

Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, August 3, 2009 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda Vice Mayor/Trustee Kelly A. Smith, Trustee Kent R. Blair, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli

EXCUSED: DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Scott Smith

ALSO PRESENT: Village Attorney Michael Leone, Bill Andrews, Jim & Joan Hamlin, John & Claudia Hagenah, Rich & Cheryl Codori, Mark & Kathy Kristansen, Norm GianCursio, Mary Jo Nayman, Fred Webster

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

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

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

- ➔ Trustee Hunsinger moved, unanimously carried 5/0 that the minutes of the meeting held July 20, 2009, be approved as amended.
- ➔ Trustee Legg moved, Trustee Smith abstained due to absence, carried 4/0/1 that the minutes of the meeting held July 24, 2009, be approved as amended.

AUDIT – PAY BILLS:

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

	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
<u>Village</u>	8/4/09	179186-179225	\$55,808.75
<u>From Reserves</u>	8/4/09	179236-179238	\$12,769.28
<u>Fire</u>	8/4/09	179226-179234	\$4,587.80
<u>Third Party Billing</u>	8/4/09	001628-001630	\$1,160.37
<u>Capital Projects</u>			
<u>Water</u>	8/4/09	002357-002363	\$7,622.28

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Mary Jo Nayman of Carolin Drive – expressed concern of a) the 2nd public comment period, done at the end of Village Board meetings the last few years, being eliminated. Said she's offended that the Board finds it unnecessary and hopes the reasons for elimination will be addressed. b) the Village Board meetings no longer being videotaped and shown on Educable. Said the Educable contract is paid for through December 2009. Suggested getting a volunteer to use the Village-owned video camera, even if quality is poor, so they can at least be aired through the end of the year.

GUESTS:

1. Gateway Energy Service Corp – Robert Latona – Peddling & Soliciting Permit – Clerk Morelli reviewed the application in R. Latona's absence. They would be distributing a trifold pamphlet and enrolling customers in alternate supply for gas and electric. No money will be collected at the door. They request a permit for August through December 2009 between 9am – 6pm and would follow Village Code.

→ Trustee Blair moved, Trustee Hunsinger opposed, carried 4/1 that the peddling & soliciting permit be approved.

2. Fast Buck Fanny's 43 Main Street – Sidewalk Café Permit - Clerk Morelli reviewed the application in D. Trento's absence. Although the application does not specify, she believes they will be selling some baked goods and wish to have tables and chairs on the sidewalk for people to enjoy them outdoors. They requested approval for 3 small ice cream parlor style tables with 3 to 4 chairs per table daily from 11am to 7pm.

Board discussed being consistent and approving 2 tables and 8 chairs as they have with other applicants. Board questioned whether any other food-related approvals would be necessary since Fast Buck Fanny's is not a restaurant. Clerk Morelli indicated that Monroe County Health Department would likely have requirements of their own.

MINUTES OF VILLAGE BOARD MEETING HELD August 3, 2009 continued.....page 2

→ Trustee Legg moved, unanimously carried 5/0 that the sidewalk café permit be approved allowing for 2 tables and 8 chairs total.

3. Historic Preservation Board Chair Bill Andrews –
 - a. Authorize CLG application – nomination of A.D. Oliver Middle School to Registers of Historic Places – B. Andrews referred to the application information provided to the Board and explained that a resolution of support is required to apply for this CLG application. The total project cost is \$1,523.31 with CLG request of \$1,100 and \$443.31 as the Village's matching share. The \$443.31 is not a cash outlay, but an in-kind match for time spent by the Mayor, Village Clerk, Village Treasurer and Historic Preservation Board Chair. The \$1,100 is for a Consultant to prepare the nomination. B. Andrews said Officials Robert Englert and Julian Adams have indicated that the application would be a "slam dunk".

Mayor Castañeda said she thought the Middle School was already on the Registers. B. Andrews said it is on the Village's, but not on the State and National Registers. Mayor Castañeda asked how it would benefit the community at large. B. Andrews said the Middle School is known as the Queen of the Hill and is regarded as one of the most distinguished buildings in the area. Trustee Legg asked if Brockport Central School District is involved in this process. B. Andrews said the project was supported by recently-retired Superintendent James Fallon. To his knowledge, it has not been taken to the new Superintendent or the School Board. It will involve the BCSD maintaining the structure. He is confident they will do so, as the addition on the building 10 years ago was made to fit in.

→ Trustee Legg moved, unanimously carried 5/0 authorizing the submission of an application for a grant from the New York State Certified Local Government program in the amount of \$1,100 for the purpose of engaging the services of a consultant to prepare a nomination to the State and National Registers of Historic Places for the A.D. Oliver Middle School building. The application shall contain no commitment for cash expenditure by the Village.

