursuant to this part.

(b) Copies may be provided without charging a fee.

(c) Fees for copies may be charged, provided that:

- (1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;
- (2) the fee for copies of records not covered by paragraphs (1) and (2) of this subdivision, shall not exceed the actual reproduction cost which is the average unit cost for copying a record, excluding fixed costs of the agency such as operator salaries.

Section 9 Public Notice.

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10 Severability.

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

PUBLIC NOTICE
YOU HAVE A RIGHT TO SEE
PUBLIC RECORDS

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

The VILLAGE OF BROCKPORT has adopted regulations governing when, where, and how you can see public records.

The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:

Brockport Village Hall
49 State Street
Brockport, NY 14420

The following officials will help you to exercise your right to access:

1. Agency officials who have in the past been authorized to make records available

2. Records Access Officer(s)
Brockport Village Clerk
Brockport Village Hall
49 State Street

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Brockport, NY 14420
(585) 637-5300 X10

If you are denied access to a record, you may appeal to the following person(s) or body:

Brockport Village Attorney
C/o Brockport Village Hall
49 State Street
Brockport, NY 14420
(585) 637-5300

PLEASE mark "FOIL APPEAL" on the envelope.

3. AMEND VILLAGE BOARD MEETINGS POLICY -

⇒ Trustee Legg moved, unanimously carried 5/0 that the following Village Board Meetings Policy be adopted, hereby superceding the one last amended February 2005.

**VILLAGE OF BROCKPORT
MEETING PROCEDURES
Adopted 12/18/95
Amended 2/7/05
Amended 7/21/08**

INTENT: Every public body has an inherent right to regulate its own procedures. Legislative bodies need rules so that the will of the majority is expressed and the rights of the minority are protected.

Section 1. MEETINGS: The Board of Trustees for the Village of Brockport, New York shall hold regular meetings on the first and third Mondays of each month. Such regular meetings shall commence at 7:00pm and be conducted in the board room of the Municipal Hall at 49 State Street, Brockport, New York. Any deviation of the foregoing paragraph shall be determined by the Board of Trustees.

Section 2. SPECIAL MEETINGS: Special meetings of the Board of Trustees are all those Board meetings other than regular meetings. A special meeting may be called by the Mayor or any Trustee upon notice to the entire board. Notice shall be given by telephone, in person, or in writing.

Section 3. QUORUM: A quorum shall be required to conduct business. A quorum of the (5) five member Board of Trustees shall be (3) three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

Section 4. EXECUTIVE SESSIONS: Executive sessions shall be held in accordance with the New York State Public Officers Law Section 105. All executive sessions shall be commenced in a public meeting.

Section 5. AGENDAS: The agenda shall be prepared by the Clerk at the direction of the Mayor. The Mayor or any Trustee may have an item placed on the agenda. When possible, items for the agenda shall be given to the Clerk by the Wednesday at noon preceding the Monday meeting. However, items may be placed on the agenda at any time, including during the meeting. The agenda shall be prepared by noon on the Friday before the meeting. If necessary, a supplemental agenda shall be distributed at the beginning of the meeting.

Section 6. VOTING: Pursuant to Village Law, each member of the Board shall have one vote. The Mayor may vote on any matter but must vote in case of a tie. A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State Law. An abstention, silence or absence shall be considered a negative vote for the purpose of determining the final vote on a matter.

A vote upon any question shall be taken by a show of hands, and the names of the members present and their votes shall be entered in the minutes.

Section 7. MINUTES: Minutes shall be taken by the Clerk. Minutes shall consist of a record or summary of all motions, proposals, resolution and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon, provided, however, that such summary need not include any matter which is not required to be

made public by the New York State Freedom of Information Law. (See attachment)

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MINUTES SHALL INCLUDE THE FOLLOWING:

- Name of the Board
- Date, place and time of the meeting
- Notation of presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment.
- Name and title of other Village officials and employees present.
- Names of attendees.
- Record of communications presented to the Board.
- Record of reports made by Board or other personnel.
- Time of adjournment.
- Signature of Clerk or person who took the minutes if not the Clerk.

Minutes shall contain only a summary of the discussion leading to action taken but shall not include verbatim comments. Officials desiring that a verbatim statement be included must provide such statement electronically to the Village Clerk the day following the meeting.

Minutes shall be approved at the next Board meeting. Amendments to the minutes shall require Board approval.

Section 8. ORDER OF BUSINESS:

Call to order
Pledge to the Flag
Roll Call
Approval of minutes of previous meeting
Public comment period
Report of officers and committees.
Old business.
New business
2nd Public comment period
Auditing
Adjournment

Section 9. GENERAL RULES OF PROCEDURE: The Mayor shall preside at the meeting. In the Mayor's absence, the Deputy Mayor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Board.

Board members shall not be required to rise but must be recognized by the presiding officer before making motions and speaking. Motions do not require a second. A member, once recognized, shall not be interrupted when speaking unless it is to call him/her to order. If a member, while speaking, were called to order, he shall be permitted to proceed.

There is no limit to the number of times a member may speak on a question.

Motions to close or limit debate may be entertained but shall require a two-thirds vote.

Section 10. GUIDELINES FOR PUBLIC COMMENT: The public shall be allowed to speak only during the public comment period of the meeting or at such time as recognized by the presiding officer.

Speakers must be visible.

Speakers must give their name, address and organization, if any.

Speakers must be recognized by the presiding officer.

Speakers must limit their remarks to (3) three minutes on a given topic or extended if recognized by the presiding officer.

Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

All remarks shall be addressed to the Board as a body and not to any member thereof.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Interested parties or their representatives may address the Board by written communications in the event of creating a hardship to attend the meeting personally.

Section 11. AUDITING: The approval of the Board to pay the bills upon audit must be done by motion.

Section 12. ADJOURNMENT: The meeting shall be adjourned by motion.

Section 13. AMENDMENTS TO THE RULES OF PROCEDURE: The foregoing procedures may be amended from time to time by a majority vote of the Board.

ATTACHMENT TO Section 7.

OPEN MEETINGS LAW “SUNSHINE LAW”
Effective in New York State in 1977. Amendments that clarify and reaffirm the public’s right to hear the deliberations of public bodies became effective on October 1, 1979.

A public body cannot close its doors to the public to discuss the subject of its choice, for the law specifies and limits the subject matter that may appropriately be discussed in executive session. The eight subjects that may be discussed behind closed doors include:

- (a) matters that will imperil the public safety if disclosed;
- (b) any matter which may disclose the identity of a law enforcement agency or informer;
- (c) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- (d) discussions regarding proposed, pending or current litigation.
- (e) collective negotiations pursuant to Article 14 of the Civil Service Law, (the Taylor Law);
- (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- (g) the preparation, grading or administration of examinations, and
- (h) the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially effect the value thereof.

