

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, September 8, 2010 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Trustee/Deputy Mayor Daniel P. Kuhn, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli

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

ALSO PRESENT: Joan Hamlin, Brian Winant, Joy Levandowski, Peter & Susan Smith, Tom & Darlene Lang, Tom Mangan, Margay Blackman, Mark Kristansen, Norm Giancursio, Valerie Ciciotti, Libby Caruso, Pam Ketchum, Kristina Gabalski

CALL TO ORDER / PLEDGE: 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."

GUESTS: None

PUBLIC COMMENT: None

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

CERTIFICATES OR PROCLAMATIONS: None

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES:** None

- **APPROVAL OF BILLS TO BE PAID**

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

A/P Clearing Account

	<u>Date Paid</u>	<u>Amount</u>
FUND (A): <u>General</u>	9/9/10	\$208,681.75
FUND (F): <u>Water</u>	9/9/10	\$106.83
FUND (H): <u>Capital</u>	-	-
FUND (T): -	-	-
		\$208,788.58 grand total

CLERK & TREASURER REPORTS:

- Clerk
 - Primary & General Elections – Clerk Morelli shared that she received word from the Sweden Town Clerk that they have been working with Monroe County Board of Elections on consolidating voting locations due to the required use of new voting machines effective for the Primary. As a result of the consolidation, the Town will no longer need to use Village Hall for elections. Voters in the single district that used to vote at Village Hall for primary and general elections will now vote at the Sweden Senior Center. A sign will be posted on the door as a reminder.

- Treasurer
 - Unaudited Revenue & Expenditure Statements for fiscal year ending 5/31/10

Mayor Castaneda read into the record the following statement from Treasurer Lovejoy and said that the financials will be posted on the Village website.

It has been brought to my attention by the Mayor and a number of Village residents that it has been stated that the Village's financial position has improved enough to lift the essential spending freeze and hiring freeze. I am not sure how this conclusion has come about but I would be remiss in my duties as treasurer if I did not express my concern.

Therefore, I am enclosing the Unaudited Statement of Revenues & Expenditures for the fiscal year ending May 31, 2010. I have the following comments that need to be made regarding these statements.

General Fund (A)

1. These statements are unaudited! Our auditors will be in to audit the books toward the end of September, early October.

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2. The statements indicate the following:
 - a. Revenues exceeded Expenditures by \$177,996 (page 23)
 - i. This excess of revenue over expenditures is primarily due to one shot revenue received on May 27, 2010 in the amount of \$168,194. This is a reimbursement from the Workers Compensation Consortium which reflects premium reimbursement for a number of years, not just the 2010 fiscal year.
 - ii. Total revenues came in under budget by \$16,929. (page 3) Without the abovementioned last minute revenue this number would have been \$185,123.
 - iii. The expenditures came in \$227,597 under budget. (page 23) Had there not been a spending and hiring freeze it is certain that there would not be a surplus to consider.
3. There is the expense of an employee that was paid for by the water fund that does not belong in the water fund. The amount of salary and benefits is approximately \$48,471. It is my understanding that the auditors will require that this expense be allocated to the general fund which will improve the Water Fund financial position but have a negative impact on the general fund financial position.

Water Fund (F)

1. These statements are unaudited!
2. The expenditures exceeded revenues by \$67,930. (page 4) This amount will be reduced should the above mentioned adjustment be made, leaving the deficit at under \$20,000.
3. Water sales (F2140.0000 and F 2141.000) exceeded water purchases (F8320.4000) by \$409,098.
4. Water rate increases were only in affect since January of 2010 (five months).
5. Water fund under spent its budget by \$176,616. My understanding is that one of the primary reasons for this is not replacing a supervisor.
6. It appears that the budget was created to result in a deficit as revenues are far shy of expenditures in the budget column.

○ Financial Reports for period ending 8/31/10 – Mayor Castaneda read into the record the following statement from Treasurer Lovejoy and said that the financials will be posted on the Village website.