- b. Support of GBDC application for EPF funds re 60 Clinton Street – B. Andrews provided a distant early warning that GBDC (Greater Brockport Development Corporation) will likely be submitting an application to the EPF (Environmental Protection Fund) in its efforts to rehab 60 Clinton Street. The application deadline is September 14th and it will require a resolution from the Village endorsing the application. The application shall contain no commitment for cash expenditure or in-kind match by the Village. There is no completed application to share at this time. More details to come.
 - c. Update on CDBG Funds – Façade Improvement Program – B. Andrews reminded that Monroe County has awarded the Village a CDBG grant in the amount of \$40,000 for the purpose of providing subsidies to property owners in the historic commercial district for work to improve building facades in accordance with historic preservation requirements. The Historic Preservation Board met July 30th and reviewed 12 applications. He said the property owners were very willing this time, whereas, the last round he had to recruit applicants. More details to come.
 - d. Update on Welcome Center Canalfront Hospitality Program – B. Andrews reported that boat nights are up 10% from this time last year with an increase in extended stays. Brockport has become a tourist destination and is becoming somewhat of a vacation home for many boaters. He read a card that came today from visitors from Dunkirk today and said it is an example of a typical response of a satisfied traveler. He thanked the Board for their continued support of this successful program.
4. Village Attorney – Michael Leone, Esq. of Harris, Chesworth, O'Brien, et al – Mayor Castañeda introduced and welcomed Village Attorney Michael Leone, Esq. as the Village's new primary contact with Harris, Chesworth, O'Brien, Johnstone, Welch & Leone, LLP. She said the Village is happy to continue its relationship with this firm.

→ Trustee Legg moved, unanimously carried 5/0 to appoint Michael Leone, Esq. as Village Attorney.

DEPARTMENT REPORTS:

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

1. Salt Barn – Mayor Castañeda indicated that progress is being made on this grant funded project.

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

1. New York State Law Enforcement Agency Accreditation – Mayor Castañeda indicated that she signed an application related to the re-accreditation process.

MINUTES OF VILLAGE BOARD MEETING HELD August 3, 2009 continued.....page 3

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

D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Scott Smith (excused)

E. TREASURER – Gina M. Tojek (excused)

1. External Audit – Mayor Castañeda indicated that auditors are finishing up at Village Hall with the report anticipated in a few weeks.

F. CLERK - Leslie A. Morelli

1. Training/Travel Authorization for Treasurer & Clerk – NYCOM 9/21-9/25 Albany – Clerk Morelli referred to her memo and NYCOM conference materials that requests authorization for she and Treasurer Tojek to attend the conference at \$1,300 each. She shared that she has attended twice in her 10 years here and found it extremely worthwhile. It is open to all Village and City officials, but the majority of attendees are traditionally Clerks and Treasurers and their Deputies, as classes are put on by NYCOM, Office of the State Comptroller, Committee on Open Government, Department of State, etc.

Trustee Legg asked Clerk Morelli what the various Clerk designations are that she outlined in her memo. Clerk Morelli said Municipal Clerks can obtain various levels of professional designation such as CMC (Certified Municipal Clerk), RMC (Registered Municipal Clerk), MMC (Master Municipal Clerk) through the IIMC (International Institute of Municipal Clerks) endorsed by New York State Association of Village Clerks. Having a Master's degree and 15 ½ years municipal clerk experience would garner her maximum points for education and experience, but she must receive a certain amount of accredited training each year. To achieve such designation, she would need a commitment from the Village to send her to the NYCOM conference each year and 1 week per year for 3 consecutive years at the IIMC training school at Cornell. For budgetary reasons, she has not pushed getting such commitment, but certainly would be interested and willing.

→ Trustee Legg moved to approve the training/travel request for both Clerk Morelli and Treasurer Tojek stating that he believes training is incredibly important.

Trustee Hunsinger asked if the Clerk and Treasurer would be willing to share a room. Clerk Morelli responded that they would not be inclined to share a room. Mayor Castaneda asked if the Clerk and Treasurer would be willing to obtain less expensive accommodations and drive to the conference site each day. Clerk Morelli responded that she would not be inclined to do so as staying at the host hotel includes all meals, and provides for very important networking opportunities with their counterparts. Trustee Hunsinger asked if they would carpool. Clerk Morelli said yes and that there may even be an opportunity to carpool with Clerks or Treasurers from another municipality. The two times she went, she was able to catch a ride with the Churchville Clerk-Treasurer at no cost to Brockport.