These are the only subjects that may be discussed behind closed doors; all other deliberations must be conducted during open meetings.

A public body can never vote to appropriate public monies during a closed session. Although a public body MAY vote during a properly convened executive session, any vote to appropriate public monies must be taken in public.

NOTE: If a vote is taken during a properly convened executive session, minutes of the executive session must be taken and included in the meeting minutes.

4. AMEND FACILITIES USE POLICY -

⇒ Trustee Castañeda moved, unanimously carried 5/0 that the following Facilities Use Agreement / Application be adopted, hereby superceding the one last amended in 2007.

**Village of Brockport
Standard Facilities Use Agreement
Amended 7/21/08**

This Agreement describes the terms and conditions under which the undersigned outside party (the “USER”) may use facilities owned by the Village of Brockport (the “VILLAGE”).

Whereas VILLAGE owns and operates, or lawfully controls the use of, the property (“PROPERTY”) described below, and USER desires to use said PROPERTY, VILLAGE agrees to make said PROPERTY and no other available to USER at the date(s) and time(s) and for the purposes referenced below and no other, and in consideration for being permitted to use PROPERTY for the stated purposes, USER agrees to pay the fees and abide by the terms and conditions set out in this agreement.

USER NAME:		PROPERTY:	
ADDRESS:		DATE OF USE:	
CITY/STATE/ ZIP:		START TIME:	
TELEPHONE:		END TIME:	

FEES:		EVENT NAME:	
DEPOSIT:	\$25.00 (In addition to Fees)	PURPOSE OF USE:	

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FEEES, TERMS AND CONDITIONS

1. USER agrees to pay the sums referenced below as a fee for the use of the PROPERTY:

- Village Hall Conference Room \$0.00 per hour
- Welcome Center \$0.00 per hour
- Sagawa Park \$0.00 per hour

This fee is due immediately. Said payment includes use of lights, heat, air conditioning, and water, as may be needed for the purposes set out above and to the extent such exist at the PROPERTY.

2. ADDITIONAL FEES & SECURITY DEPOSIT: In addition to the fee described above, USER will be responsible for paying any and all expenses incurred by USER and/or VILLAGE in support of or as a result of the use. Such expenses may include, but are not limited to, cleaning costs, security costs, parking fees, and setup and takedown costs. The user shall pay to the Village the amount of **\$25.00, which** shall be held by the Village Clerk as a security deposit for any damage to the facility or other loss or expense incurred by the Village due to the use of the facility by the user. In the event that there is any damage, loss or expense incurred by the Village due to the use, the user agrees and acknowledges that the Village may use the security deposit for payment of same without prior approval of the user. The amount of the security deposit paid hereunder is not a limit of the user’s liability to the Village for damage, loss or expense and any claim for same by the Village shall be paid immediately by the user.

3. OCCUPANCY LIMITS: The USER shall comply with the occupancy limits of the PROPERTY being used as follows:

- Village Hall Conference Room 80 persons (60 seated & 20 standing)
- Welcome Center Conference Room 15 persons
- Sagawa Park Not applicable

4. SPECIAL RULES: The USER shall comply with the additional rules of the PROPERTY being used as follows:

- A. Village Hall Conference Room:
 - 1. All garbage must be removed by USER.
 - 2. The key must be picked up from the Village Clerk by 4:30 pm the day of the meeting and returned to the Village Hall drop box after the building is locked that evening.
 - 3. Alcohol sales are prohibited. Alcohol consumption is prohibited unless approved by the Board of Trustees for a specific PURPOSE OF USE.
 - 4. Turn lights off and assure doors are locked.
- B. Welcome Center Conference Room:
 - 1. All garbage must be removed by USER.
 - 2. The key must be picked up from the Village Clerk by 4:30 pm the day of the meeting and returned to the Village Hall drop box after the building is locked that evening.
 - 3. Alcohol sales are prohibited. Alcohol consumption is prohibited unless approved by the Board of Trustees for a specific PURPOSE OF USE.
 - 4. Turn lights off and assure doors are locked.
- C. Sagawa Park:
 - 1. USER shall vacate the park no later than 9:30 pm.
 - 2. All garbage must be removed by USER.
 - 3. The USER shall not disturb area church services.
 - 4. The USER may not exclude members of the public from simultaneously using the park.
 - 5. Alcohol sales are prohibited. Alcohol consumption is prohibited unless approved by the Board of Trustees for a specific PURPOSE OF USE.

4.1 ALCOHOLIC BEVERAGES: The USER agrees and acknowledges that the sale of alcoholic beverages at the PROPERTY is strictly prohibited. If alcoholic beverage consumption is approved by

the Board of Trustees for a particular PURPOSE OF USE, then the USER may provide alcoholic beverages for consumption by the guests of the USER at the event by the USER purchasing the alcoholic beverages, and then the USER may provide the alcoholic beverages to the guests at the event, for free, and without any charge.

5. INGRESS/EGRESS: All portions of the sidewalks, entries, doors, passages, vestibules, halls, corridors, stairways, passageways, and all ways of access to public utilities of the premises must be kept unobstructed by USER and must not be used by USER for any purpose other than ingress to or egress from the premises.

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 11

6. DAMAGES AND REPAIRS: The USER agrees to be responsible for all damages to buildings, grounds, fields and equipment incident to the use of the PROPERTY. USER shall make no temporary or permanent modifications to the PROPERTY without the prior written consent of the VILLAGE.

7. COMPLIANCE: The USER agrees to use and occupy the FACILITY in accordance with all VILLAGE policies, regulations, rules, and practices and with all applicable municipal, state and federal laws, including but not limited to fire codes. USER may not use the VILLAGE's names or marks, or imply VILLAGE endorsement or support, without express permission from an authorized VILLAGE official.

8. PARTICIPANTS AND ATTENDEES: The USER is responsible for providing all necessary and appropriate safety instruction to all participants and attendees at USER'S activity. The USER is responsible for any and all damages to buildings, grounds, fields and equipment caused by participants and attendees. If the use of the PROPERTY is open to any non-members of USER, then no person shall be denied the equal privileges and enjoyment of having free and open access to the USER'S event on the basis of race, color, creed, religion, national origin or sexual orientation. Access may not be limited on the basis of age or sex except insofar as the goals or purposes of the activity require such limitation and are lawful.

9. ABANDONED PROPERTY: Any property left on the PROPERTY shall, after a period of ten days from the last day of the scheduled use, be deemed abandoned and shall become property of the VILLAGE to be disposed of or utilized at VILLAGE'S sole discretion.

10. PERSONAL: This agreement is personal and the USER shall not assign this agreement nor allow any other person, group or entity to use the PROPERTY during the scheduled time(s) without the prior written consent of VILLAGE.