I have reviewed the financial statements for the period ending August 31, 2010 and have made the following recommendations:

Statement of Expenditures, Encumbrances & Appropriations

1. Budget Transfers – there are a number of accounts that have expenditures in which the budget was placed in a different account code...I have prepared budget transfers for these accounts and recommend that the board authorize these transfers to clean up some of the negative balances on the Statement of Expenditures, Encumbrances and Appropriations.
2. There are some other budget lines with negative balances which I will meet with the appropriate department head to get their input prior to making a recommendation for budget transfer.
3. Areas to be addressed at the end of next month are the medical/disability/dental codes. We will have received a bill with our new rates and adjustments will need to be made especially in the area of HRA (9061.8000)
4. I continue to express my concern over the purchasing practices. In the simplest of terms, I have been asked to manage the checkbook but have several others authorized to issue checks. That is an impossible situation and provides no assurances as to whether the Village is within their budget or not.

○ Budget Transfers/Amendments –

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 to authorize the following budget transfers / amendments.

<u>Account From:</u>	<u>Account To:</u>	<u>Amount:</u>
A1910.4000	A1910.4010	\$26,495.99

Purpose: allocate insurance budget to where expenditures have occurred

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to authorize the following budget transfers / amendments.

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<u>Account From:</u>	<u>Account To:</u>	<u>Amount:</u>
A1650.4000	A1650.4010	\$466.18
A1650.4000	A1650.4040	\$500.00
A1650.4000	A1670.4000	\$477.87

Purpose: allocate contractual to where expenditures have occurred

→ Deputy Mayor Kuhn moved, Trustee Blair seconded, carried 5/0 to authorize the following budget transfers / amendments.

<u>Account From:</u>	<u>Account To:</u>	<u>Amount:</u>
A1420.4000	A1420.4016	\$3,915.00
A1420.4000	A1420.4020	\$278.64
A1420.4000	A1420.4040	\$4,117.50

Purpose: to cover legal fees expended to date

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 to authorize the following budget transfers / amendments.

<u>Account From:</u>	<u>Account To:</u>	<u>Amount:</u>
A1440.4000	A1440.4020	\$776.00

Purpose: to cover engineering fees incurred to date

→ Trustee Blair moved, Deputy Mayor Kuhn seconded, carried 5/0 to authorize the following budget transfers / amendments.

<u>Account From:</u>	<u>Account To:</u>	<u>Amount:</u>
A1325.1010	A1325.1000	\$55,666.00
A1325.1020	A1325.1000	\$13,698.00
A1490.1020	A1490.1000	\$101,793.00
A1490.1025	A1490.1000	\$6,795.00
A1650.1020	A1650.1000	\$115,000.00
A3120.1010	A3120.1000	\$109,859.00
A3120.1020	A3120.1000	\$230,659.00
A3120.1025	A3120.1000	\$473,586.00
A3120.1030	A3120.1000	\$11,520.00
A3120.1040	A3120.1000	\$13,411.00
A3120.1050	A3120.1000	\$40,119.00
A3120.1055	A3120.1000	\$5,200.00
A3120.1060	A3120.1000	\$100,000.00
A3120.1061	A3120.1000	\$497.00
A3120.1062	A3120.1000	\$43,028.00
A3120.1063	A3120.1000	\$18,160.00
A3120.1100	A3120.1000	\$25,000.00
A3620.1010	A3620.1000	\$54,397.00
A3620.1015	A3620.1000	\$14,671.00
A3620.1020	A3620.1000	\$8,000.00
A4540.1010	A4540.1000	\$54,810.00
A4540.1020	A4540.1000	\$50,750.00
A4540.1030	A4540.1000	\$20,300.00

Purpose: The purpose of the expenditure, encumbrance and appropriations statement is to provide a "picture" of the expenditures at a point and time. Distribution of payroll is maintained within the payroll system and is provided with every payroll processing. Accounting for these expenditures should be in summary form on the statement of expenditures, encumbrance and appropriations. The purpose of this transfer is to place the budgetary funds in the summary accounts which will in turn, clean up most negative unencumbered balances within the payroll codes (those ending in 1000)

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 to authorize the following budget transfers / amendments.

