

**Regular meeting of the Board of Trustees of the Village of Brockport was held in the Village Hall Conference Room 49 State Street Brockport, New York, May 22, 2012 at 7:00pm.**

**PRESENT:** Mayor M. Connie Castañeda, Trustee Margaret B. Blackman, Trustee Kent R. Blair Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli, Treasurer Daniel P. Hendricks, Building/Zoning/Codes Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Superintendent Harry G. Donahue, Fire Chief Michael J. Henry, Attorney Robert S. Leni, Esq.

**ALSO PRESENT:** Andrea Perry, Matt Barone, Bob Collins, Linda Ketchum, George Dahl, Pat Baker, Alicia Fink, Darlene Krause Lang, Brian Winant, Kevin McCarthy, Pam Ketchum, Norm Giancursio, Hanny Heyen, Kristina Gabalski

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

**MOMENT OF SILENCE:** to honor those that serve our Country, enforce our laws, & respond to emergencies

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

**PUBLIC COMMENT:**

- Andrea Perry of Meadowview Drive, Chair of the Parks Committee - read the following prepared statement:

Our committee desires to place a sturdy lawn swing in Corbett Park. This swing would enhance the park by providing comfortable seating for parents who bring toddlers and a small baby. The parent and baby could enjoy the lawn swing while keeping a watchful eye on toddlers. We feel this lawn swing would also be used by senior citizens and even teenagers who like to sit and converse. I first saw this heavy swing at Kershaw Park in Canandaigua. Three girls were having a chat on the swing.

We have secured the funds for a 6 foot swing from BISCO which has been purchased by the Village and will be placed in Monika Andrews Children's Park. We now have funds to purchase a 4 foot swing and the two donors wish it to be placed in Corbett Park. The two donors are the Norm and Charlotte Tooley Benevolent Fund and the Stetson Club. Each has agreed to donate \$786.50 to cover the current quote from Universal Play Systems. I have included a copy of their request and a copy of the quote. Both donors would like a dedication plaque on the swing.

On behalf of the Parks Committee, I am requesting approval to have a 4 foot lawn swing installed in Corbett Park. Thank you for your consideration.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to grant approval for the lawn swing to be installed in Corbett Park (by DPW).

- Brian Winant of the Stetson Club – presented A. Perry with a check for \$786.50. A. Perry turned the check over to Treasurer Hendricks for receipt as gifts and donations.

Board thanks BISCO for donating the funds for the swing for Monika Andrews Children's Park and thank you to the Norm and Tooley Benevolent Fund and the Stetson Club for the funds for the swing for Corbett Park.

- Bob Collins of Holley Street – shared that there is a code enforcement concern with 57 Erie Street regarding a huge pile of cat feces in the yard. He expressed concern that he had contacted the Code Enforcement Office 3 weeks ago and it appears nothing has yet been done. He said he took it upon himself to speak to a tenant who promised to take care of it, but did not. He said he also spoke to the property owner to no avail. He finally complained to the Mayor who contacted the Code Enforcement Officer.

Code Enforcement Officer Zarnstorff said he did get the complaint and has received no cooperation to date. He will follow up on the matter.

- Pam Ketchum of Park Avenue – read the following that was placed as a paid advertisement in Suburban News:

Dear Fellow Residents,

Have you noticed? Brockport is NOT what it should be...dilapidated properties are scattered around our village. Why should you care?

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1. Run-down properties bring down neighboring house values.
2. Run-down properties lower and shift a greater tax burden onto the owners who maintain their properties – people like you, no matter where you live.
3. Run-down properties discourage stable families from moving to the village – families who might want to buy your house.
4. Run-down properties take more code enforcement efforts, generate expensive court cases and legal action – and that costs you more in tax dollars.

What can you do for positive change?

Vote YES to place code enforcement under the supervision of law enforcement.

Give code enforcement a full-time, professional supervisor.

Remove code enforcement from politics and cronyism.

Vote “YES” to improve code enforcement.

Vote “YES” for the referendum on Tuesday, June 19, 2012.

- Gayle Bidwell of Victory Drive – in her absence and per her request, Clerk Morelli read the prepared statement into the record (received 5/10/12):

To the Brockport Village Board

I have just looked through the Democrat and Chronicle Living Here insert for 2012 dated Wednesday April 25. This insert includes tax rates per thousand for area towns and villages. As I compared Sweden and Brockport to other communities I discovered that our tax rate is by far the highest and this has me very upset. The combined tax rate for Sweden and Brockport, according to the insert, is \$14.58 and our median household income is one of the lower ones reported. (It should be noted that since this publication was circulated the Village Board has in fact passed a budget which when combined with the town rate for those in the village totals \$14.40 per thousand). This is actually a 1.6% increase in taxes per the Village Treasurer due to increases in assessment. Also this budget does not include support for the ambulance, fire department or dispatch as they are now supported in other ways.

The total budget for the Village portion is \$2.4 million of which \$2.2 million is police. This is outrageous!

Wake up board members! Something has to be done to get this under control. This situation is putting a burden on homeowners making it difficult to maintain, especially for those on fixed incomes. In addition, it will result in less demand for our properties as perspective buyers will shy away making property values drop.

A comparison of our rates to those in Ogden/Spencerport with a combined rate of \$7.10 per thousand shows their rate is less than half our rate. They enjoy police protection in the entire town, municipal electric, and residential garbage disposal.

Brockport must find a way to reduce the budgets to bring us closer to our neighbors. The option to eliminate the village will come up again and next time it may very well pass. This would be a shame on you and on us for allowing this spending to continue.

You need to be creative in your ideas and think outside the box as businesses and residents have had to do. Police coverage, it would seem, is the place to start as it is the largest portion of the budget. It needs a complete review looking at areas including staffing, health care benefits, salaries, and the number of vehicles needed.

