

**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 9, 2011 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

**ALSO PRESENT:** Jim & Joan Hamlin, Bill Andrews, Mary Ann Thorpe, Jeff Black, Brian Winant, Charlotte M. Bruney, Krista Cameron, Susan Smith, Fran Bovenzi, Paul Gallaway, Harry Snyder, Kristina Gabalski, Norm Giancursio, Fred Webster

**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."

**PUBLIC COMMENT:**

- Joan Hamlin of Park Avenue – asked the Board to pursue the debris removal at 10 King Street. The old building began to fall down at the end of April, then collapsed and May with temporary enclosure fencing put around the debris. She called the NYS DEC and the State Labor Board in early June who indicated they hadn't yet been informed. She filed a FOIL request and obtained letters from Code Enforcement indicating the need to have the debris removed by June 20<sup>th</sup> and then by June 30<sup>th</sup>. There was a wooden piece from the roof point to the right hand side that had fallen but was still wedged July 5<sup>th</sup> and was then down July 9<sup>th</sup>. The property owners (Christian Center Church) came to the July 19<sup>th</sup> Planning Board meeting and said the utilities for 20 King Street are in the basement of 10 King Street. They presented a concept plan for a building shell, but can only work as money allows. J. Hamlin said it has been 3 months since the building collapsed. It is a disaster waiting to happen. Although the debris contained non-friable asbestos, it should still be a concern. The temporary fencing is held only by sandbags. The Village has been patient enough. It should require clean up. Taxpayers want it cleaned up – at the property owner's expense.
- Fran Bovenzi of Utica Street said she has serious concerns about the idea of a Fire District. She is unclear as to how this came about. Apparently the Sweden and Clarkson Town Boards who contract for fire protection through the Brockport Fire Department were unhappy with the way the Village handled the finances. Experts said the way the Village handled the finances was not illegal. Why is the Village Board fearful of being sued? Why are they willing to give up Village assets (buildings and equipment) for \$1? Why is it that one or two people with an idea in their head are pulling everyone else around by their noses? How will a Fire District benefit the Village? Clarkson has a building used as a small fire station. Sweden is willing to construct a building for \$125,000 for a small fire station. That money won't go far. Village taxpayers would be paying for that building through their Town taxes. There are concerns of how the first Board of Fire Commissioners would be appointed. She said she has no particular ties or influence with the Boards, but this just doesn't sound right for Village taxpayers. She said she would object to the Capen Hose Museum and assets being turned over. How would a Fire District be better for the Village? How would it strengthen the Village? How would it help to keep people in the Village? How would it help to maintain the historical value of the Village? Is this the first step in dissolving the Village? She urged the Village Board to step up to the plate and do the right thing for the Village.

**GUESTS:**

- Jeffrey Black of Navy Club – partial municipal parking lot closure request – Navy Club event 8/20 – Referred to the application for a partial closure of the municipal parking lot between the Police Department and the Navy Club on Clinton Street on Saturday, August 20<sup>th</sup> for their first annual motorcycle poker run to benefit the Batavia PTSD unit and Navy Club Ship 1812. Sign up starts at 11am. There will be live music, raffles, food, beer, tattoos and more. He encouraged coming and supporting your local vets. He asked if the Board had any questions.

Trustee Hannan asked how many people he anticipates. J. Black said it's their inaugural run. They would love to see 100, but will be happy with 50 or 60.

Trustee Hannan asked if they anticipate doing this again. J. Black said if it goes as they expect, they hope to make it an annual event.

Trustee Blair asked if the music would be inside or outside. J. Black said they would like to have the band set up outside 6pm – 9pm. There would be a DJ inside before and after that.

J. Black said they are waiting for their special liquor license for outdoors. They will have a 20' x 40' tent outside the building with snow type fencing around with only one point of entry.

Trustee Hannan asked about security. J. Black said they will meet all requirements of the Liquor Authority. There will be a 6-man security team. He compared it to last year's convention which had no problems and benefited the business district.

Mayor Castañeda referred to feedback provided to the Board by Police Chief Varrenti.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to grant the request to utilize a portion of the municipal parking lot between the Navy Club and the Brockport Police Department on Saturday, August 20<sup>th</sup>.

- Bill Andrews of Historic Preservation Board - \$5,500 grant "Upper Floor Development Feasibility – Loft Apartments in Historic Districts" – authorize Mayor to sign CLG agreement – B. Andrews asked the Board to approve and authorize the Mayor to execute the agreement.

Trustee Hunsinger reminded the Board that he brought this to the Board's attention several months ago after having met with Bill Andrews on it. The Board authorized applying for the grant.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to authorize the Mayor to enter in to the Certified Local Government grant agreement regarding the \$5,500 grant "Upper Floor Development Feasibility – Loft Apartments in Historic Districts".

- Mary Ann Thorpe, former Mayor – naming proposal re Utica Street Park – Mary Ann Thorpe referred to the proposal she put in writing to the Board on August 1<sup>st</sup>. It read:

"In the mid 1990's a parks committee was appointed by the Brockport Village Board to reevaluate the outdated playground equipment, parks accessibility, aesthetics, and to establish an annual plan and budget for the rehabilitation of parks and playgrounds in the Village of Brockport.

Monika Andrews was one of the original members of the Parks Committee. Early on she set a goal to establish a playground for all the youth of our community. She began to research what, if any, playground equipment was available for children with special needs for public parks. She discovered early on there was not a public handicap-accessible playground in Monroe County.

Monika was on a mission. She successfully obtained a matching grant to plan, design and purchase the equipment needed for a new community playground. She found a company that specialized in handicap-accessible playground equipment, helped to redesign the Utica Street Park, and organized over seventy volunteers to help build the park. The Village donated the use of DPW equipment and DPW employees donated their time. In the summer of 2000 Phase One of two phases of the playground was successfully constructed.

I believe most of us are aware that Monika is very ill and fighting the battle of her life. Too often we think of recognizing special people long after they have left us. With that in mind, I would like to suggest to the Board that the Utica Street Playground be renamed "The Monika Andrews Children's Park" in recognition of Monika's lifelong dedication of helping others.

I have been approached by a donor who has offered to fund appropriate signage for the park. I have discussed this request with Monika's husband, Bill, and he endorses the idea. I would be pleased to work with the family on signage and name appropriateness should the Board favorably grant this request."

→ Trustee Blackman moved, Trustee Hannan seconded, unanimously and enthusiastically carried 5/0 to accept the proposal of Mary Ann Thorpe to rename Utica Street Playground "The Monika Andrews Children's Park" in recognition of Monika Andrews lifelong dedication to helping others and successful mission in establishing a playground for all the youth of our community – the first handicap-accessible playground in Monroe County.

Trustee Blackman said she knows Monika well has bicycled with her and such. She said Monika has also helped the community through her work with the Brockport Food Shelf, the Clothing Shelf and the Isaiah House.

Trustee Blair said he was taken aback when he received the proposal and that it is great to be able to recognize her. He said he is glad she will be here to receive that recognition.

**CONSENSUS ITEMS:**

• **APPROVAL OF MINUTES:**

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the minutes of the 7/27 meeting be approved as amended.

→ Trustee Blair moved, Trustee Blackman seconded, Trustee Hunsinger abstained due to absence, carried 4/0/1 that the minutes of the 7/28 meeting be approved as amended.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the minutes of the 8/4 meeting be approved as written.

• **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>Abstract Date</u> | <u>Amount</u>           |
|---------------------------------------|----------------------|-------------------------|
| FUND (A): <u>General</u>              | 08/05/11             | \$35,384.66             |
| FUND (F): <u>Water</u>                | 08/05/11             | \$1,067.78              |
| FUND (H): <u>Capital</u>              | -                    | -                       |
| FUND (T): <u>(Trust &amp; Agency)</u> | -                    | -                       |
|                                       |                      | \$36,452.44 grand total |

**CLERK & TREASURER REPORTS:**

- Clerk
- Treasurer

• **PERSONNEL**

- Vacancies – interested residents can submit position interest form to Clerk
  - Ethics Board – 4-year term to 6/30/15
  - Parks Committee – 4-year term to 6/30/15
  - Zoning Board of Appeals – 5-year term to 6/30/16
- Volunteer Drops/Adds
  - Fire/Ambulance –

→Trustee Hannan moved, Trustee Blackman seconded, carried 5/0 to approve the following membership changes: Drops: Dave Berky, John Coy; Adds: Kevin Keenan mutual aid, John Prey fire and fire police: Name Change: Susan Mohny now Susan Dann.

- Welcome Center Greeters -

→Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to appoint the following as Welcome Center Greeter: Pam Ketchum.

**OLD BUSINESS:**

- Lime Energy – revised proposal – lighting energy efficiency – Mayor Castañeda referred to the revised proposal. The 2 year on bill free financing option requires no cash outlay, upgrades the facilities and reduces the lighting bills.

→Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to accept the Lime Energy proposal and authorize the Mayor to enter in the agreement regarding lighting energy efficiency for the Village Hall, Police Department and Department of Works only – at a cost of \$423.24 per month for 2 years on the Village’s National Grid bills.

**NEW BUSINESS:**

- Vivian Shafer Trust - \$ for Seymour Library & the Emily L. Knapp Museum & Library of Local History – authorize Mayor to sign beneficiary receipt agreement – Mayor Castañeda referred to the correspondence received regarding the trust. The Village needs to utilize the monies for the purposes intended. It has been building up over the years and over several Village Treasurers time.

→Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to authorize the Mayor to sign the beneficiary receipt agreement regarding the Vivian Shafer Trust.

Trustee Blackman asked how much money it is. Mayor Castañeda said it may be as much as \$175,000. Trustee Blair said in his time on the Board he has never noticed it as a

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budget line. Mayor Castañeda said it should have been taken care of. The Liaisons will need to work with the appropriate parties to evaluate the needs of the Seymour Library and of the Emily L. Knapp Museum and Library of Local History. Then the Board will need to make the spending decisions. She said she will confirm with the Trustee Administrator how the money is to be split between the Library and the Museum. It reads as follows:

“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 and 2011, 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.”

- Monroe County Pre-Disaster Mitigation Plan – Mayor Castañeda referred to correspondence just received today from the Monroe County Office of Emergency Management asking all municipalities within Monroe County to adopt a sample resolution. The sooner the Plan is adopted; the sooner municipalities will be eligible for mitigation grant projects. Mayor Castañeda said the Board can either take action tonight or wait until the next meeting.

→Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to table to the next meeting.

**VILLAGE BOARD REPORTS:**

- Mayor M. Connie Castañeda
  - Street lighting – Sundays near Farmers Market – Mayor Castañeda shared that Clerk Morelli took a phone call from a taxpayer complaining that she had come through Main Street around Noon on a Sunday and the street lights were on in the downtown area. Mayor Castañeda said she has heard this before. She checked with DPW and was informed that the lights are on in the east side of the street in the downtown district on Sundays when the Farmers Market is on because the vendors need electricity and the lights are where they get their power from.
  - Police Chief 211 waiver – granted by NYS Civil Service Commission to 6/30/12 – Mayor Castañeda reported that Daniel P. Varrenti’s 211 waiver was granted by the New York State Civil Service Commission through 6/30/12.
  - Fire update – Mayor Castañeda shared that on July 28<sup>th</sup>, the Village Board and Town Boards of Sweden and Clarkson met to discuss the proposed Memorandum of Understanding (MOU) regarding the establishment of a Fire District. The Village Board passed three resolutions that evening. The first was to execute the modification of extension agreements comprising exhibit C to the MOU for extension of fire service through 12/31/12 with the Towns. The second was to execute an MOU together with 4 attached exhibits. The third was to proceed with a joint meeting on August 9<sup>th</sup> at 6pm for the purpose of calling for a public hearing on September 6<sup>th</sup>. Today the Boards met and voted on the proposal to establish the Brockport Fire District and to hold a public hearing on September 6<sup>th</sup> at 7pm at the Middle School Auditorium. The Boards also agreed to do a coordinated environmental review and to designate the Town of Clarkson as lead agency for SEQRA purposes. The MOU and proposal were amended to call for a referendum vote to allow the registered voters of Brockport, Clarkson, Sweden an opportunity to vote yes or no on a Fire District. This was not required, but is a good thing.

Mayor Castañeda said there was a precedent set in the past when past Mayors and Boards negotiated the fire protection contracts with the Towns of Sweden. They worked as partners and if there were money surpluses, they were rectified. They trusted the same would continue. Then several years ago that stopped. The Towns say they asked

for financial information from the then-Mayors and then-Treasurers and didn't get it. (No FOIL's were filed.) The Towns would not sign new contracts until the surpluses were dealt with. The Towns are the Village's customers re fire protection. When customers are not happy, they may go somewhere else. The 3 municipalities have been trying for the last couple of years to work it out. Mayor Castañeda said the proposal that was just

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approved was the second proposal. She said the first proposal of several months ago was better for the Village. Mayor Castañeda said she attended a Fire District Commissions meeting not long ago. She said her main concern when the Brockport Fire Department consolidated its companies on a few years ago was that it would lead to a Fire District. Fire Districts can lead to paid fire fighters and higher costs. Granted, there is no guarantee that paid firefighters would not be necessary anyway as volunteers are becoming less in supply. The Towns were looking elsewhere for fire protection. Some may think they were bluffing, but it's not a chance to take. The Village cannot afford or staff Fire Department on its own. The whole matter has never been about the quality of service provided by the wonderful volunteers. The volunteers would become in even shorter supply if they were split between protecting the Towns or the Village. The Towns fund 78% of the fire budget. The Village funds 22%. The 2% tax cap is coming. The formation of a Fire District does not mean the Village will dissolve. However, it is sad that services are being given up and the Village still has such high taxes. Mayor Castañeda said she and a Board member from Sweden and Clarkson will be putting a newsletter out to the community.

- Ambulance update – Mayor Castañeda shared that at the August 4<sup>th</sup> meeting the Board accepted the separation committee's proposal regarding the transfer/sale of ambulance vehicles and equipment for \$55,000. They are moving forward with their efforts to become a separate entity.

Mayor Castañeda shared that when the paid ambulance was set up years ago it was not done under the right General Municipal Law. The third party billing monies belong to the Village. This was not of the current Village Board's making. This Village Board wants to do things right.

- Treasurer update – Mayor Castañeda shared that Michael A. Giardino has learned that he cannot accept the Village Manager/Treasurer position until his Federal commission ends September 30<sup>th</sup>. She said the Board will be going into executive session to discuss this.

○ Trustee Margaret B. Blackman

- Welcome – Trustee Blackman welcomed two local pastors in the audience.
- SUNY – Trustee Blackman said although there is not a liaison assignment for SUNY, she has taken it upon herself to act as such. She met with Rob DiCarlo of SUNY about the possibility of a public service internship program. There may be students wanting to learn about or assist local government. She would be happy to collect any information and post information on the SUNY job shop website. She referenced Village resident Carrie Maziarz, a former Trustee/Vice Mayor, who worked to create the Village Farmers Market as an intern. She referenced an intern who worked to create the Tree Board.
- Farmers Market – Trustee Blackman has reached out as liaison to the Farmers Market Co-Managers.
- Congressional Representative – Trustee Blackman reported that she and Trustee Hannan met with Congresswoman Kathy Hocol today.

○ Trustee Kent R. Blair

- Fire District – Trustee Blair commented that the Fire Department/District matter has been very difficult for the Board. He said he is not sure where the \$5.5 million in assets figure came from. He clarified that the Village would not be giving its assets to the Towns, but to the Fire District that we would all be a part of. If the Fire District is formed and it had to bond money to buy equipment, taxes would be sky high. The volunteers have a hard time making calls now. The Village could not afford, nor would it have enough volunteers to support its own fire department for the Village only. Fire equipment is needed whether traveling within the Village or to the Towns. We can't put safety in jeopardy. Clarkson has indicated they would definitely go elsewhere for fire protection if a Fire District isn't established. Sweden might as well. By having a referendum, the voters will have a say.

- Ambulance – Trustee Blair said the Village cannot gift equipment to a private entity, but it can sell it. The ambulance separation committee did their research and the Village has agreed to sell the equipment to them for what it is worth. Again the goal is safety. If the ambulance does not get separated into a separate entity, the ambulance as it exists currently would have to shut down entirely. Needless to say morale in both fire and ambulance is poor. This has been very stressful on all.

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- Trustee Carol L. Hannan
  - Congressional Representative – Trustee Hannan said as Trustee Blackman mentioned, they met with Congresswoman Kathy Hocol today who was interested to see what she and her office could possibly do help. One of the matters discussed was that of remediation of 200 State Street and possibly 100 Fair Street. There are experts available and grant funding available for remediation for potential redevelopment.
  - Code Enforcement – Trustee Hannan said as Liaison she continues to work to improve the responsiveness and effectiveness of Code Enforcement.
- Trustee Scott W. Hunsinger
  - Fire District – Trustee Hunsinger read the following prepared statement into the record:

Tonight the line that was drawn in the sand concerning the public's input on the fire district found itself blown around by a gust of wind from the North and South. Sometime this afternoon, discussion began about proposing a referendum for the new Fire District, not forcing members of the public to carry petitions. Now a Public Hearing will be held. This is the chance for all of you to ask all of those burning questions. Questions that before November 8<sup>th</sup> will need to be answered. Then over the course of the next couple of months I am sure that a ton of information will be given as to the pros and cons concerning the proposed Fire District. I warn all of us now and give one simple sentence of advice. Facts before emotions. For the first time in many months I feel good about what is to come and welcome any emails, questions, comments or concerns. My only stipulation is if you want my input please be willing to put a name and face to your inquiry.

Village Court – Trustee Hunsinger thanked Susan Smith and reported that the ad-hoc committee regarding a Village Court is working on a Power Point presentation.

**EXECUTIVE SESSION:**

→ At 7:50pm, Trustee Blair moved, Trustee Hannan seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter executive session to discuss a personnel matter involving Village Hall.

→ At 8:15pm, Trustee Blackman moved, Trustee Hunsinger seconded, carried 5/0 that the Board of Trustees re-enter the regular meeting.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to rescind the appointment made July 27<sup>th</sup> of Michael A. Giardino as Village Manager/Treasurer.

Mayor Castañeda shared that while the Village hoped M. Giardino would be able to start at the end of August, they learned that since M. Giardino's federal commission does not end until September 30<sup>th</sup>, he is unable to be appointed or accept an appointment with the Village until after October 1<sup>st</sup>. She said she will bring his name back for appointment by the Board after October 1<sup>st</sup>. She said Mary Beth Lovejoy continues as Treasurer as a hold over in office on a one day per week or less basis doing essential work only.

**ADJOURNMENT:**

→ At 8:16pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the meeting be adjourned.

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Leslie Ann Morelli, Village Clerk