<u>Account From:</u>	<u>Account To:</u>	<u>Amount:</u>
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A2389.8000	\$2,943.20
A6410.4101	\$2,943.20

Purpose: to amend budget for receipt of façade improvement grant-flow thru funds – Mark Lewis

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Trustee Blair suggested the Budget Transfer/Amendment form be modified to include the account title as the Board does not always recall what the account codes stand for. Clerk Morelli said she would advise Treasurer Lovejoy of that recommendation.

DEPARTMENT REPORTS:

- o Building / Zoning / Code Enforcement
- o Police
- o Public Works
 - Havenwood Meadows (McCormick Place) Phase 1 – easement, letter of credit release, dedication – Per the Village Engineer all the work for the dedicated facilities of Havenwood Meadows – Phase I has been completed, including all punch list items. The area north of 069.10-5-22 that encompasses the existing road surface of Candlewick Drive in front of house #23 Candlewick Drive has not yet been dedicated to the Village. Board reviewed the map and description. Village Engineer forwarded such to the Village Attorney for his use in obtaining the permanent easement from the developer. By obtaining this permanent easement, the road right-of-way of Candlewick Drive will be extended to the east of the existing driveway for house #23 Candlewick Drive.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to release any remaining funds from the letter of credit and accept dedication of Phase 1 of Havenwood Meadows Subdivision contingent on obtaining the permanent easement.

- o Fire / Ambulance / Dispatch
 - Fire Department Budget – Trustee Hunsinger shared that he met with Deputy Chief Henry and Assistant Chief Marenus on the Fire Department. He believes it is a solid and strong budget that is fiscally responsible to all 3 municipalities. The next fire service contracts negotiations meeting is tomorrow. He hopes that it moves forward and comes to closure in the very near future.

Mayor Castañeda thanked the Fire Chiefs, Treasurer, and Trustees Blair and Hunsinger for their involvement. She said she and Treasurer Lovejoy met with Deputy Chief Henry today and concurred that the budget is a fair representation of the department. The biggest areas of increase are in workers compensation and fire and communication equipment. The biggest area of decrease is dispatch, much to be handled by the Village’s General Fund. She shared that the Towns of Sweden and Clarkson formed a committee to study options of fire protection services. They have asked to be part of tomorrow’s negotiations meeting. Their report findings recommend the 3 municipalities form a Fire District.

• PERSONNEL

- o Vacancies
 - Code Review Committee – 5-year term (to 6/30/15) – Mayor Castaneda said no further applications came in for the remaining vacancy. Trustee Hannan said an application was submitted by Dan Donovan.

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 to appoint Daniel Donovan to the Code Review Committee for a 5-year term to 6/30/15.

- o Appointments – none
- o Volunteer Drops/Addds
 - Fire / Ambulance – Clerk Morelli read off the membership forms.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to approve the following drops: Michelle Henry; the following adds: John Coy to active Fire Police and fire, Nadezhda Kiriyak to active ambulance, Caroline Murray to active ambulance, Adam Scheidt to active fire and ambulance, Melissa Scheidt to active fire and ambulance, Kenneth Smith status change to active fire and ambulance, Alex Weigman to active ambulance (mutual aid).

- Police Explorers – none
- SPARTAC – none
- Welcome Center Greeters – none
- Walk Bike Brockport Action Group members – none

- Terminations
 - Resignations – none
 - Retirements - none
 - Terminations - none

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OLD BUSINESS: None

NEW BUSINESS: None

VILLAGE BOARD REPORTS:

- Mayor M. Connie Castañeda
 - 9/1 Health & HRA changeover for employees & retirees under age 65 – estimated

savings – Mayor Castañeda said all employees and retirees under age 65 except for 6 Police retirees allowed to remain on their current plans, switched to the new plan as of September 1st. The Village’s broker of record regarding employee health benefits estimates the Village will save \$151,000 in a 12-month period.