The police chief wants to add more officers to reduce overtime but that may only be temporary relief as new people start at lower wages but with time their wages go up and there are more benefits to pay which adds up and soon we are worse off than we are now. Why not explore options with the college seeking more support in coverage or funds to supplement our costs in this area or elimination of daytime coverage relying on the Sheriffs.

It would seem there are more areas to explore if you are creative. Please get to work and provide relief to lower our tax rates!

**GUESTS:**

- Just Energy – Peddling & Soliciting application (renewal) – 1 year – A representative of the applicant did not show. Clerk Morelli referred to the application.

→ Trustee Blackman moved, Trustee Hannan seconded, to approve the application

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Discussion:

Trustee Blair expressed concern of complaints regarding the last permit as to going door to door too late in the event, hooded salespeople with no visible ID badge and the like. He suggested limiting this and future peddling and soliciting permits for this and others to end going door to door after dusk. He further suggested any approval letter specify that the individual must display a company ID badge and a copy of the Village approval letter.

Village Attorney Leni said that those restrictions are fine as long as they are not more restrictive than the existing Village Code.

Mayor Castañeda concurred and suggested that if ending at dusk is deemed not more restrictive than the Code, that all future peddling and soliciting permit approvals follow the same to be consistent.

Call to Question: 5/0 carried to grant the permit for 1 year from 5/23/12 to 5/22/13, between the hours of 9:00am to dusk only, individual must display a company ID badge and a copy of the Village's approval letter.

- Scoop's Ice Cream – Peddling & Soliciting application (renewal) – 6 months – A representative of the applicant did not show. Clerk Morelli referred to the application.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to grant the permit for 6 months through 10/31/12, between the hours of 9:00am to dusk only, individual must display a copy of the Village's approval letter on the ice cream truck.

- Alicia Fink – Western Monroe Historical Society – parade application (South Street) – children's parade 7/4 – A. Fink reminded the Board that she presented the application at the 4/24 meeting. It was suggested she meet with the various Department Heads regarding logistics. She thanked Clerk Morelli for suggesting and Mayor Castañeda for allowing her to meet with the Department Heads all at once at the beginning of their May 10<sup>th</sup> meeting. A "plan B" was proposed as there are concerns with shutting down Main Street. This would entail parade participants lining up by Remembrance Park on Park Avenue facing North. They would march straight on Park Avenue and then turn right going West onto South Street to the Morgan Manning House. Line up would begin at 9am. The parade would start at 10am. South Street would be closed from 10am to Noon.

Mayor Castañeda said the Department Heads were fine with the "plan B" proposal.

→ Trustee Blackman moved, Trustee Hannan seconded, to approve the parade/procession permit utilizing the "plan B" route A. Fink described.

Discussion:

Trustee Blair asked how many participants they anticipate. A. Fink said last year they had 50 when it was just on the Morgan Manning House grounds. This year with more advertising and word of mouth and use of some of the \$10,000 Liberty Mutual contest winnings they will likely double that. Trustee Blair said he would prefer it be right front and center down Main Street instead of tucked on a side street. A. Fink said that was their initial thought as well, but she understands that there are many more logistics when closing down Main Street, a New York State road. Trustee Blair suggested next year with more advanced planning maybe starting at Sagawa Park so that only a small section of Main Street has to be closed could be an option.

Chief Varrenti said the Board can choose to close Main Street, but every time it does, it takes staffing and money and sometimes overtime. Proper staffing is needed for public safety; DPW has to drop barricades for traffic detours. Clerk Morelli said notifications to NYS DOT and RGRTA also come into play. Chief Varrenti said side street traffic has to be considered as well. There are implications with every street closure.

Call to Question: 5/0 carried to approve the parade/procession permit utilizing the "plan B" route.

Clerk Morelli said in mid to late June she would be happy to work w/ A. Fink on a letter to property owners that will be affected by the temporary street closure due to the 7/4 parade.

- Patricia Baker & George Dahl – BISCO – annual street closure request (Main Street) – Arts Festival 8/11-8/12 – Pat Baker, BISCO President-Elect and Festival Chair and George Dahl, BISCO President were in attendance to ask for approval to close Main Street from 7pm Friday, August 10<sup>th</sup> to 8pm Sunday, August 12<sup>th</sup> for the Brockport Arts Festival. After 2 years of having to locate the festival

elsewhere due to Main Street construction, they are excited to return.

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Mayor Castañeda said the Board has previously gone on record as wanting the festival back in the Village.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to approve BISCO’s request to hold its annual Brockport Summer Arts Festival on Saturday, August 11<sup>th</sup> and Sunday, August 12<sup>th</sup> closing Main Street (NYS Rt. 19) from Clark Street north of the canal to the Adams/Park/Fair Streets intersection – 7pm Friday, August 10<sup>th</sup> to 8pm Sunday, August 12<sup>th</sup>.

- Matt Barone – SUNY Campus Life – annual parade request – homecoming parade 9/15 – M. Barone introduced himself and two representatives of the Homecoming Committee. SUNY, like BISCO, is excited to return to Main Street after 2 years of Main Street construction. This year’s homecoming parade is scheduled for Saturday, September 15<sup>th</sup>. Parade participants would line up on Market Street facing West then turn left (South) onto Main Street then turn right (West) onto College Street, then turn left (South) onto Utica Street then turn right (West) onto Residence Drive to SUNY Parking Lot N-1. Line up would start at 11am. The parade would start at Noon.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to approve SUNY’s request to hold its annual homecoming parade on Saturday, September 15<sup>th</sup> and close appropriate portion of Main Street (NYS Rt. 19) from Noon to 1pm.

**CONSENSUS ITEMS:**

- **APPROVAL OF MINUTES:**

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the minutes of the 5/8 meeting be approved as amended.

- **APPROVAL OF BILLS TO BE PAID**

→ Trustee Hannan moved, Trustee Blackman seconded, carried 5/0 that the bills be allowed and paid upon audit.