Clerk Morelli said she understands the Village's fiscal constraints, and although she and Treasurer Tojek budgeted appropriately with \$3,000 in their training line, if the Board is reluctant to send both of them this year, she would be willing to forego since she went last year. While it really would be worthwhile for both to go each year, at the very least, they should rotate years.

→ Mayor Castaneda moved to amend the motion to send only one of the two, Trustee Legg opposed, carried 4/1.

→ Trustee Smith moved, unanimously carried 5/0 to authorize said training/travel for Treasurer Tojek.

2. SEQR – concur that State University Construction Fund be designated lead agency re SUNY Special Events Recreation Center project – Clerk Morelli referred to the correspondence indicated that the State University Construction Fund proposes to construct the subject project with details in the Environmental Assessment Form. Under provisions of NYS SEQRA, they need to conduct a coordinated review among involved agencies with them as lead agency. They request concurrence for them to be lead agency and any SEQR concerns. Code Enforcement Officer Zarnstorff and the Village Engineer's Office have reviewed this.

→ Trustee Blair moved, unanimously carried 5/0 concurring that State University Construction Fund be designated as lead agency on SEQR.

G. VILLAGE MANAGER – (vacant)

H. ECONOMIC DEVELOPMENT COORDINATOR (vacant)

MINUTES OF VILLAGE BOARD MEETING HELD August 3, 2009 continued.....page 4

I. VILLAGE ATTORNEY – Michael Leone, Esq.

1. Brockport Sweden Property Owners Association by its Treasurer Norman Giancursio Versus Village of Brockport – Attorney Leone reported that the Article 78 regarding Village Code Chapter 36 was dismissed by Supreme Court Justice Rosenbaum. He shared that he received a call from The Daily Record who will be running an article on the decision.

VILLAGE BOARD REPORTS:

A. Mayor M. Connie Castaneda

1. Appoint to Welcome Center Greeter Program –

→ Trustee Blair moved, unanimously carried 5/0 to appoint the following as Welcome Center Greeters: Shirley (Kay) Abel, Sandra Phillips, Mark Rennard.

2. 2010 Fire Services Contract – reported that she, Treasurer Tojek and Assistant Fire Chief Marenus met with Clarkson Supervisor Kimball, Sweden Supervisor Milner and Sweden Finance Director Strabel on July 21st. They brought up 3 issues which prompted the Board to hold a special meeting on July 24th to discuss their concerns – request that ambulance through 3rd party billing cover more of the cost of dispatch, need for a site survey to be conducted by an outside vendor to evaluate buildings and equipment needs, concern that past surpluses were not rolled over to the next year fire budget. This is outlined in the July 24th meeting minutes. With regards to 3rd party billing covering more of the cost for dispatch, the Board concluded that 3rd party billing could not cover more of the dispatch charge and that a planned elimination of dispatch needs to be given due consideration. With regards to the site survey, it was agreed that the Fire Chief would put out a request for proposals and solicit 3 detailed quotes under the \$10,000 budgeted amount and return to the Board with those quotes. With regards to the \$180,000 surplus for the fire contract for the past 2 years, the majority of the Board agreed that past fire service contracts did not specify a rollover provision for surplus or deficit and there is no legal requirement to provide such. Language can be incorporated into the new contracts. Mayor Castañeda met with Trustee Hunsinger and the Fire Chiefs on July 29th to discuss the Towns concerns and 4 other potential contracts that would be important to the fire department budget 1) contract to establish the Village paying Capen Hose Company to park a fire truck and the pool car, as a truck is needed south of the railroad tracks – has a meeting scheduled tomorrow 2) contract with Clarkson and Village to pay rent to occupy Station #2 which is owned by Clarkson – has spoken to Supervisor Kimball who will get back to her 3) contract with Monroe Ambulance for parking an ambulance at the Market Street fire hall, as we charge our own ambulance at \$12 per square foot and Monroe Ambulance occupies 950 square feet – has a meeting scheduled Wednesday 4) dispatch agreement between Walker and the Village for providing dispatch service – in the process of scheduling a meeting.

Mayor Castañeda referred to correspondence dated July 29th and received on July 30th from Sweden and Clarkson Supervisors and asked that it be entered into the minutes.

“We’d like to thank you for meeting with us last week regarding the fire service contract. I’d also like to commend you and Treasurer Gina Tojek for being forthcoming about the Village’s recent handling of fire district surplus monies.

As we discussed, it was the past practice of the Village to provide an accurate accounting of fire department expenses on an annual basis. Surpluses appeared as money carried forward to the next year’s budget, in effect reducing the burden on fire district taxpayers the following year.