- NYS Library Construction Grant Program – letter of support for Seymour Library grant application –

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 authorizing the Mayor to forward a letter of support that the Village of Brockport approves of the Seymour Library’s application to the Public

Library Construction Grant Program to construct a new teen space in the library. This letter shall certify that the Village has an ownership interest in the building and that the library building will be available to the Seymour Library for a minimum of ten years and will be open to the public during that time.

- Vivian Shafer Trust – use of funds – In 1975 the Village was named a beneficiary of the Vivian Shafer Trust. The named beneficiaries have been reminded that the use of the funds distributed in 2010 from this trust is restricted. Mayor Castañeda said Treasurer Lovejoy indicated there

is a good amount of money built up in this fund. She will pursue using it appropriately and see if the Village can help fund its portion of the tri-municipal library.

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 authorizing the Mayor to sign the Vivian Shafer Trust Beneficiary Receipt Agreement:

Beneficiary Name: Trustees Village of Brockport

Funding Purpose: “21.43% to the Western Monroe Historical Society for the care and improvement of the Morgan-Manning House; 14.29% to the Trustees of the Village of Brockport for the Seymour Library and the Museum for the current needs and uses of the Library; 35.71% to the Gateway Longview Foundation as the Board shall determine to be in the best interest of the Children; 28.57% to the Brockport United Methodist Church for proper Church purposes”

By accepting and depositing distributions received from this trust in 2010, you warrant that the funds will

be exclusively applied for the purpose specified above. Any funds not expended for this purpose will be returned to the trust.

- World Canals Conference Update – Mayor Castañeda reported that the Brockport committee will meet tomorrow with their Spencerport counterparts to make final plans for welcoming visitors on September 22nd. She commended those committee members who have attended meetings and put forth efforts.

- September 11th Vigil – Mayor Castañeda encouraged attendance at the Fire Department’s annual September 11th vigil with ceremonies at 8am, Noon, 7:30pm.

- SUNY Day of Caring – Mayor Castañeda reported that approximately 20 SUNY freshman worked in Village Parks recently as a community service effort. They will be organizing another such effort sometime soon. She thanked DPW Superintendent Donahue and Parks Committee Chair for their assistance. Trustee Blair said he’d be happy to participate in future such endeavors. Mayor Castañeda said any and all volunteerism in the community is welcome and appreciated.

- Trustee / Deputy Mayor Daniel P. Kuhn

- Library – Deputy Mayor Kuhn said the Library Board has presented a budget proposal to the 3 municipalities. The municipalities will be requesting more information and working on it soon.

- Farmers Market – Alpaca – Deputy Mayor Kuhn said the Farmers Market has an interested vendor that sells Alpaca clothing and accessories and has requested permission to bring an Alpaca to the Farmers Market. The vendor has insurance and a portable fence for it.

→ Deputy Mayor Kuhn moved, Trustee Blair seconded, to allow a vendor to bring an Alpaca to the Farmers Market subject to proof of insurance and portable fencing.

Trustee Blair asked if this meets Village Code. Trustee Hunsinger suggested amending the motion so that it is subject to checking with Code Enforcement Officer Zarnstorff.

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→ Deputy Mayor Kuhn moved, Trustee Blair seconded, to amend the motion to allow a vendor to bring an Alpaca to the Farmers Market subject to proof of insurance and portable fencing and subject to checking with Code Enforcement Officer Zarnstorff, carried 5/0.

- 9/22 Village Board Meeting – Deputy Mayor Kuhn shared that he will be late to the September 22nd Village Board meeting, as it is his son's Kindergarten night.