A/P Clearing Account

	<u>Abstract Date</u>	<u>Amount</u>
FUND (A): <u>General</u>	5/18/12	\$1,192.71
FUND (F): <u>Water</u>	5/18/12	\$46,677.33
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust &amp; Agency)</u>	5/18/12	\$23,568.28
		\$121,438.32 grand total

**CLERK REPORT:**

- Clerk – Leslie Ann Morelli
- Peddling & Soliciting FYI (exempt) – Citizens Campaign for the Environment – 5/25/12-2/9/13 – Clerk Morelli reviewed the annual information from this non-profit group. They are exempt.

Village Attorney said per the Village Code, they are exempt from the fee, but still need a permit and should be on record as approved by the Board.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to grant the permit from 5/25/12 to 2/9/13 as requested, but between the hours of 9:00am to dusk only, individual must display a copy of the Village’s approval letter. Exempt from fee.

- Village Elections notice – 6/19 Noon-9pm – 2 Trustee seats & proposition -

LEGAL NOTICE  
TO THE ELECTORS OF THE VILLAGE OF BROCKPORT, NEW YORK  
ELECTION

NOTICE IS HEREBY GIVEN THAT AN ELECTION IN AND FOR THE VILLAGE OF BROCKPORT, COUNTY OF MONROE, STATE OF NEW YORK WILL BE HELD ON **TUESDAY, JUNE 19, 2012** AT BROCKPORT VILLAGE HALL, 49 STATE STREET, BROCKPORT, NEW YORK. **THE POLLS WILL BE OPENED AT 12:00 NOON AND CLOSED AT 9:00PM.**

- The following officers are to be chosen: Two (2) Trustees each for a 4-year term to 6/30/16

LIST OF NOMINATIONS

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The following is a list of nominations filed in the office of Monroe County Board of Elections of the candidates for the office to be filled at the Election in and for the Village of Brockport on Tuesday, June 19, 2012:

TRUSTEE – each for a 4-year term to 6/30/16 (vote for two)

<u>Party</u>	<u>Name</u>	<u>Address</u>
• Revitalize Brockport	Margay Blackman	73 Park Avenue
• Revitalize Brockport	Bill Andrews	46 College Street

PROPOSITION

SHALL THE LOCAL LAW BE APPROVED ENTITLED A LOCAL LAW MODIFYING CHAPTER 59 OF THE CODE OF THE VILLAGE OF BROCKPORT TITLED “CODE ENFORCEMENT”, THE PURPOSE AND EFFECT THEREOF BEING THAT THE CODE ENFORCEMENT OFFICER AND CODE ENFORCEMENT INSPECTOR WOULD BE REMOVED FROM THE SUPERVISION OF THE MAYOR AND INSTEAD DIRECTLY REPORT TO AND BE SUPERVISED BY THE CHIEF OF POLICE?

YES NO

QUALIFICATIONS OF VOTERS

- A Citizen of the United States.
- Eighteen (18) years of age or older.
- Resident of the Village of Brockport thirty (30) days preceding this General Election.

REGISTRATION OF VOTERS

- Your name must appear on the Monroe County Register for the Village of Brockport to be eligible to vote.
- In accordance with Section 15-118 (2) of the New York State Election Law, the voter must be registered with the Monroe County Board of Elections at least ten (10) days prior to the date of the Village General Election. The registration deadline for the above election date is: Friday, June 8, 2012. There will not be a voter registration day in the Village.
- Application for absentee ballots may be obtained at the Monroe County Board of Elections 39 West Main Street Rochester, NY 14614 or by calling (585) 753-1550 or downloading from [www.monroecounty.gov](http://www.monroecounty.gov). Application for absentee ballot must be filed with Monroe County Board of Elections no later than Tuesday, June 12, 2012.

Leslie Ann Morelli  
Village Clerk

***Village of Brockport***

- Tax Collection notice –

**VILLAGE OF BROCKPORT  
TAXPAYERS  
NOTICE OF COLLECTION**

The Tax Roll and Warrant for the collection of Village Taxes for fiscal year June 1, 2012 - May 31, 2013 have been filed in the Village Clerk’s Office.

**TAX BILLS WILL BE MAILED ON MAY 31, 2012.**

**In an effort to improve efficiency, please use the return addressed envelopes included with the bills.**

Check or money order for the exact amount should be made payable to the Village of Brockport and mailed with payment stub to:  
Village of Brockport  
Dept. # 117015  
P.O. Box 5270  
Binghamton, NY 13902-5270

**OR**

Payment may be made in person to Village Hall at 49 State Street Brockport, NY 14420 Monday through Friday 8:30am – 4:30pm except holidays.

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***PAYMENT OPTIONS***

- 1) Payment is due in full by July 1, 2012 without penalty  
(July 2<sup>nd</sup> is allowed since July 1<sup>st</sup> falls on a Sunday this year)

Late penalties:

July 2<sup>nd</sup> - 31<sup>st</sup> = 5% (July 3<sup>rd</sup> since July 1<sup>st</sup> falls on a Sunday this year)  
August 1<sup>st</sup> - 31<sup>st</sup> = 6%  
September 1<sup>st</sup> - 30<sup>th</sup> = 7%  
October 1<sup>st</sup> - 31<sup>st</sup> = 8%

November 1<sup>st</sup> - Village taxes remaining unpaid will be turned over to Monroe County to re-levy onto the January 2013 County/Town tax bill with additional penalties.

**OR**

- 2) Payment may be made in 2 equal installments:  
MUST make 1<sup>st</sup> installment by July 1, 2012 without penalty  
(July 2<sup>nd</sup> is allowed since July 1<sup>st</sup> falls on a Sunday this year)  
Then make 2<sup>nd</sup> installment due by August 1, 2012 without penalty

Late penalties:

August 2<sup>nd</sup> - 31<sup>st</sup> = 6%  
September 1<sup>st</sup> - 30<sup>th</sup> = 7%  
October 1<sup>st</sup> - 31<sup>st</sup> = 8%

November 1<sup>st</sup> - taxes remaining unpaid will be turned over to Monroe County to re-levy onto the January 2013 County/Town tax bill with additional penalties.

