

Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, February 7, 2005 at 7:00pm.

PRESENT: Mayor Josephine C. Matela, Trustee/Vice Mayor Carrie L. Maziarz, Trustee Norman J. Knapp, Trustee Morton Wexler, Trustee James E. Whipple, DPW Superintendent Bradley B. Upson, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Treasurer Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: Village Attorney Keith O'Toole, Deputy Village Attorney Frank A. Aloï, Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Fire Chief Christian McCullough, Elliott Bowerman (Brockport Post), David Wagenhauser, Bill Andrews, Ray & Jackie Morris, Jim & Joan Hamlin, Vickie Sweet, Mary Jo Nayman, Julie & Mike Mundorff, Norm GianCursio, John Lessord, Fred Webster, Merv Beaney.

CALL TO ORDER: Mayor Matela called the meeting to order and led the Pledge of Allegiance. Mayor Matela and Chief Varrenti publicly expressed their condolences to Trustee Wexler for the loss of his sister today.

REVIEW OF MEETING MINUTES: Mayor Matela called for any additions or corrections to the minutes of the regular meeting held January 18, 2005.

➔ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held January 18, 2005, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Vickie Sweet said she owns and lives at 9-11 Main Street in the downtown district. She parks in the Water Street parking lot. Construction of the Visitor's Center has taken up 13 parking spaces and the Village recently re-instated the rotating nightly parking regulations for that lot. Her car got towed at a cost of \$110 plus she received two parking tickets and broke an expensive camera from lugging it from a farther lot. She spoke to some of the Village Board members and the Police Chief last week to express her concern. She said she has been told that the parking lot is to be redesigned by June so as to get back most of the parking spaces lost. However, that does not solve the immediate problem. She suggested the Village look at its municipal parking and that people who own and live at their building on Main Street be given parking priority. She should not have to walk two or three blocks with packages at night from a farther municipal lot.

Mayor Matela said she appreciated her bringing this to the Board and agreed that municipal parking in the Village needs a good, hard look. Mayor Matela said they need to work toward a solution.

Maybe resident stickers for building owners would be a possibility. However, if 18 people reside in a building, the Village cannot issue 18 parking stickers. Further, plowing and cleaning of the parking lots needs to get done. Mayor Matela suggested convening a parking committee to look at this.

V. Sweet said she hopes this does not take months, since this needs to be addressed immediately. Mayor Matela said the Village will see what they can do right away.

2. Mary Jo Nayman of 5 Carolin Drive said she was not at the last meeting, thinking it was only related to the Police Department accreditation ceremony. At the meeting previous to that, she had asked the cost of the Visitor's Center. Mayor Matela said she did not have that information handy. B. Upson could provide her with the contract costs. MJ Nayman said the agenda lists payments for contracts related to the center and wondered if the costs will be mentioned. Mayor Matela said yes, as always. MJ Nayman said she read a couple of articles in the local paper about the Board of Water Commissioners. She asked who the members are. Trustee Whipple said he, Sal Sciremammano, Harley Perry, Tim Carges and Ed Coopenberg. MJ Nayman said she thought B. Upson was a member. Trustee Whipple said no. She said the article said there is no other Village that has a BOWC. Trustee Whipple said he has not done a survey, but that could be true. However, the Village of Brockport is the only one in the County that still maintains its own water. Most others go through Monroe County Water Authority. Selling water is a business and the BOWC conducts that business.

GUESTS:

1. Julia Mundorff – Procession application – Tsunami Disaster Relief – J. Mundorff said her sister, Christina Yaeger was ill and unable to attend the meeting. She reviewed their application for approval to hold a walk on Saturday, March 19th at 10:15am to raise funds under Habitat for Humanity for the Tsunami disaster relief. They would start at the Galley Restaurant on Market Street, turn right on Park Avenue to the Memorial Monument, north on Main Street, cross the canal bridge and take canal path to Park Avenue bridge back to the Galley. Chief Varrenti

They will utilize the sidewalks and they have plenty of volunteers to help cross or shovel if necessary. Chief Varrenti said he has no concerns.

→ Trustee Maziarz moved, Trustee Knapp seconded, unanimously carried to approve the procession application for Saturday, March 19th as presented.