- o Trustee Kent R. Blair

- Ad-hoc Committee on feasibility of Code Enforcement Points and Penalties – Trustee Blair shared that the committee has scheduled its first meeting and will look to set up a regular schedule. He said legal counsel may be needed on an occasional basis and he would prefer to not use the current Village Attorney who was recently appointed only on a quarterly basis. He said the logical legal counsel should be Frank Aloï, Esq. who was the Deputy Village Attorney, has been handling pending litigation and was involved with researching and drafting a proposal on Points and Penalties some time ago.

→ Trustee Blair moved, Trustee Hunsinger seconded, to appoint Frank A. Aloï, Esq. as special counsel on an as needed basis to the Ad-hoc committee on feasibility of a Code Enforcement points and penalties system.

Mayor Castañeda expressed concern that this should be handled by the Village Attorney instead of special counsel. She said she would have preferred advanced notice of this being placed as an agenda

item. Trustee Blair said he would not be inclined to renew the appointment of the current Village Attorney. She said she knows there are issues with current counsel, but until such time as the Village develops and issues an RFP to seek a new Village Attorney, the firm of Harris, Chesworth, O'Brien, et al. remains the Village Attorney. The request for proposals process should get underway soon. She would welcome a Board member's assistance.

Trustee Hannan said Codes Officer Zarnstorff speaks very highly of F. Aloï and has a good working relationship with him. His recommendation should be given consideration. He specializes in zoning issues.

Trustee Blair said Village Attorney Mayer made it clear that he would not be interested in pursuing this.

Deputy Mayor Kuhn said while that may be the case, he remains the Village Attorney and if he is directed to research or provide opinions, he is obligated to do so.

Trustee Hunsinger said this is a simple appointment to allow F. Aloï to assist this committee and allow them to move forward. It's not at the point of setting a fee.

Mayor Castañeda said without knowing what he would charge and how much he would be needed, is really putting the cart before the horse. Why appoint someone if you don't yet know their fee? She said counsel for this purpose is not necessarily budgeted for and she's sure he won't provide his services for free. She expressed concern that the ad-hoc committees are already costing the Village money.

Deputy Mayor Kuhn said he could not support the motion without knowing the cost structure.

Call to question:

→ Trustee Blair moved, Trustee Hunsinger seconded, to appoint Frank A. Aloï, Esq. as special Trustees Blair, Hannan, Hunsinger in favor, Mayor Castaneda, Deputy Mayor Kuhn opposed. Carried 3 to 2.

- Fire Department – Trustee Blair referred to having met with the Fire Chiefs regarding the 2011 budget. They also talked about the organizational operation of the ambulance. Currently Monroe Ambulance (Medic 42) provides ALS services as needed when Brockport cannot. Instead of paying them to provide ALS coverage, the Village could go to a 24/7 paid ambulance instead of a 12/7. Currently, paid ambulance is 6am to 6pm staffed by part timers. He said they are looking into the possibility of 24/7 with either additional part timers or full timers. They will be doing a cost benefit analysis.

Mayor Castañeda said Deputy Chief Henry mentioned it to her today and that Treasurer Lovejoy can assist with a cost benefit analysis.

Clerk Morelli commented that they need to keep in mind that the Village created the position through Civil Service as part time – maximum 24 hours per week. Any change to this would require Civil Service involvement. Trustees Blair and Hunsinger said they are aware of that.

- SUNY – Trustee Blair commented that the recent weekends activities prove that the Village is a very different place after nightfall. During his 3 ½ hour ride along there were 10 arrests 150+ people at house parties, 400 people on the streets at bar closing time, etc. not to mention the **MINUTES OF VILLAGE BOARD MEETING HELD September 8, 2010 continued.....page 7**

loud party on the campus. The sidewalks basically turn upside down after 11pm. SUNY University Police has 17 officers and yet only 2 were on with 1 having to monitor the office. They didn't even know about the event on campus.