However, that practice hasn’t been followed over at least the past two years, as Ms. Tojek recently discovered. Again, we think it speaks highly of your commitment to work cooperatively with your municipal partners that you shared the rather unsettling news that the Fire Department has had an \$180,000 surplus over the past two years and that the surplus has not been credited back to the taxpayers who supplied it. In fact, it was spent to balance the Village’s general fund.

The Towns of Sweden and Clarkson have been placed in a very difficult position. There is an element of trust on the Towns’ part that the Fire Budget prepared by the Village is a reasonable accurate prediction of fire department costs and that any surplus, or deficit for that matter, is handled in a manner that is responsible to the taxpayers who provided the funds.

We could leave it to our attorneys to argue about whether or not the Village has a contractual obligation to return the surplus to the fire district taxpayers; however, there is no question in the minds of the members of the Sweden and Clarkson Town Boards that it is unethical for large surpluses to be run up

in the fire department budget in order to balance the Village's general fund.

The Sweden and Clarkson Town Boards have a fiduciary responsibility to the taxpayers of our Towns to be sure that the monies we collect from our residents as a fire district tax are being used to provide fire service, not to pay the expenses of the village dpw or village police department or village general

MINUTES OF VILLAGE BOARD MEETING HELD August 3, 2009 continued.....page 5

government services. We are confident that the residents of our collective communities would be appalled that taxes collected to fund fire service for town residents have been used to fund other Village expenses.

The Towns of Sweden and Clarkson would like to believe that this ethical, if not legal lapse, is part of the Village's past administration and that the Village's new administration is eager to move forward into a mutually beneficial and equitable fire services contract. To that end, the Towns need resolution on several matters:

- An accounting of the fire department budget for the years 2004, 2005 and 2006 (the last accounting received was for the 2003 budget year)
- A plan to refund Sweden and Clarkson Fire District taxpayers for surpluses held in the years 2007 and 2008; and a plan, if necessary, for refunds of surpluses that occurred in 2004, 2005 and 2006
- Contractual language changes that protect Sweden and Clarkson taxpayers from being overcharged for fire services in the future
- A plan that will provide Sweden and Clarkson with representation when fire department reserve funds are to be expended
- A change in the way dispatcher costs are apportioned between the fire department and ambulance corp to accurately reflect the true use of the dispatchers

The Towns of Sweden and Clarkson and the Village of Brockport have a long history of partnering on services and projects in order to best serve our residents. Despite our disappointment and concern regarding the handling of fire department monies over the past few years, the Towns are committed to remaining good friends and partners to the Village of Brockport. We are hopeful that the Village Board feels the same way and that the Village's recent mistakes can be corrected so that we can move forward together."

Mayor Castañeda indicated that meetings continue and a response will be forthcoming.

3. Recent Activity Kleen Brite Property – reported that she and Trustee Hunsinger met with the new owners of 100 Fair Street who are also the potential new owners of 200 State Street. They plan to issue a letter to the property owners in the area (South Avenue, Fair Street, High Street) to alleviate their concerns and assure them that there are no hazardous chemicals there. The dry soap was tested by the EPA and determined to be non-hazardous. She asked that residents be patient these first few months with any inconvenience and soap smell. The Village is working with the new owners and trying to minimize any disruptions.
4. Main Street Sanitary Sewer & Water Main Replacement – reported that a pre-construction meeting was held today, permits are in place, and the project will begin August 17th. Village Engineer will provide the Board with a summary of the meeting and an updated newsletter for the website.
5. Smith Street Bridge – reported that the permissive referendum period has ended and she signed the agreement with New York State per Village Board authorization.
6. Parking Tickets – reported that she and Clerk Morelli, Treasurer Tojek and Sweden Finance Director Strabel will soon be meeting with a representative of Pro Accounting Solutions, the company the Village engages to assist with parking ticket collections. They will be providing a proposal on how they may be able to assist with pursuing collections of old parking tickets.
7. 2009 Local Government Leadership Institute 8/13-8/14 – indicated a desire to attend the New York State Comptroller's Local Government Leadership Institute at Cornell University August 13th and 14th. She asked for authorization for only the \$80 registration fee.

→ Trustee Smith moved, unanimously carried 5/0 to authorize the \$80 registration fee.