11. FORCE MAJEURE: If the PROPERTY is rendered unsuitable for the conduct of the USER'S activity by reason of force majeure, the VILLAGE and the USER are released from their obligations under this contract. Force majeure shall mean fire, earthquake, hurricane, flood, act of God, strikes, work stoppages or other labor disturbances, riots or civil commotions, war or other act of any foreign nation, power of government, governmental agency or authority, or any other cause like or unlike any cause mentioned which is beyond the control of the VILLAGE.

12. INDEMNIFICATION

A. The VILLAGE shall have no responsibility for the safety and/or security of any property belonging to USER or to those persons participating in the use of the PROPERTY by USER. USER expressly releases and discharges the VILLAGE for any and all liabilities for any loss, injury, or damages to any such property.

B. The VILLAGE shall have no responsibility for the safety and/or security of any person participating in the use of the PROPERTY by USER except as may arise from the negligence of the VILLAGE. USER expressly agrees to indemnify and hold harmless VILLAGE, its officers, employees, students and agents, from all cost, loss and expense arising out of any liability or claim of liability for injury or damage to persons resulting directly or indirectly from their participation in USER'S use of the PROPERTY, regardless of whether such use was authorized or not, and regardless of whether the liability or claim of liability arises out of the act or omission of USER.

C. In the sole discretion of the VILLAGE, at all times during the use of the PROPERTY, USER may be required to have a policy of comprehensive liability insurance, including public liability, bodily injury, and property damage, written by a company licensed to do business in the state of New York, covering the use contemplated by this agreement with combined single limits of no less than \$1,000,000 per occurrence and \$3,000,000 aggregate. The USER shall name the VILLAGE, including its trustees, officers, agents and employees as Additional Insureds for the said purpose and use of this agreement. USER agrees that the insurance will be primary coverage and will contain no terms allowing the insurer to be subrogated to the rights of any injured or damaged person or entity insofar as said person or entity may have claims against VILLAGE. The USER shall also maintain Worker's Compensation insurance to meet the requirements of the Workers Compensation laws of New York where applicable. Certificates of Insurance evidencing such insurance coverage shall be provided to the VILLAGE.

D. If USER is a department, division, or other unit of VILLAGE, paragraph 12 and all requirements included within it are null and do not become part of the agreement between the parties. If USER is a state or federal government agency, indemnification is not required where prohibited by

law. If USER is an individual, the comprehensive liability insurance certificate required by paragraph 12(C) shall not be required unless the VILLAGE finds, in its sole discretion, that the intended use may negatively impact the Village or its property.

13. CANCELLATION AND TERMINATION: The VILLAGE reserves the right to cancel or terminate the use and retain the use fees and security deposit paid to the VILLAGE if for any reason, within the independent and sole discretion of the VILLAGE, there is or will be, any violation of this agreement, of any rule regarding the use of the PROPERTY, any obligation of the user hereunder, or for any other reason based on health and safety concerns of the Village or its officials.

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 12

14. WHOLE AGREEMENT: This writing contains the whole and complete agreement between the VILLAGE and USER.

15. SEVERABILITY: The terms of this Agreement are severable such that if one or more provisions are declared illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.

The undersigned certifies that (s) he is authorized to sign this Agreement on behalf of the USER and the VILLAGE, respectively, and that the USER and the VILLAGE acknowledge and accept the terms and conditions herein and attached hereto.

Dated: _____ 200__ Dated: _____ 200__

USER: VILLAGE:

BY: _____ BY: _____

Position: _____ Position: _____

For office use only:

_____	Approved	_____	Denied
_____	Availability Confirmed with _____		
_____	Notification Given to _____		
_____	Security Deposit Collected (\$25)		
_____	Fees Collected		
_____	Received Insurance Certificate with Village as Additional Insured (Not required for individual use of facility)		

5. ACCEPT RESIGNATIONS / or do not wish to be considered for renewal / or inactive -

⇒ Trustee Castañeda moved, unanimously carried 5/0 that the following resignations / non-renewals be accepted with regret and thanks for their service:

Planning Board – John Brugger
Canal Revitalization Committee – R. Scott Winner
Ethics Board – Linda Johnson

SPARTAC – John Brugger, Bernard Sarkis
Police Explorers – Thomas Billington, Allison Burgio, James Collins, Timothy Collins, Jessica Cook, William Day, Cody Dean, Maxwell Dean, Meaghan Diehl, Kyle Englert, Thomas Hartter, Misty Mullaney, Matthew Naureth, Jenna Petty, Joshua Rodriguez

Welcome Center Management Committee – Peter Maxson

Welcome Center Greeters - Ruth Cardillo, Colleen Donaldson, Laurie Gurnett, Lynda Hale, Mike Kaplan, Marilyn Lafferty, Nate LaFrance, Mary Jo Nayman, Bruce Pennington, Cora Schrader, Carol Taif

Max's Mardi Gras Committee – Lucille Brandt of CP Rochester, Krista Gillette of Camp Good Days & Special Times, Inc., Katie Richards, Josephine Matela.

Village Advisory Committee – Scott Hunsinger

6. APPOINT DEPUTY / VICE MAYOR -

Mayor Wexler thanked Trustee Castañeda for her service as Vice Mayor last fiscal year and said it is with great pleasure that he re-appoints Trustee Castañeda as Vice Mayor.

Deputy / Vice Mayor.....Trustee Castañeda

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 13

7. APPOINT VILLAGE BOARD LIAISONS to departments / boards / committees -

⇒ Trustee Wagenhauser moved, unanimously carried 5/0 that the following Village Board appointments be made:

2008-2009	
VILLAGE BOARD LIAISONS TO DEPARTMENTS / BOARDS / COMMITTEES	
<u>Public Safety</u>	Trustees Wagenhauser & Hunsinger
<u>Fire and Ambulance</u>	Mayor Wexler & Trustee Wagenhauser
<u>Public Works</u>	Trustees Castañeda & Hunsinger
<u>Building / Zoning / Code Enforcement</u>	Trustees Hunsinger & Legg
<u>Personnel / Human Resources</u>	Trustee Legg
<u>Economic Development</u>	Trustees Wagenhauser & Legg
<u>Budget and Finance</u>	Trustees Wagenhauser & Legg
<u>Intergovernmental</u>	Trustee Castañeda
<u>Property Remediation</u>	Trustees Castañeda & Legg
<u>Planning Board</u>	Trustee Legg
<u>Zoning Board of Appeals</u>	Mayor Wexler
<u>Seymour Library Board</u>	Trustee Castañeda
<u>Historic Preservation Board</u>	Trustee Legg
<u>Tree Board</u>	Trustee Legg
<u>Code Review Committee</u>	Trustee Hunsinger
<u>Parks Committee</u>	Trustee Hunsinger
<u>Emily L. Knapp Museum & Library of Local History</u>	Trustee Castañeda
<u>Village Advisory Committee</u>	Trustee Castañeda
<u>Main Street Rehabilitation Committee</u>	Trustee Castañeda
<u>Max’s Mardi Gras Parade & Festival Committee</u>	Trustee Hunsinger
<u>Walk Bike Brockport Action Group</u>	Trustee Wagenhauser
<u>Canal Revitalization Committee</u>	Trustee Hunsinger
<u>Welcome Center Management Committee</u> William Andrews, Josephine Matela, Chris Marks	Trustee Wagenhauser