- Trustee Carol L. Hannan

- Code Enforcement – Trustee Hannan said she and Codes Officer Zarnstorff were disappointed in the turnout for the SUNY off campus students lunch they attended. They will be meeting with their SUNY liaison again Friday.

- New store open – Trustee Hannan mentioned having attended the grand opening of Once Imagined – a new store on North Main Street.

- Brockport Merchants Association – Trustee Hannan said she would be attending the next meeting of the Brockport Merchants Association.

- Police Department – Trustee Hannan mentioned having gone on Police Department ride alongs and the 10pm to 3am timeframe are particularly enlightening. The ride alongs are very informative as to what the Police Department deals with. Trustee Hannan said she plans to attend the Police Chief's informational meeting on scheduling of and overtime.

Mayor Castañeda asked who else on the Board planned to attend. Trustees Blair and Hunsinger said they would be attending. She expressed concern of there being a quorum of the Board. Trustee Hunsinger said they would not be in violation as it is an information meeting only, similar to training. Trustee Blair said he would be leaving early to attend the 7pm Canal Conference meeting that the Mayor will be attending.

- Ad-hoc Committee on feasibility of Sewer User Fee – Trustee Hannan shared that the committee would be meeting tomorrow morning.

- Request Executive Session regarding pending litigation – Trustee Hannan asked that the Board enter into executive session at the end of the meeting regarding pending litigation – the Webster case.

- Trustee Scott W. Hunsinger

- SUNY – Trustee Hunsinger referred to the BSG President having attended the last meeting in an effort to have open communications. He spoke of a concert to be held September 11th, but never mentioned the outdoor DJ party plans. Some correspondence has gone back and forth between some Village officials and SUNY. VPSA Dr. Wilson directed BSG to take the concert planned for September 11th indoors. That is the right thing to do and a step in the right direction. Some lessons have been learned.

- Ad-hoc Committee on feasibility of Village Court – Trustee Hunsinger said the committee hopes to schedule their first meeting in the next two weeks.

- Emily L. Knapp Museum and Library of Local History – Trustee Hunsinger said he was vacuuming Village Hall recently and went upstairs to visit the museum. Although it is named after his wife's grandmother, he had never visited it. He said he was shocked and amazed at how incredible

and jam packed with history it is. It is a real commitment to the Village's history and shows much of what has transpired here over the years. He said some that supported dissolution of the Village might not have had they taken a stroll through this treasure of history. He encouraged people to visit.

Clerk Morelli said Village Historian Jackie Morris and Museum Committee member Doug Wolcott hold the museum open on Wednesdays 2 to 4 and 7 to 9 Spring through fall and by appointment.

- Creation of Ad-hoc committee to study Assessments – Trustee Hunsinger said some have questions and concerns on assessments of various types of properties in the Village. He suggested the creation of an ad-hoc committee to meet, gather information, and provide findings as to assessments.

Deputy Mayor Kuhn said the Village turned over assessing duties to the Town several years ago. Would they be looking to take it back? Trustee Hunsinger said not necessarily. It would be an attempt to better understand assessments. A committee would bring back findings and gain feedback.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to create an ad-hoc committee comprised of him, Trustee Blair and Codes Officer Zarnstorff to study assessments.

Trustee Hannan said she is only sorry that she cannot serve on the committee since it would make for a quorum of the Board.

- Request Executive Session regarding a personnel matter –

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- Non – Essential Spending Freeze & Hiring Freeze re part time Cleaner – Trustee Hunsinger said he had mentioned this at a recent meeting and asked that it be placed on the agenda tonight, but he is not prepared to address it this evening.

Mayor Castañeda said she thought he was to bring the items to a work session first.

- 9/14 Village Board Work Session – Trustee Hunsinger shared that he would be unable to attend the September 14th Village Board work session, as he will be out of town for work.