8. Sunning Green Recycling Event – reported that she attended the July 23rd event at Sunning hosted by Dwayne Beckett.

B. Trustee / Vice Mayor Kelly A. Smith

1. DPW – reported on having met with DPW Superintendent Donahue July 30th and learned a lot.

2. Arts Festival – encouraged all to attend the upcoming Arts Festival August 8th and 9th and visit the local merchants. The Duck Derby is Sunday afternoon. Funds raised stay in Brockport.
- C. Trustee Kent R. Blair
1. Public Comment – regarding the elimination of the 2nd public comment period, he said he would personally make himself available after each Village Board meeting, as some are more

MINUTES OF VILLAGE BOARD MEETING HELD August 3, 2009 continued.....page 6

comfortable one-on-one that in public. He also encourages citizens to contact him by phone or email.

2. Welcome Center – reported that as liaison to the Welcome Center, he met with the Welcome Center Management Committee and will be trained by Bill Andrews as a greeter as well. Issues being worked on include the need to get the 911 phone activated and moving the register/log to a spread sheet and following up when visitors leave, thereby working to bring them back.
 3. Thanks Village Clerk – appreciates the efforts of Village Clerk Morelli in keeping the Board apprised and providing constant updates.
 4. Code Enforcement – reported on items needing follow up: a) 39 N. Main Street (24/7 Fit Club and Marvin Mozzeroni's) – Planning Board required lights in parking lot for safety. However there are spot lights that shine on 3 residences of Clark Street and one pole put up but still not active. The lighting should light up the parking, but not shine off site. b) abandoned vehicle on Utica Street at Clinton Street. Mayor Castañeda said she would follow up with Code Enforcement Officer Zarnstorff.
- D. Trustee Scott W. Hunsinger
1. Arts Festival – encouraged all to attend the upcoming Arts Festival August 8th and 9th and reminded everyone that August 8th is Barbers Day.
 2. 100 Fair Street & 200 State Street – thanked Mayor Castañeda for including him in her meeting with the new owners.
 3. Fire Department – thanked the Fire Chiefs for meeting and for having positive, open communication.
 4. Viability of a Village Court – reported that he and Chief Varrenti are gathering information on the viability of establishing a Village Court.
- E. Trustee Hal S. Legg
1. Salt Barn – referred to the salt barn under construction at DPW and shared that \$40,000 funding was obtained from Senator Maziarz.
 2. BAN Closing – reported from Treasurer Tojek that the \$2.4 million BAN closing for the Main Street Sanitary Sewer and Water Main replacement project took place July 29th.
 3. GE MOU Payment – reported from Treasurer Tojek that a \$19,000 payment was received regarding work at Barry Street Park.
 4. Resolution to close general reserve #40 (B/Z Officer vehicle replacement reserve) – reminded that the Building/Zoning/Code Enforcement Officer is overdue for an updated vehicle and that at budget time they discussed the idea to hand down the Police Chief's vehicle to the Code Enforcement Officer each time he gets a new vehicle.

→ Trustee Legg moved, unanimously carried 5/0 to establish such practice.

→ Trustee Legg moved, unanimously carried 5/0 to adopt the following resolution:

WHEREAS, the Board of Trustees of the Village of Brockport previously established the General Reserve known as the "Building/Zoning Officer Vehicle Replacement Reserve" (#40) on May 3, 1993 for the purpose of purchasing replacement vehicles for said Department and,

WHEREAS, the Board of Trustees have heretofore adopted Policy to provide future replacement vehicles for the Building/Zoning Department from Police Department surplus vehicles, be it

HEREBY RESOLVED, that the Village Treasurer is directed to close such "Building/Zoning Officer Vehicle Replacement Reserve" and transfer the balance remaining in said Reserve as of May 31, 2009 to the "General Public Works Equipment/Vehicle Reserve" (\$13,162.14).

5. Annual Financial Report Update Document – that per Article 3 Section 30 of New York State General Municipal Law, within 90 days of the close of a fiscal year, a report must be filed with the state. This will also be used to establish the Village’s credit rating. He referred to the quote from R. Wager (firm doing the audit for fiscal year ending 5/31/09). While he would normally be inclined to solicit other quotes, it makes sense that the new firm doing the audit also do the update document.

→ Trustee Legg moved, unanimously carried 5/0 to accept the July 28th proposal of R. Wager for

MINUTES OF VILLAGE BOARD MEETING HELD August 3, 2009 continued.....page 7

\$1,500 to compile the annual financial report update document and authorize the Mayor to sign the proposal acceptance.

6. Seymour Library – reported a) Assemblyman Reilich and Assemblyman Hawley will possibly be obtaining member funds towards updating the children’s computers b) Brad Alexander of Northside Service Center & Express Mart has contributed \$8,400 for New York Times Bestseller Books. Many thanks.

ADJOURNMENT:

→ Trustee Hunsinger moved, unanimously carried 5/0 that the meeting be adjourned at 7:55pm.

Leslie Ann Morelli, Village Clerk