**IF YOUR TAXES ARE NOT ESCROWED IN YOUR MORTGAGE, AND YOU DO NOT RECEIVE A VILLAGE TAX BILL WITHIN THE FIRST WEEK OF JUNE, PLEASE CALL VILLAGE HALL AT 637-5300 X12.**

Leslie Ann Morelli, Village Clerk  
Village of Brockport

- **DEPARTMENT REPORTS:** (Treasurer & Department Heads are in attendance the 4<sup>th</sup> Tuesday of each month)
  - Treasurer – Daniel P. Hendricks
    - Financial statements & letter re internal control matters identified in audit FYE 5/31/11 & response – Treasurer Hendricks referred to these documents which were included in the packet and posted to the Village website. The related work and documents will be much more timely regarding FYE 5/31/12.

Mayor Castañeda encouraged Trustees to submit any further control measure recommendations to she or Treasurer Hendricks.

Trustee Hannan said it was noted again that the Village has been paying the entire utility bills for a building in which it does not own, but uses a portion of (Capen Hose Company fire station). This will soon cease once the Fire District is up and running.

Trustee Hunsinger said these documents are very informative. The Village has worked hard on its financial issues and continues to do so and to keep a very close eye on everything. He said it is important to point out to taxpayers that this has been a high priority the last couple of years and a lot of time and due diligence has been put in. These documents are a reflection of that progress – having come a long way.

Mayor Castañeda concurred that progress has been made. However, there is a way to go.

- Financial reports for period ending 4/30/12 – Treasurer Hendricks referred to these reports. He said the Auditors want the Board to see the bank reconciliations. He will make sure these are kept up and shared with the Board.

Treasurer Hendricks shared that NYS OSC came in to check the Village's tax cap calculation. The

verbal review indicated all was in order.

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Mayor Castañeda encouraged Trustees to contact Treasurer Hendricks with any questions on the monthly financial reports.

Treasurer Hendricks noted that percentages used re budget lines had been requested of Trustee Blair.

Trustee Blair said they are very helpful.

- Building / Zoning / Code Enforcement – Codes Officer Scott C. Zarnstorff
  - 1st Quarter report – Codes Officer Zarnstorff referred to his 1<sup>st</sup> quarter report which covers January through March 2012. He commended the Trustees for working into the new budget the replacement of the vacant part time Assistant Building Inspector position and slight increase in hours for the part time Department Clerk. Even with some Code Enforcement assistance by Police Officers, there is still a need for a part time Building Inspector.

Trustee Hunsinger thanked Codes Officer Zarnstorff for his work and noted the high volume numbers on his report and the comparison as to when the Assistant Building Inspector position was filled. He said he believes filling the vacancy is the right thing to do and should make a difference in being more proactive and not selective with code enforcement – overall making the Village a better and safer place.

- 22 N. Main Street - Codes Officer Zarnstorff shared that at a recent Planning Board meeting, Jose Mendez who purchased the building and land at 22 N. Main Street presented a concept plan for a 6,000 square foot mixed use commercial building. He will return with more detailed plans in the future.

- Vacant or Abandoned Properties – Codes Officer Zarnstorff said that P. Ketchum’s comments regarding vacant property issues are close to hitting the nail on the head as their impact. He said the Codes Office is involved with approximately 20 such properties in various states of deterioration. Some have to be prodded to be minimally maintained. He shared that he has communicated with Police Chief Varrenti about the rapid increase in such properties this past year. He works to track down property owners or property managers and follow up. It has also been brought to the attention of Trustee Hannan and her Ad Hoc Housing Committee.

Mayor Castañeda asked for a list of these 20 or so properties. S. Zarnstorff promised to forward such to the Board.

Mayor Castañeda said she has had some discussion with Village Attorney Leni on the matter. Village Attorney Leni said vacant or abandoned properties are an issue in many municipalities. The Village needs to do what it can to locate the property owners and get them to bring the properties into compliance. They can be red-tagged. If remediation efforts have to be taken by the Village, it can charge the cost to the property owners or relevy such costs onto their next Village tax bill. The Village needs to make all efforts to hold the property owners accountable whether they requires court action or not.

Codes Officer Zarnstorff referred to the 2 former Kleen Brite properties at 200 State Street and 100 Fair Street being in court now.

Trustee Hunsinger said the 100 Fair Street property is now somewhat boarded up – a big step.

Codes Officer Zarnstorff said he also works to keep the Brockport Fire Department informed as to any potential hazards to them should they be called upon to respond to particular properties.

- Police – Police Chief Daniel P. Varrenti
  - Report on Brock the Port – Chief Varrenti provided the report below. He thanked Trustees Blair, Hannan, Hunsinger for taking time out to do a ride along on that date and mentioned that

Trustee Blackman had done a previous ride along. It is important to get that perspective and it is appreciated that they take an interest to see what the Police officers encounter.

**Brock the Port Statistics**

2008 First year of Brock the Port (stats would be skewed due to large police presence and the fact that the event was held in the village).

2009 Second year of Brock the Port and last year the event was held in the village (stats would be skewed due to large police presence and the fact that the event was held in the village).

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Year	Calls for service	Crim Arrests	V&T tickets	Village Ord Tickets	OT Expended
5-6-10 DOE 5-7-10 5-9-10	327	8	24	18	\$500
5-5-11 DOE 5-6-11 5-8-11	284	9	30	52	\$2K -3K
5-3-12 DOE 5-4-11 5-6-12	344	12	8	83	\$2K-3K

Note:

Brock the Port began in 2008 and occurred on Main Street in the Village of Brockport. A number of NYSP, MCSO, and BPD troopers and officers were on duty in the village.

In 2009 the 2<sup>nd</sup> annual Brock the Port event occurred in the Chase Lincoln lot between King and Erie St. Attendance was low and this was the last time the village agreed to hold the event within the village.

In 2010 after learning the event was being relocated on campus I failed to perceive the before and after affects of Brock the Port. As such our officers were understaffed and violations of law were monitored rather than enforced.

In 2011 and 2012 this wasn't the case. Officers tactically and strategically responded to calls for service before citizens called, took a very proactive approach to violations and strived to enforce the law prior to citizen complaints. The high number of arrests indicates that the officers were very effective in their efforts.

Chief Varrenti said SUNY Police Chief Kehoe and SUNY Administration have asked for these statistics. He hopes the Village can collaborate further to allow for a fun event but ensure the safety of all and less disturbance to the Village residents quality of life.

Trustee Blackman noted that these figures represent about 20% of a year's worth of such violations.

Chief Varrenti said Village ordinance tickets have also gone up due to the Police Department collaboration with Code Enforcement.

- Vacant or Abandoned Properties – Chief Varrenti said he understands there is a difference between the two as vacant properties could be code compliant whereas abandoned properties are both vacant and non-compliant. He said he dropped the Village Attorney an e-mail recently with his concerns on the matter as it is a law enforcement issue as well as a code enforcement issue. There are times when individuals break in and steal or squat. If there is no property owner, there is really no crime, as there is no victim. He hopes all can work together to solve. He suggested the Village pursue “adopting” such properties so that they become the victim and can substantiate charges.

Village Attorney Leni asked if he is suggesting the Village take ownership of such properties.

Chief Varrenti said yes.

Village Attorney Leni said that is inadvisable for a myriad of reasons. Firstly, the Village is made good on property taxes by Monroe County if the owner does not pay them. The Village cannot do tax foreclosures.

Chief Varrenti said there must be some mechanism to solve the problem. There are going to be liability concerns as well.

Village Attorney Leni again said if the owner doesn't remediate problems and come into compliance and the Village incurs costs to do so it can be charged to the owner and if not paid, be relieved onto their taxes. When taxes go unpaid, the County can do a tax foreclosure.

Mayor Castañeda suggested continuing discussion on this at another time.  
Chief Varrenti said he thinks this is good dialogue and it helps everyone understand.

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Trustee Blair referred to a problem property, 110 Clark Street, with an out of state owner. Trustee Blair said the grass is knee high. There are motorcycles and junk on the property. There were squatters in the property.

Codes Officer Zarnstorff said he has the last known address for the owner and it gets returned.  
Chief Varrenti said the property owner is AWOL.

Mayor Castañeda said if the property has been red-tagged, then anyone on the property is trespassing.

Chief Varrenti said there are only exterior code issues.

Village Attorney Leni said they can request a bench warrant.

Chief Varrenti said it just extends the process. A true resolution is needed to some of these vacant and abandoned property issues. There's only so much action that can be taken at this point.

- Grants - Chief Varrenti commended the Trustees for working into the new budget the hiring of a firm to do grant writing for the Village. To not pursue grant funding for various endeavors is an insult to the citizens.

- Recruits - Chief Varrenti commended the Trustees for working into the new budget the sponsoring of the 3 Police Academy recruits. Two of them have been named platoon leaders in the Academy.

- Police Department Cost - Chief Varrenti said 1/3 of the properties in the Village are tax exempt such as schools and churches. Then there are other partial exemptions. When it comes down to it 1/3 of the properties shoulder the tax burden. He said the Brockport Police Department is NOT that expensive as it is one of the least expensive law enforcement agencies in Monroe County with the lowest starting wage and taking 5 years to get to the highest pay step. What others took a 2% tax cut? He said as Chief his salary is in the middle. Half make more. Half make less. The Village needs to pursue grant funding, further its efforts to improve property maintenance, attract home buyers, attract customers to its businesses, etc. There are only so many revenues available. Pursue all possible funding.

- Public Works – Superintendent Harry G. Donahue

- Bridges – DPW Superintendent Donahue said NYS DOT / NYS CC is wrapping up the repair work on the Park Avenue bridge and will reopen it 5/25. They will close the Main Street Bridge 5/29 to 6/15 for repairs.

- South Avenue extension – Trustee Hunsinger thanked DPW Superintendent Donahue for talking with him about the need for grass mowing on the South Avenue extension. DPW Superintendent Donahue said once the summer laborers begin, the department will have time to knock back that boundary line. Trustee Hunsinger said this is good as it is a gateway into the Village and shouldn't look like a rural hay field.

- Annual Water Quality Report - Trustee Hunsinger said he was surprised to see a Water Quality Report saying issued by the Board of Trustees in his recent local paper. DPW Superintendent Donahue said this is an annual requirement. Clerk Morelli said she just got hers in Clarkson from Monroe County Water Authority.

Since most of the new business involves DPW, Mayor Castañeda suggested bumping these items up on the agenda.

**NEW BUSINESS:**

- Authorize Mayor to execute annual EAP agreement w/ Employee Health Systems –

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to authorize the Mayor to execute

the annual EAP agreement with Employee Health Systems.

Clerk Morelli referred to the cost and shared that Seymour Library will be billed for the portion to cover its employees.

- Authorize resolution to have National Grid install streetlight at Monika Andrews Children's (Utica Street) Park – DPW Superintendent recommends an additional light for safety.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to adopt the following resolution:

**MINUTES OF VILLAGE BOARD MEETING HELD May 22, 2012 continued.....page 10**

RESOLVED: National Grid is hereby authorized and directed to do the following work in the Village of Brockport Street Light Account No. 17738-78109: INSTALL: One 250-watt high pressure sodium floodlight on NG Pole #8 on the northwest corner of the park oriented towards the playground. Estimated annual costs: \$254

- Authorize purchase of 1 pickup truck with snow plow off state bid – DPW Superintendent recommends replacement as the current truck has 96,000 miles on it and has safety concerns.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to authorize the purchase of 1 pickup truck with snowplow off New York State Bid #PC65030 for use by DPW at a cost of \$26,206.99.

- Declare surplus & Auctions International 2000 Dodge 250 4x4 pickup – DPW Superintendent recommends selling the old truck once the new one is delivered.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to declare surplus and authorize advertisement on Auctions International said equipment once the new one is delivered.

Proceeds to go in capital improvement line. Top 3 bids to be considered at a future meeting.

- Authorize advertising bid process for purchase of 1 medium duty dump truck w/ snowplow & wing – DPW – DPW Superintendent recommends such as it is not available on state or county bid.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to authorize advertising bid process for such for consideration at future meeting.

- Declare surplus & Auctions International 2000 Dodge 3500 medium duty dump truck w/ plow – DPW Superintendent recommends selling the old truck once the new one is delivered.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to declare surplus and authorize advertisement on Auctions International said equipment once the new one is delivered.

Proceeds to go in capital improvement line. Top 3 bids to be considered at a future meeting.

- Authorize purchase of 1 pickup truck off state bid – Water Department – DPW Superintendent recommended such.

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 to authorize the purchase of 1 pickup truck off New York State Bid #PC65030 for use by Water Department at a cost of \$28,130.49.

- Declare surplus & Auctions International 1998 Dodge extended cab – DPW Superintendent recommends selling the old truck once the new one is delivered.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to declare surplus and authorize advertisement on Auctions International said equipment once the new one is delivered.

Proceeds to go in capital improvement line. Top 3 bids to be considered at a future meeting.

- Authorize advertising bid process for purchase of 1 backhoe – Water Department – DPW Superintendent said the agreement with Caterpillar expired. They are willing to establish a new 5-year agreement at \$15/hour usage instead of \$10/hour usage. They typically put 450 hours/year on the machine.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to authorize advertising bid process for such for consideration at future meeting.

○ Declare surplus and authorize advertising bid process for sale of old backhoe – DPW Superintendent recommends selling the old truck once the new one is delivered. Caterpillar will bid a minimum \$50,000.

→ Trustee Hunsinger moved, Trustee Blackman seconded, carried 5/0 to authorize advertising bid process for such for consideration at future meeting.

Trustee Blair asked DPW Superintendent to be sure that all new vehicles and equipment are appropriately labeled as belonging to the Village. This should be on the vehicle itself, not in the window.

**MINUTES OF VILLAGE BOARD MEETING HELD May 22, 2012 continued.....page 11**

○ Fire District: special legislation resolution, transfer of assets, fire protection through end of year, use of Village’s fuel facility, use of Village’s local government radio frequency – Village Attorney Leni reminded the Board that on 5/8 they passed a resolution inviting the introduction of the legislation. Now is time to pass a resolution requesting enactment of the legislation.

Trustee Blair asked for clarification on a point that Village Attorney clarified.

**RESOLUTION**

WHEREAS, Assemblyman William D. Reilich and Senator George Maziarz have proposed that the State Assembly and the State Senate enact Home Rule Legislation at the State Level, to authorize the transfer of certain funds of the Village of Brockport, allocated for fire protection and of unexpended cash and reserves of the Sweden Fire Protection District and the Clarkson Fire Protection District, to the Brockport Fire District, following the formation of the Brockport Fire District and the dissolution of the Sweden Fire Protection District and the Clarkson Fire Protection District; and

WHEREAS, the Board of Trustees of the Village of Brockport is supportive of this proposed legislation; and

WHEREAS, it is hereby determined that a necessity exists for such legislation in that the Village of Brockport does not have the power to enact such Legislation by Local Law.

NOW THEREFORE BE IT RESOLVED THAT,

1. That the Board of Trustees of the Village of Brockport hereby requests the state legislature to adopt special legislation to authorize the transfer of certain unexpended funds of the Village of Brockport, allocated for fire protection, and of unexpended cash and reserves of the Sweden Fire Protection District and the Clarkson Fire Protection District, to the Brockport Fire District, following the formation of the Brockport Fire District and the dissolution of the Sweden Fire Protection District and Clarkson Fire Protection District, and
2. That the Village Board of the Village of Brockport hereby approves the legislation set forth in NYS Assembly Bill A10200 introduced May 10, 2012 and the NYS Senate Bill S7307 introduced May 2, 2012.
3. That the Village Clerk is authorized to certify and is directed to furnish certified copies of this Home Rule Legislation request to the offices of Assemblyman Reilich and Senator Maziarz, and/or their designees, in support of such pending legislation.
4. That this resolution is effective immediately.

MOTION for adoption of this resolution by Mayor Castañeda

Seconded by Trustee Blackman

VOTE BY ROLL CALL AND RECORD

**VILLAGE OF BROCKPORT**  
Mayor Maria Connie Castaneda  
Trustee Margaret B. Blackman  
Trustee Kent R. Blair

Voting yes  
Voting yes  
Voting yes

Trustee Scott W. Hunsinger  
Trustee Carol L. Hannan

Voting yes  
Voting yes

Dated: May 22, 2012

Adopted

Village Attorney Leni said that he will have more to report and for the Board to adopt at the 6/26 meeting. He shared that an issue arose regarding the Market Street property. The title company is working on a deeds of record issue. There are 3 Village lots that surround the 38 Market Street building – used as municipal parking lots. They need to be maintained as parking lots with spots reserved for the Fire District. Maintenance to be determined. He said it would be best maintained by the Fire District. Otherwise, it would have to be subdivided. This was discovered during Code Review Committee’s review of Village Code Chapter 34 regarding parking.

**MINUTES OF VILLAGE BOARD MEETING HELD May 22, 2012 continued.....page 12**

Trustee Blackman asked what maintenance would consist of. Village Attorney Leni said plowing, striping, signing. Trustee Blair said that wasn’t made clear previously. Village Attorney Leni said it was thought to be all one parcel. Chief Henry said the Fire District didn’t want the parking lots. Village Attorney Leni said it is too late for subdivision. A legal description will be forthcoming for any necessary action.

Village Attorney Leni said another matter to be dealt with at the 6/26 meeting will be that of fuel usage. The 2% surcharge for additive treatment will be countered with a 5% surcharge. This will be run past the Fire District’s Attorney.

Trustee Hunsinger said this can be adjusted after 12/31/12.  
Trustee Blackman said it is based on the cost of fuel and can be re-negotiated.

Village Attorney Leni said he will be providing the Board with a comprehensive agreement for adoption. Chief Henry said they are working on an inventory of assets.

Trustee Blair questioned the 2 pieces of antique fire equipment owned by the Village but in the Fire Department’s possession. He questioned either having the Association purchase them or having a memorandum of understanding drawn up if ownership is retained by the Village. Clerk Morelli commented that if the Village were to no longer own them, they could be taken off the Village’s insurance rolls. Chief Henry said the Association has put time and money into the care of those pieces and they show them and take them to parades and such. Village Attorney Leni said there is a possibility they could be gifted. Trustee Blackman said she thinks it would be ideal if the Association took them. Trustee Hannan said they are a part of local history.

- o Fire / Ambulance – Chief Michael J. Henry
  - Chief Henry provided the following report:

Calls YTD: 350+

Calls or events of significance since the last Meeting:

1. April 23, 2012 3:00 AM Brockport was requested to fill in the Clarendon Fire Hall while they worked a structure fire on East Lee Road and Manning.
2. May 1, 2012 10:22 PM Brockport was dispatched to 63 Park Avenue for smoke from the inside of the chimney. 2C-43 was on scene with a chimney fire on a large masonry. Firefighters extinguished the chimney fire and checked for extension in the attic which had smoke. This fire had a lot of potential as this was a large house from the 1800’s and we had smoke reported in the attack. The crews on scene did a real professional job including covering floors in living room by wood stove to prevent damage, opening the eaves just enough to determine no fire spread and insuring the fire did not get into the attic. Excellent job by all and we received a big thank you from the home owners.
3. May 10, 2012 10:33 AM Brockport was dispatched to a house fire at 2750 Redman Road with reported smoke from the roof. Firefighters extinguished a utility room and kitchen fire with smoke damage throughout the house. Hamlin, Morton, Kendall and Clarendon assisted at the scene. This fire had a head start as there was little visibility from the road and the home owners were at work.
4. May 21, 2012 1:45 PM Brockport Firefighters were dispatched to many addresses along Rt. 31 for a vehicle into a pole, updated to vehicle on fire with injuries. Accident was on West Avenue near County Line Road. Firefighters had a vehicle into a pole smoking with a grass fire and power lines down.

Notes:

- No issues to report

Chief Henry also shared that Spencerport Ambulance provided nominal payment for the purchase of a console previously declared surplus by the Board.

Chief Henry commented that the temporary closure of the Main Street Bridge for repairs will be difficult. He hopes it goes smoothly and reopens on schedule.

Chief Henry encouraged people with chimneys to have them cleaned.

Chief Henry encouraged people to call in anytime they smell smoke. They'd rather get the trucks rolling and respond than wait.

## **MINUTES OF VILLAGE BOARD MEETING HELD May 22, 2012 continued.....page 13**

Chief Henry encouraged people to keep interior doors shut whenever possible. In case of fire, it really helps slow the fire down and causes less smoke damage.

Mayor Castañeda said Department Heads were excused.

- **PERSONNEL ITEMS:**

- Accept resignation of Crossing Guard Bonnie McArthur – effective end of school year –

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to accept the resignation of Bonnie McArthur as Crossing Guard with regret and thanks for her several years of service.

- Accept resignation / withdrawal of application of Daniel Donovan re Ethics Board

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to accept the resignation / withdrawal of application of Daniel Donovan who had recently been appointed to the Ethics Board to complete a term to 6/30/12.

- Appoint Deputy Clerk-Treasurer – Mayor Castañeda thanked Clerk Morelli and Treasurer Hendricks for serving with her on the search committee. She shared that 27 applications were received, 5 were interviewed, 3 were brought back to interview with the Trustees and 2 were considered finalists and references were checked.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 via roll call to appoint Ann Draper as Deputy Clerk-Treasurer to complete a term to 6/30/13 at \$15/hour 40 hours per week plus benefits to begin 6/4/12.

- Authorize Clerk to proceed in Police Chief Varrenti 211 waiver application renewal process –

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to authorize Clerk Morelli to proceed with Police Chief Varrenti's 211 waiver application renewal process.

## **VILLAGE BOARD REPORTS:**

- Mayor M. Connie Castañeda

- Monroe County Sales Tax Distribution – 1<sup>st</sup> Quarter 2012 – Mayor Castañeda reported having received the Village's share of the 1<sup>st</sup> quarter 2012 sales tax receipts totaling \$380,980.22. This compares to \$366,919.47 distributed for the same quarter in 211.

- SUNY BUS368.01 Project Management Class – “Steps 4K Cure” thanks – Mayor Castañeda read into the record a letter (in packet) from Mustafa S. Canbolat, PhD, Assistant Professor of Management Business Administration and Economics at SUNY College at Brockport. He expressed his thanks on behalf of his students in BUS368.01 Project Management class for supporting their Steps 4K Cure event of 4/28.

- Emily L. Knapp Museum & Library of Local History – new hours Wednesdays 2-4pm & 7-9pm & Saturdays 12-4pm – Mayor Castañeda shared the new hours and encouraged visiting.

- Village Board training opportunities – Mayor Castañeda encouraged Trustees and Ethics Board members to RSVP to Clerk Morelli for the 6/6 NYCOM workshop on Ethics. She said

information will be forthcoming for Trustees and Village Attorney regarding the 6/21 Association of Monroe County Villages dinner meeting in which there will be a guest speaker regarding Seneca Falls dissolution experience.

- Memorial Day – Mayor Castañeda shared that she plans to attend the Middle School Ceremony at 5/25 at 7:35am and the Vets Club ceremony 5/26 at 11am. She encouraged Trustee attendance.

- Trustee Margaret B. Blackman

- Historical – Trustee Blackman shared that she attended the 5/16 presentation by Trustee Hannan and Pam Ketchum held at the Seymour Library regarding the history of homes in the State Street / Park Avenue area. This is in preparation for application to have this area considered for historic designation status.

- Farmers Market – Trustee Blackman shared that a vendor wishes to sell produce during the week in the parking lot of the former Ryan’s Big M. Implications such as peddling and

**MINUTES OF VILLAGE BOARD MEETING HELD May 22, 2012 continued.....page 14**

soliciting permit and setting precedent apply. This was discussed with the Farmers Market Managers and the vendors are against it.

Trustee Blackman also shared that some of the vendors at the Rochester Public Market have been approached about participating in the Brockport Farmers Market. There is some interest. So far the Managers have 8 vendors committed. She reminded them that at least 10 regular vendors are needed.

- Village Court feasibility - Trustee Blackman shared that she will have Village Court Report # 3 ready for the 6/12 meeting.

- NYS DEC Urban Forestry Grant - Trustee Blackman shared that she will have information ready for the 6/12 meeting.

- Trustee Kent R. Blair

- Village Attorney – Trustee Blair noted that the Village Attorney’s contract with the Village expires 5/31/12. He reminded all that it was written to specify retainer and outside the cap / out of the scope of services. He said he talked with Village Attorney Leni about the importance of sticking to the requirement that the Board approve any work outside the scope of services as attorney fees are high and spending needs to be controlled.

Clerk Morelli suggested raising the retainer to include more so as to avoid so much outside the cap work.

Village Attorney Leni commented that his firm writes off approximately \$2,000 to \$3,000 per month for Village of Brockport work. He said they are paid higher by other municipalities.

Mayor Castañeda concurred with Trustee Blair and reminded the Board that verbal and written directives have been provided to Department Heads and Trustees as to contacting the Village Attorney and needing approval.

Trustee Blair said Village Attorney Leni is clear that he is not to do any work on outside the cap matters unless specifically approved by the Board.

Mayor Castañeda concurred. Of course, emergencies arise and the Attorney is to use his best judgement.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 via roll call to renew the contract with Harris, Chesworth, O’Brien, et al and maintain Robert S. Leni as Village Attorney for a term to 06/30/14.

- Trustee Carol L. Hannan

- Historical/Housing – Trustee Hannan shared that work continues and NYS’s Virginia Bartos is impressed thus far as to efforts to get the State Street/ Park Avenue area designated historical.

- BISCO - Trustee Hannan shared that BISCO is well underway with planning for the August 11<sup>th</sup>-12<sup>th</sup> Arts Festival.

- Economic Development - Trustee Hannan shared that she and Trustee Blackman continue their efforts as liaisons.

- Code Review Committee - Trustee Hannan shared that CRC has put in lots of work on the signs chapter.

- Referendum - Trustee Hannan encouraged voting at the 6/19 Village Elections and casting "YES" on the proposition regarding supervision of Code Enforcement. It is an important measure to take to improve code enforcement – at no cost.

- Trustee Scott W. Hunsinger

- Referendum – Trustee Hunsinger also encouraged voting at the 6/19 Village Elections and casting "YES" on the proposition regarding supervision of Code Enforcement. He said he and Trustee Blair started work on this some time ago. He said he ran for Trustee 4 years ago on quality of life, living conditions, improved code enforcement.

- Boards/Committees vacancies - Trustee Hunsinger reminded all that there are still a few vacancies on Boards and Committees. He apologized again to Linda Ketchum, sole applicant, and very qualified, for the Parks Committee. He wishes the Mayor would bring forth her name for appointment. He thanked her for her volunteer efforts regardless of appointment and said he will be joining her and others tomorrow at 4pm for the hanging of flower baskets in the downtown commercial district. There is a new application for the vacancy on the ZBA that he hopes the Mayor considers bringing forward for appointment.

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**EXECUTIVE SESSION:**

→ At 9:15pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into executive session to discuss a potential litigation matter and a personnel matter. Village Attorney Leni and Village Clerk Morelli were invited to sit in.

Mayor Castañeda stepped out of Executive Session regarding the potential litigation matter due to a possible conflict.

→ At 10:20pm, Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the Board of Trustees of the Village of Brockport re-enter the regular meeting.

→ Trustee Hunsinger moved, Trustee Blair seconded, Mayor Castañeda abstained due to a possible conflict, carried 4/0/1 to authorize the Village Attorney to work outside the cap / scope of services on a potential litigation matter – no dollar amount set.

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 to rescind the 4/24/12 appointment of Stephen Locke to the Ethics Board to complete a 4-year term in progress to expire 6/30/12. This is due to membership disqualifications as laid out in Village Code Chapter 13 Section 26. It was noted that S. Locke's wife serves on the Planning Board as an appointed official.

Mayor Castañeda expressed concern that current Ethics Board members (Bernard LoBracco and Katherine Kristansen) may fall into the membership disqualifications as laid out in Village Code Chapter 13 Section 26. An example is being a member of a political organization (i.e. Pro Brockport).

Trustee Hunsinger said they should review the disqualifications section and could resign from one or the other if necessary.

Trustee Blackman said anyone with a conflict should be given the opportunity to resolve it.

Mayor Castañeda expressed concern that even if an Ethics Board member were to resign from a political organization, they may be unable to control their bias.

**ADJOURNMENT:**

→ At 10:28pm, Trustee Blackman moved, Trustee Blair seconded, carried 5/0 that the meeting be adjourned.

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Leslie Ann Morelli, Village Clerk