Mayor Castañeda

- Creation of Ad-Hoc committee to look at the feasibility of consolidating services – Mayor Castañeda said many believe she was in favor of dissolution. She said what she is in favor of is a financially stable and fiscally responsible Village that creates a realistic budget and adheres to it. She said since the Board has been forming a variety of Ad-hoc committee to study various options, she suggested that consolidating services where possible be seriously looked at. She asked if any Village Board members would be willing to serve on such a committee.

Deputy Mayor Kuhn and Trustee Blair each said they would be interested.

- 10/12 Village Board Work Session – Mayor Castañeda said an entire work session needs to be dedicated to understanding the Village's financials. Treasurer Lovejoy will attend the October 12th work session to review financials with the Board. Department Heads are invited to attend. There will be no other items on that agenda.

Trustee Blair referred to the one-page format he previously suggested regarding tracking expenditures more easily. Mayor Castañeda said the October 12th workshop would likely answer a lot of questions as to what the Village's financial software can do and what the Board and Department Heads need.

Mayor Castañeda said there are 2 different forms of independent audits. Financial and operational. Operational provides for recommendations on how to do things more cost effectively. She said she will be speaking with the Village's independent auditors as to providing a proposal and cost for an operational audit. Any findings on audits will result in a meeting open to the public.

EXECUTIVE SESSION:

→ At 7:58pm, Mayor Castañeda moved, Trustee Blair seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss personnel matters involving _____, fire service contract negotiations, and pending litigation – Webster case.

→ At 9:08pm, Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 that the Board of Trustees re-enter the regular meeting.

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

RESOLUTION

PRELIMINARY STATEMENT: There is an Agreement between Robert Webster and the Village of Brockport now reduced to draft form for settlement of all claims by the parties against the other. The April 2010 draft of this agreement is made available to the Board of Trustees. The parties have continued negotiations concerning certain indemnification language in paragraph 9, top of page 6 which is not acceptable to the Village of Brockport. It is anticipated that this provision will be eliminated from the settlement agreement.

On motion duly made and seconded,

Be it resolved that the April 2010 draft Settlement Agreement with Robert Webster (including three properties owned jointly with his brother Frederick Webster - 21 College, 24 College, and 49 Maxon), is hereby and herewith approved by the Board of Trustees of the Village of Brockport, in accordance with its terms, on this 8th day of September, 2010, subject only to the revision of dates in the agreement (para 11) concerning inspections to Fall 2010, Spring/Fall 2011, and Spring 2012, and to the deletion from para 9, top page 6 of the indemnification language concerning Village indemnification of Robert Webster in the event Frederick Webster brings suit against him when, as, and if the Village recovers judgment against Frederick Webster for properties jointly owned with Robert Webster as noted above, it being understood that there will be no indemnification of Robert Webster by the Village concerning any actions by Frederick Webster arising in the future in pending and continued litigation between the Village and Frederick Webster.

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Be it further resolved that Deputy Attorney Frank A. Aloï, as attorney for the Zoning Board of Appeals of the Village of Brockport, is hereby and herewith authorized to execute the settlement agreement on behalf of the Zoning Board of Appeals of the Village of Brockport.

Be it further resolved that at such time as the settlement agreement is approved by Order of the Supreme Court in and for Monroe County, the Hon. Harold Galloway, JSC, Deputy Village Attorney Frank A. Aloï, is authorized to submit the settlement agreement to the Zoning Board of Appeal, for ratification.

Be it further resolved that Deputy Village Attorney Frank A. Aloï is hereby and herewith authorized to take such other and further steps, and to execute such other and further documents, as are necessary to finally implement this settlement, provided only that any such additional acts and/or documents be deemed ministerial and not a substantive change in the settlement agreement as approved by the Trustees.

Be it further resolved that this approval by the Board of Trustees shall remain in full force and effect for the 90 day period following approval, in which time it is anticipated that all further approvals can be completed in order to make the approval of the settlement agreement final, and without further condition.

Be it further resolved that in the event of any failure of conditions to this settlement, this settlement agreement shall be deemed null and void, and of no further force and effect, and without prejudice to the position of either party to the pending litigation.