DEPARTMENT REPORTS:

A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson
1. Payment Application #2 for Contract B: plumbing – Harvester Park Community Center – B. Upson shared that O'Brien Mechanical Contractors, Inc. has completed approximately 83% of the plumbing construction and has requested release of partial payment #2 in the amount of \$3,240. This request has been reviewed by Village Engineer Chatfield's office and the DPW and they concur that the work has been completed in the amounts indicated. B. Upson recommended that the Village Board authorize these payments and direct Treasurer Coyle to release the funds indicated above from Project 44 previously approved for this work.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried authorizing payment of \$3,240 to O'Brien Mechanical Contractors, Inc. and directing Treasurer Coyle to release the funds from Project 44 previously approved for this work.

2. Payment Application #4 for Contract A: general construction – Harvester Park Community Center – B. Upson shared that Testa Construction, Inc. has completed approximately 85% of the general construction and has requested release of partial payment #4 in the amount of \$24,056.40. This request has been reviewed by Village Engineer Chatfield's office and the DPW and they concur that the work has been completed in the amounts indicated. B. Upson recommended that the Village Board authorize these payments and direct Treasurer Coyle to release the funds indicated above from Project 44 previously approved for this work.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried authorizing payment of \$24,056.40 to Testa Construction, Inc. and directing Treasurer Coyle to release the funds from Project 44 previously approved for this work.

3. CDBG 2001 – Holley Street Drainage Project – B. Upson said in January 2003 the Village Board approved changes to the design and construction of the Holley Street Drainage Improvements Project. It was determined at that time that the northern section of the storm sewer should be rerouted along Perry and Erie Streets. This realignment allowed us to lower the storm sewers to get better flow characteristics. Additionally, we were able to get them out from under an existing garage and off privately owned property. Prior to starting the project, the Village had applied for federal funds through the CDBG program. The original application for funding did not mention the relocation of the sewer on Erie Street. Now that we have applied for reimbursement for the work done, the administrators at Monroe County Planning would like the Village Board to amend the original project resolution to include the Erie Street portion. They have inspected the work and have indicated that they have no problem with the amendment. They just want to clarify the paper trail. B. Upson requested the Board pass a resolution amending the scope of the Holley Street Drainage Improvements Project to include the realignment of the storm sewer on Perry and Erie Streets.

→ Trustee Knapp moved, Trustee Maziarz seconded, unanimously carried to amend the scope of the Holley Street Drainage Improvements Project to include the realignment of the storm sewer on Perry and Erie Streets.

4. CDBG 2005 – Phase 2 Holley Street Drainage Improvements Project – B. Upson shared that the Village is making application for Phase 2 of the Holley Street Drainage Improvements Project. He explained that 3 resolutions are needed regarding SEQR – classify the action, declare lead agency, and determine significance of environmental impacts.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried the following:

RESOLUTION CLASSIFYING THE TYPE OF ACTION
PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT
For
PHASE 2 OF THE HOLLEY STREET DRAINAGE
IMPROVEMENTS PROJECT

WHEREAS, the Board of Trustees of the Village of Brockport recognizes the need to address the storm water flooding problems in the Utica, Monroe, Perry and Holley Street areas and has authorized the

Department of Public Works to construct such improvements necessary (known as the Holley Street Drainage Improvements) to alleviate flooding in this area; and
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WHEREAS, the New York State Environmental Quality Review Act (SEQRA) requires that environmental factors be considered at the earliest possible time in the decision-making process of any action undertaken by an agency of the state; and

WHEREAS, the proposed improvements to the Holley Street storm sewers DO NOT meet any of the definitions or criteria for "EXCLUDED" [Section 617.2(p)], "EXEMPT" [Section 617.2Oq)] or Type II [Section 617.13] actions as defined by 6NYCRR Part 617; and

WHEREAS, a review of the criteria for TYPE I [Section 617.12(b)] actions indicates that the proposed project IS NOT a TYPE 1 action;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Brockport hereby determines that Phase 2 of the Holley Street Drainage Improvements Project is an UNLISTED ACTION.

→ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried the following:

RESOLUTION DECLARING THE LEAD AGENCY
PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT
for
PHASE 2 OF THE HOLLEY STREET DRAINAGE
IMPROVEMENTS PROJECT

WHEREAS, the Board of Trustees of the Village of Brockport recognizes the need to address the storm water flooding problems in the Utica, Monroe, Perry and Holley Street areas and has authorized the Department of Public Works to construct such improvements necessary (known as the Holley Street Drainage Improvements) to alleviate flooding in this area; and

WHEREAS, the New York State Environmental Quality Review Act (SEQRA) requires that environmental factors be considered at the earliest possible time in the decision-making process of any action undertaken by an agency of the state; and

WHEREAS, Section 617.2 of SEQRA defines the "lead agency" as an involved agency principally responsible for carrying out, funding, or approving an action; and

WHEREAS, the Department of Public Works of the Village of Brockport will be the agency PRINCIPALLY responsible for constructing the necessary improvements to the Holley Street Drainage area;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Brockport hereby declares itself as the LEAD AGENCY for determining whether an environmental impact statement is required in connection with the proposed Holley Street Drainage Improvements.

→ Trustee Maziarz moved, Trustee Whipple seconded, unanimously carried the following:

RESOLUTION DETERMINING SIGNIFICANCE OF ENVIRONMENTAL IMPACTS
PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT
for
PHASE 2 OF THE HOLLEY STREET DRAINAGE
IMPROVEMENTS PROJECT

WHEREAS, the Village of Brockport is applying for Federal CDBG funding for the Phase 2 of the Holley Street Drainage Improvements to address the storm water flooding problems in the Utica, Monroe, Perry and Holley Street areas; and

WHEREAS, the proposed improvements has been classified as an UNLISTED ACTION; and

WHEREAS, a Short Environmental Assessment Form has been prepared for this phase of the project; and

NOW, THEREFORE, BE IT RESOLVED that, after careful review and consideration, the Board of Trustees of the Village of Brockport has determined that the construction of Phase 2 of the Holley Street Drainage Improvements WILL NOT HAVE A SIGNIFICANT effect on the environment and a Draft Environmental Impact Statement will not be prepared.

50 5. Snowfall – B. Upson thanked everyone for their patience with snow plowing efforts. He said inches of snow in 12 days was extreme.

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6. Carolin Drive – Trustee Wexler asked if the ground was frozen enough to do the drainage work in the park. B. Upson said no. The blanket of snow made only the first 2 inches of ground frozen. Trustee Wexler asked what happens if the ground just does not freeze to their satisfaction. B. Upson said then the work will have to proceed, but the heavy equipment will make quite a mess and would require the DPW to go back and do a lot of restoration work. B. Upson said it is still a priority.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Community Service Program – Chief Varrenti reminded the Board that David Wagenhauser approached him some time ago and requested that they collaborate to form a Brockport Community Service Program. They have met several times to formulate plans to initiate such a program. D. Wagenhauser has also met with Judge Carl Coapman to review the plans and proposal. They plan on holding a community service work program every other Saturday (1st and 3rd Saturday of each month) from 7am to Noon beginning March 5th. The people sentenced to community service will be done so by Judge Coapman and will only involve people who have violated various laws in the Village. People assigned to community service work will be responsible for various duties and will be supervised by Chief Varrenti and others who have volunteered to oversee the program.

D. Wagenhauser said “It is 7:30pm, do you know where your Town Justices are? One is in court tonight dealing with some violators of Village offenses.” He said the judges include community service for college and town offenses, but not Village. The Village used to have a community service program. Chief Varrenti said in the past the Village got offenders from all over and the Police Department was largely responsible to oversee them. This would be only for offenses committed in the Village. D. Wagenhauser said this would be implemented without taxpayer expense other than providing orange safety vests. Chief Varrenti said they hope to get a donation of 10 shovels, rakes and brooms. Volunteers would run it as community service supervisors approved and supervised by Chief Varrenti. Tasks could include shoveling out hydrants and sidewalks, picking up trash, sweeping Main Street and such. The intent is not to create a chain gang, but to pay back the Village citizens who quality of life has been affected by the offenses. It may act as a deterrent for future offenses. D. Wagenhauser thanked Chief Varrenti for his assistance and commitment.

Trustee Wexler expressed concern of a community service worker being unruly or not doing the work. D. Wagenhauser said that person could get re-sentenced. It is likely the Judge would not be as friendly the second time around. Trustee Wexler asked that the Village Board be informed of who the volunteer community service supervisors are. D. Wagenhauser said that is no problem. Trustee Wexler asked if all the Sweden Court Judges have agreed to this. D. Wagenhauser said Judge Coapman has agreed. He will meet with Judges Cody and Depferd to solicit their support.

Mayor Matela commended D. Wagenhauser for taking the lead on this.

→ Trustee Maziarz moved, Trustee Wexler seconded, unanimously carried adopting the following resolution:

VILLAGE OF BROCKPORT
RESOLUTION TO ACCEPT PROPOSAL TO (RE) ESTABLISH
COMMUNITY SERVICE PROGRAM

WHEREAS, the Village of Brockport recognizes the benefits to residents, neighborhoods and the community from the adoption of a Community Service Program, as outlined in the proposal presented.

NOW, THEREFORE, be it resolved that the Village of Brockport Board hereby adopts the proposal to re-establish the Brockport Community Service Program effective February 7, 2005.

2. Calls for service – Chief Varrenti reported 1,496 calls for service year to date.
3. Accept retirement of Officer Joseph Rozzi effective February 11th – Chief Varrenti reported that New York State has approved Officer Joseph Rozzi’s application for medical retirement. He asked that the Board accept the medical retirement effective February 11th with regret.

→ Trustee Whipple moved, Trustee Maziarz seconded, unanimously carried to accept the New York State medical retirement of Brockport Police Officer Joseph Rozzi effective February 11th with regret.

Trustee Wexler suggested the Village have its attorney look at any contractual issues as they relate to the Village's responsibility to continue health and dental benefits. He said we must be certain to follow the letter of the law and be careful of not setting any undue precedent. Mayor Matela said the issue would be referred to the labor attorney for clarification.

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4. Update on future new hire interviews – Chief Varrenti reminded the Board that interviewing began before the holidays. Trustees Wexler and Maziarz sat in on some of the interviews. They got down to two prospective candidates. Backgrounds began and one passed with flying colors. Before recommending that candidate, Chief Varrenti said that by contract he has to post the full time position. He should have a recommendation for replacement at an upcoming meeting.
5. Review 4th quarter and annual reports – Chief Varrenti provided a revised and enhanced annual report that gives a month by month synopsis. Arrests in 2004 compared to 2003 were down approximately 400. Reports of crimes have decreased also. This is a good thing. The increase in jobs for service shows proactivity on the part of the officers. They are visible, out and about.

Trustee Wexler noted the numbers of crimes involving alcohol were down 40%. He said this is a good reduction and better for the community.

Mayor Matela thanked the Chief for the comprehensive reports and noted that police presence has contributed tremendously. Chief Varrenti commended Sgt. Philippy for putting together a simpler appearance ticket form that has helped streamline things.

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

1. Set fee for rezoning applications – S. Zarnstorff reminded the Board that the Village does not have a fee established for an application to rezone a parcel. After contacting area Towns and Villages within the County, there are others who do not have a fee established. Those that charge a fee, range from \$50 in the Village of Webster to \$350 plus \$100 if approved (to amend the zoning map) in the Town of Clarkson to \$1,000 in the Town of Sweden. S. Zarnstorff recommended a \$500 fee.

Trustee Knapp asked if this would be enough to update the zoning ordinance and map as well as cover the public notice and legal review. S. Zarnstorff said he thinks it will. However, since the Board reviews and amends the fee schedule at their annual organizational meeting every July, it could be increased should it be found to be insufficient. S. Zarnstorff said rezoning applications are very rare.

→ Trustee Wexler moved, Trustee Maziarz seconded, unanimously carried to establish the fee for a rezoning application at \$500.

D. FIRE DEPARTMENT - Chief Christian A. McCullough

1. Membership Adds/Drops/Transfers – Chief McCullough asked the Board to consider approving the following drop: Alfred Chike (deceased) and the following exempt certificate: Matt Youmans.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried approving the previously mentioned drop and exempt certificate.

2. Call Load – Chief McCullough reported 173 Ambulance calls year to date and 104 Fire calls year to date. He reported two significant incidents of recent. One was a fire at a home on Park Avenue and one was a fire on the fourth floor of Mortimer Hall at SUNY. Each was the result of a small fire being put out and then re-starting and spreading a short time later.

3. FDIC Conference – April 10-16 – Chief McCullough referred to the memo distributed to the Board a week earlier asking for authorization to send 5 to the annual weeklong conference. Mayor Matela said she discussed this with Deputy Chief Vaughan and agreed that training is critical. Chief McCullough shared that the cost to put on a conference is so high that the closest one locally (Syracuse) has had to go from a 3-day class to a 1-day class. Trustee Whipple said it is \$6,800 for 5 people. He said \$1,360 per person is not bad. His conferences through Kodak before he retired ranged from \$2,000 to \$2,400 per person for the same duration. Trustee Wexler said the 5 people attending could bring back a lot of information to others in the department. Chief McCullough agreed.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried to support this training as proposed.

4. FEMA Grant – Chief McCullough reported that the application for \$90,000 for radio equipment

through FEMA was denied. Treasurer Coyle agreed to look for funding opportunities elsewhere. Chief McCullough said the Fire Department has submitted a wish list of items needed to Assemblyman Reilich when funding opportunities present themselves. Trustee Whipple commented that Monroe County and communications committees are making changes that will require Brockport to have new equipment, or it will be off the air. This is being forced on us without funding. Chief McCullough agreed and spoke of the narrow banding being broken up and what has to be replaced.

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E. TREASURER - Ian M. Coyle

1. 2004 CDBG – Treasurer Coyle reminded the Board that in September the County awarded us with a grant in the amount of \$40,000 from the 2004 Community Development Block Grant Program. This is for the downtown historic commercial district façade improvements. In order to execute a contract agreement the Board needs to accept this grant and authorize the Mayor to sign it.

Bill Andrews was in attendance to request the same.

→ Trustee Knapp moved, Trustee Maziarz seconded, unanimously carried to accept the 2004 CDBG grant for Main Street façade improvements and authorize the Mayor to sign the contract.

F. CLERK - Leslie A. Morelli

1. 2005 non-payroll employee benefits – Clerk Morelli said she and Treasurer Coyle put together the annual statement for full time employees to show them the value of the benefits they receive from the Village. This will go out in the upcoming payroll.
2. Notice for electing Village officers – Clerk Morelli reviewed the notice for electing Village Officers and reminded everyone that Monroe County Board of Elections will handle the details.

→ Trustee Whipple moved, Trustee Maziarz seconded, unanimously carried to adopt the following resolution:

NOTICE FOR ELECTING VILLAGE OFFICERS

PLEASE TAKE NOTICE the following resolution was adopted by the Board of Trustees of the Village of Brockport in their regular meeting held February 7, 2005.

RESOLVED: that the Annual General Village Election in and for the Village of Brockport will be held on Tuesday, June, 21, 2005 with the following officers to be chosen: One (1) Mayor for a term of four years and Two (2) Trustees for a term of four years each, and be it

RESOLVED: that the first day to circulate independent nominating petitions is April 5, 2005, and the last day to file said petitions at Monroe County Board of Elections is Tuesday, May 17, 2005 at 5pm. Petitions must indicate the office(s) and term thereto, for which it is filed, and be it further

RESOLVED: that the applications for absentee ballots will be accepted by Monroe County Board of Elections no earlier than February 21, 2005 and no later than June 14, 2005 for applications to be mailed or June 20, 2005 for personal applications by applicant of his/her agent.

3. Update 1995 Meeting Procedures Policy – Clerk Morelli said while conducting a records management project she found a set of meeting procedures adopted by the Village Board in December 1995. She said the following needs to be updated: Section 1 – meeting time change from 7:30pm to 7:00pm and location change from 18 State Street to 49 State Street. Section 5 – agenda items due change from Friday to Thursday at noon. Section 8 – add 2nd public comment period. Section 10 – change public comment from 5 minutes to 3 minutes.

→ Trustee Maziarz moved, Trustee Knapp seconded, unanimously carried to amend the meeting procedures. Full text follows:

VILLAGE OF BROCKPORT
MEETING PROCEDURES
ADOPTED 12/18/95
AMENDED 2/7/05

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 boardroom 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.

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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 Thursday 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 day of 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)

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 a summary of the discussion leading to action taken but shall not include verbatim comments unless a majority of the Board shall resolve to have the Clerk do so.

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

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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.

G. ATTORNEY – Keith O’Toole / DEPUTY ATTORNEY – Frank A. Aloï (excused)

H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner (excused)

SUPPORT BOARDS REPORTS:

A. PLANNING BOARD – Chair R. Scott Winner (excused)

B. LIBRARY BOARD – President Matthew Minor (absent)

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C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey (absent)

VILLAGE BOARD REPORTS:

A. Trustee/Vice Mayor Maziarz

1. Farmer’s Market – Trustee Maziarz attended a conference recently. Scott Winner will be attending an opportunity in Batavia.

B. Trustee Knapp

1. Fire Department – Trustee Knapp shared that he and Trustees Whipple and Wexler are liaisons to the Fire Department. They have been holding monthly meetings with the Fire Chiefs. They are considering extending an invitation to the Town of Sweden and Town of Clarkson to send a representative to some of these meetings so they are kept informed. Trustee Knapp said he has had a long-standing concern that the municipalities who contract service have a lack of understanding as to the day-to-day operations and costs involved. Mayor Matela said she thought that was a great idea. She suggested that Town officials be invited to a training drill at the new burn building.

C. Trustee Wexler

1. Thanks – Trustee Wexler thanked everyone for their condolences.
2. Assessment – Trustee Wexler referred to an article in a local paper from the new Town of Sweden Assessor regarding the Village’s assessment and upcoming grievance day. He asked S. Zarnstorff for his comments. S. Zarnstorff said each year the Village Board accepts the Town of Sweden roll with exceptions. The Town has had resources (the outside company that did the revaluation in 2000 and update in 2004) that the Village has had to fall back on. The Village has the right to make the adjustments it feels necessary. This could include recent sales and bringing the assessment up to sales price. For some reason, Sweden did not do much with increasing multi family properties in 2004. The Village did. It needs to strive toward the 100% equalization rate. We are not quite there, but are getting closer.

Trustee Wexler commented that even if the Village tax rate does not go up, many will still pay more taxes because their assessed value has gone up. S. Zarnstorff agreed. Trustee Whipple said this could make a tax rate decrease a possibility in theory.

D. Trustee Whipple – No report.

E. Mayor Matela

1. Fire Chiefs – Mayor Matela commented that she recently swore in the Fire Chiefs for their new term. She expressed her congratulations.

PUBLIC COMMENT:

1. Merv Beaney of Coleman Creek Road commented that the Village runs a year behind the Town regarding assessment. The Town raised assessments last May and now the Village is catching up.

AUDIT:

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

| <u>Village</u> | | |
|----------------------------|----------------|---------------|
| <u>Date</u> | <u>Check #</u> | <u>Amount</u> |
| 1/20/05 | 171022-25 | 3,388.47 |
| 2/3/05 | 171030-065 | 47,167.92 |
| 2/5/05 | 171066-79 | 4,761.73 |
| 2/7/05 | 171080-109 | 16,935.66 |
| <u>Fire</u> | | |
| 1/19/05 | 171020-21 | 5,656.54 |
| 2/7/05 | 171110-19 | 7,513.95 |
| <u>Third Party Billing</u> | | |

| | | |
|-------------------------|---------|-----------|
| 2/7/05 | 495-502 | 8,088.40 |
| <u>Capital Projects</u> | | |
| 2/7/05 | 1778-88 | 14,930.16 |
| <u>Sewer</u> | | |

ADJOURNMENT:

- ➔ Trustee Wexler moved, Trustee Maziarz seconded, unanimously carried that the meeting be adjourned at 8:30pm.

Leslie Ann Morelli, Village Clerk