Mayor Wexler

1. Fire & Ambulance (with Trustee Wagenhauser)
2. Zoning Board of Appeals

Trustee Castañeda

1. Public Works (with Trustee Hunsinger)
2. Intergovernmental
3. Property Remediation (with Trustee Legg)
4. Seymour Library Board
5. Emily L. Knapp Museum & Library of Local History Committee
6. Village Advisory Committee
7. Main Street Rehabilitation Committee

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 14

Trustee Wagenhauser

1. Public Safety (with Trustee Hunsinger)
2. Fire & Ambulance (with Mayor Wexler)
3. Economic Development (with Trustee Legg)
4. Budget & Finance (with Trustee Legg)
5. Welcome Center Management Committee
6. Walk Bike Brockport Action Group

Trustee Hunsinger

1. Public Safety (with Trustee Wagenhauser)
2. Public Works (with Trustee Castañeda)
3. Building/Zoning/Code Enforcement (with Trustee Legg)
4. Code Review Committee
5. Parks Committee
6. Max's Mardi Gras Parade & Festival Committee
7. Canal Revitalization Committee

Trustee Legg

1. Building/Zoning/Code Enforcement (with Trustee Hunsinger)
2. Personnel / Human Resources
3. Economic Development (with Trustee Wagenhauser)
4. Budget & Finance (with Trustee Wagenhauser)
5. Property Remediation (with Trustee Castañeda)
6. Planning Board
7. Historic Preservation Board
8. Tree Board

8. MISCELLANEOUS APPOINTMENTS -

⇒ Trustee Castañeda moved, unanimously carried 5/0 that the following appointments be made:

Official Paper..... to be determined
Official Repositories.....JP Morgan/Chase
HSBC
External Auditor.....one year term..... Christopher Trento
Village Attorney.....one year term..... Harris, Chesworth,
O'Brien, et al (c/o David F. Mayer)
Deputy Village Attorney.....one-year term..... Frank A. Aloï
Labor Attorney.....one year term.....Barry Watkins
Environmental Attorney Firm.....one-year term.....Underberg & Kessler

⇒ Trustee Legg moved, unanimously carried 5/0 that the following appointment be made:

Village Historian.....one year term.....Jacqueline Morris
Museum Director.....one year term..... Jacqueline Morris

⇒ Trustee Castañeda moved, unanimously carried 5/0 that the following appointments be made:

Planning Board.....five-year term to 2013.....Kent Blair
Zoning Board of Appeals.....five-year term to 2013... Sal Sciremammano
Historic Preservation Board.....three-year term to 2011.....Bill Andrews
Historic Preservation Board.....three-year term to 2011 Pam Ketchum
Tree Board.....4- year term to 2012..... Margaret Blackman
Tree Board.....term to 6/30/09..... Hanny Heyen
Parks Committee.....4-year term to 2012.....Cynthia Baldwin

Parks Committee.....term to 6/30/09.....Hanny Heyen
Main Street Rehabilitation Committee (non-Main Street resident).....Allan Berry
Storm water Prevention (SP3) Coordinator..... Steve Maier

Clerk Morelli announced that the following vacancies remain. Interested residents are encouraged to submit a position interest form to the Village Clerk.

Ethics Board.....4-year term to 2012
Tree Board.....term to 6/30/10
Parks Committee.....term to 6/30/10
Code Review Committee.....term to 6/30/11
Canal Revitalization Committee.....5-year term to 2013

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 15

⇒ Trustee Castañeda moved, unanimously carried 5/0 that the following appointments be made to the following committees with no terms or limits:

Brockport Police Explorers
Danielle Watkins, Melynn Vanskiver, Melinda Hermance, Laura Conover, April Richardson, Mallory Haynes, David Lyons, Joshua Marshall, Jacob Mesiti, Ashlee Putnam, Joseph Storms, Nick Toscano

Welcome Center Greeters
Rita Wagner

Walk Bike Brockport Action Group
Add Kayak-Canoeing Sub Committee: Chris Swanson, Nancy Duff, Jackie Morris, Derek Puff, Rosie Rich, Mark Jaekle, Mary Ellen Rich, Tami McGraw, Doug Wolcott, Mike Andriatch

ADOPTIONS:

9. ADOPT STANDARD WORK TIME FOR RETIREMENT PURPOSES -

⇒ Trustee Hunsinger moved, unanimously carried 5/0 adopting the hours credited for NYS retirement purposes:

RESOLUTION
STANDARD WORK DAY/WEEK/MONTH
FOR NEW YORK STATE RETIREMENT PURPOSES

BE IT RESOLVED, that the Village Board be and hereby establishes the following as a standard workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees’ Retirement System:

RESOLVED: that the standard work time for the **Mayor** (if enrolled in said retirement system) be established at six (6) hours per day / twenty (20) days per month; and be it

RESOLVED: that the standard work time for the **Trustees** (if enrolled in said retirement system) be established at five (5) days per month; and be it

RESOLVED: that the standard work time for **Planning Board** members (if enrolled in said retirement system) be established at sixteen (16) hours per month; and be it

RESOLVED: that the standard work time for the **Village Clerk** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED; that the standard work time for the **Village Manager** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the **Village Treasurer** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the **Deputy Village Clerk** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the **Water Clerk** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the **Building/Zoning Officer** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the **Police Chief** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for **Police Officers** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the **Clerk (Police Department)** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the **Crossing Guard** be established at twenty (20) hours per week; and be it

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 16

RESOLVED: that the standard work day for the **Department of Public Works Superintendent** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work day for the **Department of Public Works Foreman** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard workday for the **Department of Public Works Laborers** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the **Secretary to the Planning/Zoning Boards (Building/Zoning/Code Enforcement Office)** be established at thirty (30) hours per week; and be it

RESOLVED: that the standard work time for the **Clerk (Department of Public Works)** be established at twenty-five (25) hours per week; and be it

RESOLVED: that the standard work time for the **Clerk (Police Department)** be established at fifteen (15) hours per week

10. ADOPT STOP SIGNS & TRAFFIC SIGNALS -

⇒ Trustee Legg moved, unanimously carried 5/0 adopting the following stop signs and traffic signals for the Village of Brockport:

- 1) Adams Street at Chappell Street
- 2) Adams Street at Utica Street
- 3) Allen Street at Centennial Avenue
- 4) Anita's Lane at Anita's Lane
- 5) Anita's Lane at East Avenue
- 6) Barry Street at Fayette Street
- 7) Barry Street at Keable Court (eastbound and westbound)
- 8) Beach Street at Erie Street
- 9) Beach Street at Holley Street
- 10) Berry Street at Fayette Street
- 11) Beverly Drive at Idlewood Drive
- 12) Briar Rose Lane at Cailyn Way
- 13) Briar Rose Lane at West Avenue
- 14) Brockview Drive at Frazier Street
- 15) Brockway Place at Chappell Street
- 16) Brockway Place at Main Street
- 17) Brook Terrace at #24 Brook Terrace
- 18) Brook Terrace at Brookdale Road
- 19) Brook Terrace at South Avenue
- 20) Brookdale Road at Main Street
- 21) Burroughs Terrace at Fair Street
- 22) Candlewick Drive at Havenwood Drive
- 23) Carolin Drive at Clark Street (northbound and southbound)
- 24) Carolin Drive at West Avenue
- 25) Centennial Avenue at Allen Street
- 26) Centennial Avenue at Main Street
- 27) Central School Drive and Centennial Avenue
- 28) Chappell Street at Adams Street

- 29) Chappell Street at Centennial Avenue
- 30) Cherry Drive at Clark Street
- 31) Cherry Drive at Evergreen Road
- 32) Clark Street at Carolin Drive (eastbound and westbound)
- 33) Clark Street at Evergreen Road
- 34) Clark Street at Kimberlin Drive
- 35) Clark Street at Main Street
- 36) Clark Street at Smith Street (eastbound and westbound)
- 37) Clinton Street at Main Street
- 38) Cloverwood Drive at Candlewick Drive
- 39) Coleman Creek Road at Central School Drive
- 40) Coleman Creek Road at Main Street
- 41) College Street at Main Street
- 42) College Street at Utica Street
- 43) Commencement Drive at Holley Street
- 44) Cyrus Way at McCormick Lane
- 45) Erie Street at Beach Street (eastbound and westbound)

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 17

- 46) Erie Street at Perry Street (eastbound and westbound)
- 47) Erie Street at Utica Street (eastbound and westbound)
- 48) Evelyn Drive at Glendale Road
- 49) Evergreen Road at Clark Street
- 50) Fair Street at Quaker Maid Street
- 51) Fayette Street at East Avenue
- 52) Frazier Street at Fayette Street
- 53) Frazier Street at Glendale Road (eastbound and westbound)
- 54) Frazier Street at Keable Court (eastbound and westbound)
- 55) Gardner Alley at Clinton Street
- 56) Gardner Alley at King Street
- 57) Glendale Road at Barry Street
- 58) Glendale Road at East Avenue
- 59) Glendale Road at Frazier Street (northbound and southbound)
- 60) Gordon Street at Spring Street
- 61) Gordon Street at State Street
- 62) Graves Street at Clark Street
- 63) Graves Street at West Avenue
- 64) Havenwood Drive at East Avenue
- 65) High Street at Park Avenue
- 66) Hillcrest Parkway at Main Street
- 67) Holley Street at Main Street
- 68) Holley Street at Perry Street (eastbound and westbound)
- 69) Holley Street at Utica Street (eastbound and westbound)
- 70) Idlewood Drive at Clark Street
- 71) Idlewood Drive at West Avenue
- 72) Keable Court at Barry Street
- 73) Keable Court at Frazier Street
- 74) Kenyon Street at Monroe Avenue
- 75) Kimberlin Drive at Clark Street
- 76) Kimberlin Drive at West Avenue
- 77) King Street at Utica Street
- 78) Liberty Street at Fayette Street
- 79) Liberty Street at Main Street
- 80) Lincoln Street at King Street
- 81) Locust Street at Barry Street
- 82) Lyman Street at Fayette Street
- 83) Lyman Street at Locust Street
- 84) Market Street at Main Street
- 85) Market Street at Park Avenue
- 86) Maxon Street at Kenyon Street
- 87) Maxon Street at Utica Street
- 88) McCormick Lane at East Avenue
- 89) Meadowview Drive at Clark Street
- 90) Meadowview Drive at Evergreen Road
- 91) Mercer Street at Chappell Street
- 92) Monroe Avenue at Holley Street
- 93) Monroe Avenue at Main Street
- 94) Monroe Avenue at Utica Street (eastbound and westbound)
- 95) Morgan Court at Evergreen Road
- 96) Owens Road at State Street

- 97) Oxford Street at Spring Street
- 98) Oxford Street at State Street
- 99) Park Avenue at South Street (east and west of triangle)
- 100) Park Avenue at State Street (northbound and southbound)
- 101) Quaker Maid Street at South Avenue
- 102) Quarry Street at Locust Street
- 103) Queen Street at Clinton Street
- 104) Queen Street at Erie Street
- 105) Queen Street at Holley Street
- 106) Residence Drive at Kenyon Street
- 107) Smith Street at Clark Street (northbound and southbound)
- 108) Smith Street at West Avenue
- 109) South Avenue at Brook Terrace
- 110) South Avenue at Main Street
- 111) South Avenue at Owens Road
- 112) South Avenue at Quaker Maid Street
- 113) South Street at Main Street
- 114) South Street at Park Avenue

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 18

- 115) State Street at Park Avenue (eastbound and westbound)
- 116) Union Street at Park Avenue
- 117) Utica Street at Adams Street
- 118) Utica Street at Clinton Street
- 119) Utica Street at College Street (northbound and southbound)
- 120) Utica Street at Erie Street (northbound and southbound)
- 121) Utica Street at Holley Street (northbound and southbound)
- 122) Utica Street at Monroe Avenue (northbound and southbound)
- 123) Victory Drive at Barry Street
- 124) Victory Drive at Frazier Street
- 125) Washington Street at State Street
- 126) Water Street at Market Street
- 127) Westwood Drive at Glendale Road
- 128) Willowbrooke Drive at West Avenue
- 129) Winston Woods at South Avenue (privately owned)

Village owned and operated traffic signal – Adams Street at Allen Street

11. ADOPT MEETING SCHEDULE -

⇒ Trustee Wagenhauser moved, unanimously carried 5/0 adopting the following meeting schedule.
August 2008- August 2009 Village of Brockport Meetings
Meetings begin at 7pm and are held at Village Hall 49 State Street

Village Board Meetings

1st & 3rd Monday of each month (September – May) unless otherwise noted
3rd Monday of each month (June – August)

Note: Department Heads are in attendance only the 3rd Monday of each month.
Submittal Deadline: Wednesday by Noon prior to meeting date

August 18, 2008	January 5, 2009
September 2, 2008 (Tuesday)	January 20, 2009 (Tuesday)
September 15, 2008	February 2, 2009
October 6, 2008	February 17, 2009 (Tuesday)
October 20, 2008	March 2, 2009
November 3, 2008	March 16, 2009
November 17, 2008	April 6, 2009
December 1, 2008	April 20, 2009
December 15, 2008	May 4, 2009
	May 18, 2009
	June 15, 2009
	July 20, 2009 (organizational)
	August 17, 2009

Village Board Workshops

4th Monday of each month (September - November & January – April)

1st Monday of each month (June – August)

August 4, 2008	January 26, 2009
September 22, 2008	February 23, 2009
October 27, 2008	March 23, 2009
November 24, 2008	April 27, 2009
December – none	May - none
	June 1, 2009
	July 6, 2009 (with swearing in)
	August 3, 2009

Planning Board Meetings

2nd Monday of each month unless otherwise noted (only upon application)

Submittal Deadline: Tuesday by Noon prior to meeting date

August 11, 2008	January 12, 2009
September 8, 2008	February 9, 2009
October – none due to 10/13 holiday	March 9, 2009
November 10, 2008	April 13, 2009

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 19

December 8, 2008	May 11, 2009
	June 8, 2009
	July 13, 2009
	August 10, 2009

Zoning Board of Appeals Meetings

4th Tuesday of each month (only upon application)

Submittal Deadline: Tuesday by Noon at least 3 weeks prior to meeting date

August 26, 2008	January 27, 2009
September 23, 2008	February 24, 2009
October 28, 2008	March 24, 2009
November 25, 2008	April 28, 2009
December - none	May 26, 2009
	June 23, 2009
	July 28, 2009
	August 25, 2009

Other Boards and Committees include: (various meeting schedules and locations)

Seymour Library Board, Historic Preservation Board, Tree Board, Board of Ethics, Village Advisory Committee, Code Review Committee, Parks Committee, Canal Revitalization Committee, Welcome Center Management Committee, Main Street Rehabilitation Committee, Emily L. Knapp Museum & Library of Local History Committee, Max’s Mardi Gras Committee, Walk Bike Brockport Action Group

12. AMEND FEE SCHEDULE -

⇒ Trustee Wagenhauser moved, unanimously carried 5/0 adopting the following fee schedule.

**VILLAGE OF BROCKPORT
FEE SCHEDULE
Adopted by Village Board 7/21/08**

VILLAGE BOARD FEES

· Rezoning application.....	\$500.00
· Blasting permit.....	\$200.00

ZONING BOARD OF APPEALS FEES

· Area Variance.....	\$200.00
· Use Variance.....	\$300.00
· Interpretation.....	\$150.00
· Home Occupations.....	\$25.00
· Travel trailer approval.....	\$25.00
· Other (special permit or authorization required by code).....	\$150.00

PLANNING BOARD FEES

· Commercial / Industrial Change of use.....	\$45.00
· Residential Change of use.....	\$35.00
· Site plan (new construction) (less than 5 acres).....	\$300.00
includes stormwater pollution prevention plan review	
· Site plan (new construction) (greater than 5 acres)	\$600.00
includes stormwater pollution prevention plan review	
· Site plan (other).....	\$250.00
includes stormwater pollution prevention plan review	
· Residential subdivisions (less than 5 acres)	\$200.00 plus \$50 per lot
includes stormwater pollution prevention plan review	
· Residential subdivisions (greater than 5 acres).....	\$600.00 plus \$50 per lot
includes stormwater pollution prevention plan review	
· Re-subdivision.....	\$50.00
· Residential Fences (front yard).....	25.00
· Commercial / Industrial Fences (includes dumpster enclosures).....	\$50.00
· Residential / Commercial / Industrial parking lots.....	\$50.00
includes stormwater pollution prevention plan review	
· Changes to or alteration of or extension of previous approvals.....	\$25.00
· Special Meeting at request of applicant	
...\$50.00 in addition to application base fee	
· Public Hearing if Board deems necessary	
...\$100.00 in addition to application base fee	

MINUTES OF VILLAGE BOARD MEETING HELD July 21, 2008 continued.....page 20

ENGINEERING INSPECTIONS & STORMWATER INSPECTIONS

Engineering costs charged to the Village for site inspections or stormwater inspections shall be the responsibility of the applicant / developer. Village engineering inspections are based on time spent and will either be invoiced or utilized from the letter of credit. Village stormwater inspection fee is \$50 per inspection and will either be invoiced or utilized from the letter of credit

MISCELLANEOUS

· Tax Search.....	\$10.00
· Copies.....	\$.25 per page
· Returned Check Charge.....	\$20.00
· Zoning Chapter of Code Book.....	\$25.00
· Zoning Map (color).....	\$5.00
· Sign Permit.....	\$25.00
· Sidewalk Café Permit.....	\$200.00
· Hawking & Peddling Permit 1 to 7 days.....	\$100.00
6 months or less.....	\$250.00
1 year.....	\$500.00
· Parade / Procession Permit	no charge
· Fireworks Permit.....	no charge
· Appliance with Freon.....	\$25.00
· Garbage and Trash Pick-Up cost to Village plus \$50.00 for first calendar year (CY) offense, cost plus \$100 for second CY offense, cost plus \$250 for third CY offense.	
· Garbage Cans Pick-Up.....	\$25.00 per can
· Lawn Mowing.....	\$150 per hour per man plus equipment
· Waste Hauler Permit.....	\$1,500.00 (annually)
· Facilities Use Permit	\$25.00 deposit

BUILDING / FIRE APPLICATION FEES

RESIDENTIAL NEW HOME CONSTRUCTION – includes Certificate of Occupancy inspection fee:

· 800 – 1,100 square feet.....	\$300.00
· 1,101 – 1,300 square feet.....	\$350.00
· 1,301 – 1,500 square feet.....	\$400.00
· 1,501 – 1,700 square feet.....	\$450.00
· 1,701 – 2,000 square feet.....	\$500.00
· 2,001 – 3,000 square feet.....	\$550.00
· 3,001 – 5,000 square feet.....	\$600.00

RESIDENTIAL NEW CONSTRUCTION – (additions, remodeling) - includes Certificate of Occupancy inspection fee:

· Value of construction from \$0 - \$500.....	\$45.00
· Value of construction from \$500 - \$10,000.....	\$65.00
· Value of construction from \$10,000 - \$50,000.....	\$85.00
· Value of construction from \$50,000 - \$100,000.....	\$105.00

- Value of construction from \$100,000 - \$150,000.....\$125.00
- Value of construction from \$150,000 and up.....\$150.00
plus \$10.00 for each \$10,000 of construction value

RESIDENTIAL ACCESSORY STRUCTURES – includes Certificate of Compliance inspection fee:

- Decks.....\$30.00
- Above ground pools.....\$30.00
- In ground pools.....\$40.00
- Sheds (144+sf).....\$20.00
- Gas appliances i.e. hot water heater, furnace..... \$15.00
- Gas appliances..... i.e. fireplace, gas log sets, fixed piped home generators
.....\$20.00
- Temporary Construction Trailer.....\$50.00

RENTAL PROPERTY CERTIFICATE OF OCCUPANCY / OPERATIONAL PERMITS

- Single family rental Code 210.....\$40.00
- Two family rental Code 220.....\$80.00
- Three family rental Code 230.....\$120.00
- Townhouses Code 411.....\$20.00 per unit
- Apartment building Code 411..... \$150.00 per building
- Inn / rooming house Code 418.....\$100.00

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OPERATIONAL FIRE-SAFETY PERMITS & INSPECTION FEES

- Educational.....\$100.00 (annually)
- Place of Public Assembly 100 persons or greater \$100.00 (annually)
- Assembly uses 50 – 100 persons..... \$50.00 (annually)
- Manufacturing..... \$100.00(annually and/or as local conditions require)
- Fairs/festivals.....\$200.00 (annually)
- Repair/service garages.....\$100.00 (3 year intervals)
- Mercantile over 5000sqft.....\$100.00 (3 year intervals)
- Business use over 5000sqft.....\$100.00 (3 year intervals)
- Food service establishments.....\$35.00 (yearly and/or as local conditions require)
- Other.....\$100.00 (yearly and/or as local conditions require)

PLUMBING & SEWER FEES

- Plumbing License.....\$25.00
- Plumbing Permit..... \$40.00 plus \$3.00 per fixture
- Out of District Sewer Users
If on Village water.....80 cents /1,000 gallons water used

If not on Village water.....\$50.00 per unit
(Unit = 50,000 gallons water per MCPW)
- Sewer Tap Inspection (Monroe County Pure Waters).....\$250.00 plus
If Village installed.....\$300.00
If contractor installed..... \$125.00

CANAL FRONT AMMENITIES

- Boats 16' or less.....\$4.00
- Boats 17' – 30'.....\$6.00
- Boats 31' – 40'.....\$8.00
- Boats 40'.....\$10.00
- Commercial Boats.....\$15.00

POLICE DEPARTMENT FEES

- Copy of Police Report.....no charge
- Fingerprinting (NON-Village resident/merchant)..... \$15.00
- Record Check..... ..\$5.00

Pay Village Clerk for fingerprinting or record check then go to Police Department.

- Parking
 - Illegally Parked.....\$30.00
 - Winter Parking Ordinance.....\$40.00
 - Fire Lane / Hydrant.....\$50.00
 - Handicapped Parking.....\$60.00*
- Fines doubled if not paid or contested within 30 days.

*Applicable NYS surcharges may be applied by the adjudicating agency.

WATER:
Water Rate Schedule – Effective January 1, 2005
As Adopted December 8, 2004

Rates for the sale of water to all customers of the Board of Water Commissioners.

QUARTERLY METERED SERVICE WITHIN THE VILLAGE OF BROCKPORT:

All Water Usage	\$ 3.63 per M gallons
Minimum Billing	\$15.00 per quarter

QUARTERLY METERED SERVICE OUTSIDE THE VILLAGE OF BROCKPORT:

All Water Usage	\$ 4.67 per M gallons
Minimum Billing	\$20.00 per quarter

MONTHLY METERED SERVICE WITHIN THE VILLAGE OF BROCKPORT:

All Water Usage	\$ 3.63 per M gallons
Minimum Billing	\$15.00 per month

MONTHLY METERED SERVICE OUTSIDE THE VILLAGE OF BROCKPORT:

All Water Usage	\$ 4.67 per M gallons
Minimum Billing	\$20.00 per month

UN-METERED WATER:

The rate for un-metered water sales shall be \$6.00 per thousand gallons

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TERMS AND PAYMENT:

All bills and charges of the Water Commissioners are payable net cash within thirty (30) days.
A delinquent charge of 10% will be added to the bill for non-payment by the due date.

11.9 SERVICE CONNECTIONS:

A. The fees charged upon application for water service tap (including meter) to the Commissioner's are as follows:

SIZE OF SERVICE	Fee Charge
¾" and 1" with 5/8" or ¾" meter and under.....	\$1,000.00
¾" and 1" with 1" meter.....	\$1,100.00
1 ½" with 1 ½" meter.....	\$1,500.00
2" with 2" meter.....	\$2,000.00
Over 2".....	See Sub-Section 11.14

The Commissioners will install the service pipe and appurtenances on public streets from the water main to and including the curb box and shutoff. Easements acceptable to the Commissioners must be furnished to them for service installation if private property is involved. Water meters will be furnished and connected by the Commissioners and will remain the property of the Commissioners. (Section IV and Section V)

B. Where a tap already exists, or is being installed under a Main Extension, the fees charged are as follows:

SIZE OF SERVICE	Fee Charge
¾" and under	\$200.00
1".....	\$250.00
1 ½".....	\$360.00
2".....	\$530.00
Over 2".....	See Sub-Section 11.14

In addition to the fee charges set forth above for the service taps, there will be an additional charge if, upon installation, the Commissioners have to supply any other necessary parts in order to effect the tap.

C. DELETED

D. SERVICE DISCONTINUANCE

Any water service account which carries an unpaid balance for two billing quarters or more is subject to discontinuance of service, and a fee of \$100.00 will be collected prior to restoration of the service.

E. Any use or attachment to an unprotected, unmetered fire hydrant for other than fire-fighting purposes is subject to an Unauthorized Hydrant Use Fee of \$500.00.

F. The rate for unmetered water sales shall be \$6.00 per thousand gallons.

VILLAGE BOARD REPORTS:

A. Mayor Morton Wexler

1. Consider adoption of amendments to Chapters 20, 27, 38, 39, 46 (not yet 36) –

→ Trustee Wagenhauser moved, Trustee Hunsinger, Trustee Legg, Mayor Wexler in favor, Trustee Castaneda opposed to adopt the proposed amendments to Chapter 20 (Flood Damage Prevention).

Trustee Castaneda stated that some of the same enforcement language is proposed in Chapter 20 and others as in Chapter 36 that drew public concern. She said the Village Attorney had some concerns of the language in Chapter 36, so it might be worth a re-review.

DPW Superintendent Donahue stressed that the language in proposed Chapter 20 came from the NYSDEC to the Monroe County Stormwater Coalition to the municipalities. It was not drafted locally. It really should have been adopted in January of 2008, but must be in place by August for our SPDES (stormwater discharge) permit. The model ordinance passed the County legal department. CEO Zarnstorff said the enforcement language is consistent through most of the chapters currently up for amendment. This is the only one of the chapters being considered that is time sensitive.

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Executive Session:

⇒ At 7:55pm, Trustee Wagenhauser moved, unanimously carried 5/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss matters of litigation (present and/or future), namely the Webster Case.

⇒ At 8:29pm, Trustee Castaneda moved, unanimously carried 5/0 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

Mayor Wexler announced that the Board would temporarily hold off on the adoption of the proposed amendments to Chapters 27, 38, 39, 46 and 36.

2. Treasurer vacancy – Mayor Wexler announced that the Village would soon be advertising for a Treasurer. The Board has not yet determined how to proceed with the Village Manager vacancy.

B. Trustee / Vice Mayor Maria C. Castañeda

1. Village Advisory Committee – did not meet July 8th, but will next meet August 12th.
2. Miscellaneous – attended the June 22nd Morgan Manning House open house, attended the June 29th Bienvenida event and read the Village's proclamation in both English and Spanish.
3. Fire Pumper Purchase – read the following e-mail from Town of Clarkson Supervisor Kimball to Mayor Wexler and encouraged improved communication with the Town of Clarkson and Town of Sweden who contract with the Village of Brockport for Fire Department services.

Ian, please forward to Mayor Wexler:

"To say I am disappointed with the awarding of the pumper purchase contract last Monday, would be an understatement. I asked for a review of future major fire equipment purchases with a timeline of where the money would come, before this major commitment was made. I did not receive any info.

This is a major expense on the villages part with no input from either partner in the fire contract. The Town of Clarkson will have to review what is affordable for our residents.

The major portion of the Town is under our a Fire Protection District. The Hamlin Fire Dept currently provides coverage for all calls north of Lawton Rd., with no remuneration. The Walker Fire Dept has in the past requested to cover more of the town. I have contacted Bob Fox of Eldridge, Fox and Poretti. He will be reviewing all of our options and reporting to the board before, we sign the next contract.”

Paul Kimball

4. 200 State Street (former G.E. / KBL) – announced that Monroe County would be holding its second auction regarding this property on July 24th at 10am in Rochester.

5. Welcomed new Trustees

C. Trustee David J. Wagenhauser

1. Welcomed new Trustees
2. Phone Service Provider – announced that he is re-evaluating the recent change in phone service providers and negotiating with a provider for a plan that could save \$4,000 per year – updates to come.
3. Pedestrian Crosswalks – Downtown Commercial District – Trustee Wagenhauser stressed the need for pedestrian crossing signs in the middle of the road in the main un-signalized crosswalks on Main Street in the downtown commercial district. Board and Police Chief discussion ensued and all were in agreement that such signage should be re-implemented in the interest of public safety. Chief Varrenti said stopping for pedestrians in crosswalks is a law often ignored and should be attacked 3 ways: 1) engineering (i.e. signage), 2) education (i.e. Police Chief editorial in papers), 3) enforcement. This will help protect law-abiding citizens that use the crosswalks.

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Jaywalkers, in essence, take their life in their hands. Trustee Legg cited specific sections of the NYSDOT regulations on uniform traffic devices and a report done by the Highway Traffic Institute and noted that there are standards in place and that this is a tactic that works. Chief Varrenti reminded all that the law changed a few years ago and that vehicles must stop for pedestrians in both sides of a crosswalk, not just their side.

→ Trustee Wagenhauser moved, unanimously carried 5/0 to purchase and install 2 pedestrian crossing signs at an estimated cost of \$350 each to be located at the discretion of the Police Chief and to authorize future replacement of such signs as needed.

4. Sculpture Dedication – reported that the Walk Bike Brockport Action Group's Arts and Aesthetics Committee purchased and dedicated a sculpture on the north side of the canal near the Main Street Bridge – Phebe the Mule.
5. Proposed Code Amendments – Chapter 36 – looks forward to speaking about the recent public hearing. Noted that a number of landlords indicated 1) having trouble finding renters due to additional housing construction on the college campus and 2) the potential for boarded up / blighted properties. Commended Carol Hannan and Harry Snyder who bought what they referred to as a “rundown hovel” next to them and have worked to make it habitable and attractive and already have a buyer. They did the same last year with another property and prove the worth of making improvements to a neighborhood and the ability to make a profit. There are positive stories of doing this right. Stressed the importance of spotlighting improvement efforts and encouraging reclamation of rental properties that some landlords fear might not be needed. He and Trustee Hunsinger will be encouraging entrepreneurship through partnerships with the Greater Brockport Development Corporation and State representatives.

D. Trustee Scott W. Hunsinger

1. Thanks – honored to be here and looking forward to 4 productive years and involvement through many liaisons.
2. Camp Abilities – commended Village resident and SUNY's Dr. Lauren Lieberman for the June 29th – July 5th Camp Abilities for visual and visual/hearing impaired participants and the Lions Club for its involvement.
3. Brighten Up Brockport Program – plans to coordinate a monthly or bi-monthly clean sweep of Main Street and areas with volunteers from local service organizations.

4. NYSDOT Issue – expressed concern of the “stop here for red light” sign and line at the 5 corners intersection and recommended NYSDOT be contacted to address it.
- E. Trustee Hal S. Legg
1. Thanks – privilege to serve – appreciates the warm welcome by staff.
 2. Main Street Rehabilitation – indicated that he would be re-directing the request for member item funding that went to Congressman Reynolds to Senator Schumer – thinking big at \$500,000.

PUBLIC COMMENT:

1. Robin Waller of 93 South Avenue – a) commended the Village on its 311 Brockport Benchmarks service request program through voice mail and website, b) attended the Village Advisory Committee meeting scheduled for July 8th to find no one there, recommended freeing up VAC members to participate elsewhere since attendance has dwindled and the 311 program serves much of its purpose, c) will be glad to have the pedestrian crossing signs back up on Main Street and recommended one also be placed in the crosswalk by the school, d) encourages the hiring of a new Village Manager as it is an invaluable position.

Trustee Castaneda commented that there are numerous ways for residents to get involved, express concerns and make service requests such as attending Village Board meetings, attending Village Advisory Committee meetings and utilizing the productive 311 Brockport Benchmarks program. The more venues people have, the better.

2. Ray Duncan of 23 Brook Terrace – as a member of the Walk Bike Brockport Action Group, is delighted with the decision to re-implement the use of pedestrian crossing signage in downtown commercial district and said even Phebe the mule sculpture is smiling because of it.

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AUDIT:

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

	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
<u>Village</u>	7/10/08	177340-177341	\$1,850.41
	7/14/08	177342-177343	\$2,369.96
	7/22/08	177379-177441	\$35,209.90
<u>Fire</u>	7/22/08	177344-177350	\$4,698.77
	7/22/08	177351-177375	\$21,541.33
<u>Third Party Billing</u>	7/22/08	001292-001311	\$12,944.85
<u>Capital Projects</u>	7/17/08	002226	\$23,446.50
	7/22/08	002227-002234	\$22,656.14
<u>Water</u>	7/22/08	002039-002047	\$33,239.73

ADJOURNMENT:

- ➔ Trustee Castañeda moved, unanimously carried that the meeting be adjourned at 9:15pm.

Leslie Ann Morelli, Village Clerk