Be it further resolved that the approval of the Robert Webster settlement is without prejudice to the rights of the Village of Brockport to continue pending litigation against Frederick Webster.

Be it further resolved that the Resolutions previously approved and/or re-stated and extended concerning the approval of the Settlement Agreement between Richard Webster and the Village of Brockport are hereby and herewith extended to remain in full force and effect for the 90 day period following the approval of this Resolution. [NOTE: the submission of the Richard Webster Agreement to the Court was postponed so that the two settlement agreements, Richard Webster, and Robert Webster, with the Village of Brockport, could be submitted for Court review and approval at the same time.]

RESOLUTION

PRELIMINARY STATEMENT: There is an Agreement between Robert Webster and the Village of Brockport now reduced to draft form for settlement of all claims by the parties against the other. The September 13th, 2010 draft of this agreement is made available to the Board of Trustees. The parties have continued negotiations concerning certain indemnification language in the April 2010

draft of this Agreement, paragraph 9, top of page 6, which has now been eliminated from the settlement agreement.

The April 2010 Agreement having been approved in principle by the Village of Brockport Board of Trustees on September 8th, 2010, subject to the removal of the Robert Webster indemnification language concerning properties jointly owned by Robert Webster and Frederick Webster, and the adjustment of inspection dates to now coincide with dates of approval; now

On motion duly made and seconded,

Be it resolved that the September 13th, 2010 draft Settlement Agreement with Robert Webster, is hereby and herewith approved by the Board of Trustees of the Village of Brockport, in accordance with its terms, on this 14th day of September, 2010, subject only to the revision of dates in the agreement (para 11) concerning inspections to Fall and Spring 2011, and Fall and Spring 2012. The September 13th, 2010, draft continues the language that if the Village recovers judgment against Frederick Webster for properties jointly owned with Robert Webster, the Village of Brockport will not levy on any of the jointly owned properties (Frederick and Robert Webster properties) to collect the judgment.

Be it further resolved that Deputy Attorney Frank A. Aloï, as attorney for the Zoning Board of Appeals of the Village of Brockport, is hereby and herewith authorized to execute the settlement agreement on behalf of the Zoning Board of Appeals of the Village of Brockport.

Be it further resolved that at such time as the settlement agreement is approved by Order of the Supreme Court in and for Monroe County, the Hon. Harold Galloway, JSC, Deputy Village Attorney Frank A. Aloï, is authorized to submit the settlement agreement to the Zoning Board of Appeal, for ratification.

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Be it further resolved that Deputy Village Attorney Frank A. Aloï is hereby and herewith authorized to take such other and further steps, and to execute such other and further documents, as are necessary to finally implement this settlement, provided only that any such additional acts and/or documents be deemed ministerial and not a substantive change in the settlement agreement as approved by the Trustees.

Be it further resolved that this approval by the Board of Trustees shall remain in full force and effect for the 90 day period following approval, in which time it is anticipated that all further approvals can be completed in order to make the approval of the settlement agreement final, and without further condition.

Be it further resolved that in the event of any failure of conditions to this settlement, this settlement agreement shall be deemed null and void, and of no further force and effect, and without prejudice to the position of either party to the pending litigation.

Be it further resolved that the approval of the Robert Webster settlement is without prejudice to the rights of the Village of Brockport to continue pending litigation against Frederick Webster, as it may determine.

Be it further resolved that the Resolutions previously approved and/or re-stated and extended concerning the approval of the Settlement Agreement between Richard Webster and the Village of Brockport are hereby and herewith extended to remain in full force and effect for the 90 day period following the approval of this Resolution. [NOTE: the submission of the Richard Webster Agreement to the Court was postponed so that the two settlement agreements, Richard Webster, and Robert Webster, with the Village of Brockport, could be submitted for Court review and approval at the same time.]

ADJOURNMENT:

→ At 9:10pm, Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk