

Regular (plus annual organizational) 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, July 27, 2011 at 7:00pm.

PRESENT: Mayor Maria Connie Castañeda, Trustee Margaret B. Blackman, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Fire Chief Michael J. Henry, Village Attorney Robert S. Leni

EXCUSED: Police Chief Daniel P. Varrenti

ALSO PRESENT: Carl Meier, David Rice, Jarl Boyst, Tom Conrow, Sue Alexander, Christopher Martin, Steve Luke, Robin Waller, Kenny Tully, Emily Corckley, Jim & Joan Hamlin, Fran Bovenzi, Hanny Heyen, Karen LoBracco, Susan Smith, Pam Ketchum, Norm Giancursio, Fred Webster, Merv Beaney, Kristina Gabalski, Brian Winant

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:

- Pam Ketchum of Park Avenue – read the following statement into the record:

Reflections on a day doing Community Service

On Saturday, July 23, 2011, I met with a young man and we worked on two of the community gardens that I have been involved with. Despite the day's high temperature, we accomplished a lot and had great conversations. My co-worker was very positive, enthusiastic and hard working.

From 8 until 11:30 we worked in the garden in Remembrance Park (triangle garden on Park Avenue) and weeded, trimmed and spent flower stalks and my helper rebuilt one of the two Peace signs in the garden. He cleared the space and prepared it, loaded stones (from our house across the street) in a cart, laid out the stones, selected the plant material from our garden (hens and chicks) and placed the plants. We also dumped the weeds in our mulch pile. We talked about how the garden was started years ago and how enjoyable it is for me to walk or drive by and see people there enjoying the sculpture and plants. I mentioned that for the past 2 years, I have seen people using the garden for prom photos and other special occasions.

In the afternoon, we worked in the garden at the Brockport Village Hall. Again, we weeded, edged along the sidewalks, trimmed plants and shrubs, removed poison ivy and picked up litter. My helper is an artist and we talked about 3 D design and "sculpting" the bushes. By the end of the afternoon, we were both tired but had accomplished a ton of work. The gardens look terrific and we had a great sense of accomplishment and team spirit.

This was a wonderful experience and I highly recommend that this kind of program continue. I would be glad to participate on a regular basis. I especially enjoy the idea that the participants are doing something that really matters and makes a difference in this community. All of us can see and enjoy the results and have a major sense of ownership and pride. Additionally, the participants are learning real skills and hopefully also being allowed to use their talents as well. I work in a number of gardens and I know there are people looking for someone who can help with garden design and maintenance. It is an opportunity to make money and perhaps develop a career. There are other areas in the village that I would like to tackle and it would be very helpful to enlist a few people to work with me to have a major accomplishment.

At one point, my co-worker said to me, "you are being too nice to me; I am supposed to be your slave." I said I believe in respect and that was the way the day went; we had a great exchange and we worked hard with great respect for each other and for the community that we live in. At 4:00, on our way back to the Visitor's Center, we stopped at the Different Path Gallery on Market Street. I had mentioned to him that he might be interested in it as a place to visit, get involved in the Brockport Artist Guild (BAG) and also, possibly, show his work. He met the owner, Kathy Weston, and they had a short conversation about the opportunities.

I would like to continue to work with this program. Other areas to work on are:

- Visitor's Center – edging gardens, trimming, weeding, digging up, dividing and replanting, design work.
- Sagawa Park – weeding, trimming, edging.
- Corbett Park – weeding, trimming, edging.
- Gardens on Erie Street by the Chase Bank parking lot

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- North side of the Canal – across from the Visitor’s Center
- Main Street garden squares – design, plant, maintain
- Help local homeowners maintain their gardens in a similar way that the Village organized people to paint local homes a few years ago (a program then-Trustee David Wagenhauser promoted).

Another idea for Community Service is helping with the area Church’s soup kitchens on Sundays. Heather Packer is a good contact person for that program.

CONSENSUS ITEMS:

• **APPROVAL OF MINUTES**

- Trustee Blair moved, Mayor Castaneda seconded, Trustee Hunsinger abstained due to absence, Trustee Blackman abstained due to not yet being on the Board, carried 3/0/2 that the minutes of the 6/22 meeting be approved as written.
- Trustee Hunsinger moved, Trustee Blair seconded, Trustee Blackman abstained due to not yet being on the Board, carried 4/0/1 that the minutes of the 6/28 meeting be approved as written.
- Trustee Blair moved, Hannan seconded, Trustee Blackman abstained due to not yet being on the Board (not yet sworn in), carried 4/0/1 that the minutes of the 7/5 meeting be approved as written.
- Trustee Blackman moved, Trustee Hannan seconded, carried Trustee Hunsinger & Trustee Blair abstained due to absence, carried 3/0/2 that the minutes of the 7/12 work session meeting be approved as written.
- Trustee Hannan moved, Trustee Blackman seconded, Trustee Hunsinger & Trustee Blair abstained due to absence, carried 3/0/2 that the minutes of the 7/13 meeting be approved as amended.
- Trustee Blair moved, Trustee Hannan seconded, Trustee Hunsinger abstained due to absence, carried 4/0/1 that the minutes of the 7/20 work session be approved as written.

• **APPROVAL OF BILLS TO BE PAID**

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

A/P Clearing Account

	Abstract Date	Amount
FUND (A): General	07/26/11	\$93,291.20
FUND (F): Water	07/26/11	\$4,482.94
FUND (H): Capital	-	-
FUND (T): (Trust & Agency)	-	-
		\$97,774.14 grand total

• **CLERK & TREASURER REPORTS:**

- Clerk
 - Liberty Mutual Be Fire Smart Fire Safety Pledge Program – Clerk Morelli said the Village has another opportunity to win \$10,000 from Liberty Mutual. It is similar to the Bring Back the Fourth contest that was recently won. This time it relates to fire safety and can get the Fire Department a \$10,000 grant. The contest runs from September 1st to October 31st. Information will be forthcoming to encourage participation.
 - Peddling & Soliciting permit application – Scoop’s Ice Cream Truck –

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to grant the peddling and soliciting permit as requested through 10/31/11.

- Parade/procession application – Holiday Parade – Sunday, December 4th -

→ Mayor Castaneda moved, Trustee Blackman seconded, carried 5/0 to grant the parade permit as requested.

• **DEPARTMENT REPORTS:** (Department Heads are in attendance the 2nd meeting of the month)

- Building / Zoning / Code Enforcement – Code Enforcement Officer Scott C. Zarnstorff
 - Code Enforcement & Police Collaboration – S. Zarnstorff reported that he; Lt. Cuzzupoli and Chief Varrenti have looked at what is needed to have Police assist with Code Enforcement issues. The collaboration should be up and running in

Code. These are the local law issues such as garbage and property maintenance that come up on a daily basis. He anticipates a noticeable difference in daily assistance. S. Zarnstorff said he will continue to enforce the Uniform Code (State Code).

- Construction – S. Zarnstorff reported that the new building for East Avenue Animal Hospital is under construction. It is close to a half million investment being made by Dr. Orr who chose to stay here as she values the community and her expanding business.
- Code Review Committee – S. Zarnstorff reported that CRC continues to meeting monthly. They will be looking at Chapter 36 – Minimum Housing and Building and will suggest an improvements or updates needed regarding it and the residential rental program instituted a couple of years ago.
- Mayor Castañeda asked S. Zarnstorff to share about 10 King Street, Flash’s Tavern, Merchant Street Smokehouse – S. Zarnstorff said the Christian Center Church has obtained a demolition permit for 10 King Street that recently collapsed. They are working on some regulatory items with the Department of Labor such as non-friable asbestos control. Then the debris will be removed. They presented a concept plan to the Planning Board recently for future rebuilding. Flash’s Tavern at 36 Erie Street is being sold to a local businessman and may be changed to a brick fired pizza restaurant. The buyer has purchased and renovated several properties in the Village. The former Merchant Street Smoke House building at 48 Merchant Street is being sold to a local businessman who has also purchased and renovated another property in the Village. There are still some hurdles to overcome regarding the title. There are no firm plans yet as to the concept. Revitalization is alive and well in Brockport.

Trustee Blair asked about the building at 38 Merchant Street next to the former Merchant Street Smokehouse. S. Zarnstorff said the building has been cleaned up and painted and a proprietor has applied to the State for a liquor license to open a bar and grill.

- Police – Chief Daniel P. Varrenti (excused)
- Public Works – Superintendent Harry G. Donahue
 - Welcome Trustee Blackman – Superintendent Donahue welcomed M. Blackman as a Trustee and said he worked well with her when she was Chair of the Tree Board.
 - Village Hall Back Up Generator – Superintendent Donahue reported that he has received 2 quotes and is looking for a third as well as documentation from the electrician. This project started long ago and he hopes to have it wrapped up in the next few weeks. This will help protect the computer and phone systems at Village Hall when the power goes out.
 - Upcoming Milling Projects – Superintendent Donahue reported that the following streets or portions of streets are scheduled for milling: Willowbrooke Drive, Evergreen Road, Clinton Street, Gardiner Alley, Perry Street, Allen Street, Frazier Street from Glendale to Fayette. This is done through CHIPS monies from the State, not Village taxpayer monies.
 - Lime Energy Proposal re lighting in Village buildings – Mayor Castaneda said the Lime Energy proposal recommended by Superintendent Donahue was reviewed and tabled for additional information. H. Donahue said it seems like a good program that will provide long run savings.
- Fire / Ambulance / Dispatch – Chief Michael J. Henry
 - Report: Chief Henry read the following prepared report into the record.

Approximate Calls to Date: Fire: 754 EMS: 496 Total: 1250

Calls of significance since the last Meeting:

- Saturday June 25 12:37 PM called to 5969 Lake Road South for the MVA with a person trapped between Beadle and LaDue Roads. 3 patients, 1 extricated. R238, P234 and P232 Responded. Bergen provided mutual aid south of the incident and Monroe and Mercy Flight transported patients

- Friday July 2 3:26 PM Dispatched for an MVA involving a Tractor Trailer Truck in front of Wal-Mart. 2C-53 was location with a dump truck and multiple vehicles and confirmed people trapped. 2C-23 was in command and reported 2 patients trapped and extricated within 10 minutes. Multiple patients were transported with 2 eventual fatalities.
- Monday July 18th 6:45 pm requested to an MVA at Ridge Road and Sweden Walker Road with injuries. First units arrived and had 3 patients with injuries with one patient trapped.
- Thursday July 22 7:30 pm dispatched for a reported structure fire on West Ridge Road across from Kirby's Farm Market. This during a time of extreme heat conditions. Upon arrival we had flames through the roof of a duplex structure. The fire was kept to the attic and roof area and involved the incoming gas lines. Multiple resources were called to the scene due to the high heat including the Brockport Ambulance, Monroe Ambulance and MC County HazMat truck with cooling fans to prevent heat related injuries which were a major concern and we had none.

Notes:

- 2011 Structure Fire Reported 10 , Working Fires 7, MA Structure Fires 2
- 2011 Serious MVA's 10 MVA People Trapped 9 Used Mercy Flight 4
- 2011 Weather Period 1, Building Collapse 1
- During these large fire events we always maintain 2 pumpers and a Ladder Truck in the district for additional manpower to the scene and to protect the district in case there is another fire.
- Key FOB Installation to begin this week.
- All equipment in service

- **PERSONNEL ITEMS:**

- Appointments – Search Committee recommendations
 - Village Manager/Treasurer – Mayor Castaneda said the new search committee comprised of her, Trustee Blackman and Clerk Morelli have provided their hiring recommendation. Trustees Blair, Hannan and Hunsinger are being provided an opportunity to meet the candidate this evening in executive session.

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 to table decision until later in the meeting.

- Fire Department Administration/Cleaner (Clerk IV pt) – maximum 16 hrs/wk \$10.45/hr

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 via roll call to hire Andrew Burkhartzmeyer at a maximum of 16 hours per week at \$10.45 per hour while funds exist.

- Volunteer Drops / Adds –
 - Police Explorers –

Clerk Morelli requested a current list of Brockport Police Explorers. There are 3 drops and 2 adds.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to accept the following membership changes to the Police Explorer program: drops: Maurice Aubry, A.J. Formicola, Oshae C. Imes and adds: Brad C.J. Gay, Christopher S. Carlson.

- SPARTAC –

Clerk Morelli requested a current list of Brockport SPARTAC members. There is one drop.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to accept the following membership changes to the Police Department SPARTAC program: drop: Matthew A. Nauwerth.

- Walk Bike Brockport Action Group members –

Clerk Morelli requested a current list of Walk Bike Brockport Action Group members. There are 2 drops due to relocation.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to accept the drops of the following from the Walk Bike Brockport Action Group with thanks for their past service: Marilyn Colby, Tony & Dianne LaMonica.

OLD BUSINESS:

- Consider/ Authorize – Historic Preservation Board proposal – webpage off Village website (tabled 6/22) –

→ Trustee Blackman moved, Trustee Hunsinger seconded, to grant the Historic Preservation Board’s proposal for a webpage off the Village website.

Discussion:

Trustee Blackman said they will seek a CLG grant to fund the \$350 cost to create the webpage. She asked that the Village fund the \$200 per year maintenance fee.

Mayor Castaneda said she has no problem with the proposal as long as there is no cost to the Village. This was not a budgeted item and only so much can be drawn from the contingency fund which should be used more for emergency purposes. This is not a priority.

Trustee Hannan said she would personally cover the first year’s \$200 maintenance fee so that this worthwhile project could get underway. Then the Village can consider the maintenance fee in future budget preparations.

Trustee Blair asked if this would be its own site. Trustee Blackman said it would run right off the official Village website, just like that of the Tree Board.

Call to Question:

- Trustee Blackman yes
- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger yes
- Mayor Castaneda no

Carried 4/1

- Consider/ Authorize – DPW/Water Dept – to go out to bid for remote read water meters –

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 via roll call to have Clerk Morelli publish the following notice going out to bid for remote read water meters.

LEGAL NOTICE
NOTICE TO BIDDERS

Sealed proposals, identified as such, will be received by the Village Board of Brockport, New York at the Village Office, 49 State Street, until 12:00pm prevailing time, Tuesday, August 16th 2011 on the furnishing of:

Automatic Meter Reading System with approximately
1,800 meters varying in sizes, for a two year period.

Bids will only be accepted via a sealed envelope

Bids will be publically opened on August 16th 2011 @ 2:00pm at the Village Hall.

Awarding decision being made on Tuesday, August 23rd 2011 at Village Board Meeting.

Specification sheets will be available at the Village Hall and on the Village website at www.brockportny.org .

The Village Hall is open Monday thru Friday from 8:30am to 4:30pm.

Non-Collusive certificate must be furnished with bid.

No bidder may withdraw his bid within thirty days after the date set for the receipt of same.

The Village Board reserves the right to waive any informality in bids or to reject any or all bids. The contract award is subject to budget appropriation.

By order of the Village Board of Brockport, New York

Leslie Morelli, Village Clerk

Trustee Hannan reminded all that remote read water meters will significantly reduce the amount of time the Water Department Laborer(s) spend collecting data and that the Water Clerk spends inputting data. It will also allow for monthly water instead of quarterly billing.

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- Award bid – sale of Police Department’s 2006 Ford Crown Victoria –

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to accept the high bid of \$3,256 for the 2006 Ford Crown Victoria used by the Police Department. The next highest bids of \$3,206 and \$3,156 will be deemed acceptable should the high bid not come through.

NEW BUSINESS:

- Consider / Authorize – Fire Department proposals – dispatch office equipment replacement & fire chief’s vehicle replacement – from reserves –

→ Mayor Castaneda moved, Trustee Blair seconded for discussion purposes to table the Fire Department proposals to spend \$29,357.20 from Communications Equipment Reserve and New Equipment Reserve for dispatch office equipment and \$26,700 from Fire Chief’s Vehicle Replacement Reserve for a Chief’s vehicle.

Discussion:

Mayor Castaneda suggested waiting for the Memorandum of Understanding with the Towns regarding fire protection as the fire reserves are a part of that.

Trustee Blair asked Village Attorney Leni for his feedback. Attorney Leni said the reserves will be a subject and stressed that they should remain fully intact for discussion with the Towns.

Trustee Blackman asked Attorney Leni if he was suggesting the Village not use the reserves at all. Attorney Leni said not necessarily. However, the joint fire district discussions include spending of reserves.

Trustee Blair said the Village should have the right to access the reserves based on the recommendation of the Fire Chief. Attorney Leni said of course any spending from reserves has to come before the Village Board. He simply suggests spending from such reserves at a later date under the appropriate motions.

Trustee Blackman said she feels like the Towns are tying the hands of the Village prior to a decision on the MOU even being made.

Trustee Blair agreed. He expressed concern of the rumor mill having previously suggested that the Village denies the Fire Department what they need. The Towns are aware of these requests.

Chief Henry shared that the vehicle on New York State bid would be much cheaper to order now than later. The radio console dispatch equipment is on its last legs and is still needed regardless of no longer having dispatchers.

Trustee Hannan asked if the dispatch equipment is a matter of safety. Chief Henry said yes.

→ Trustee Hunsinger moved, Trustee Blackman seconded, to authorize the proposal to utilize appropriate reserves for dispatch office equipment replacement

Discussion:

Mayor Castañeda urged the Board to follow the Village Attorney’s recommendation to wait until the MOU with the Towns is in place.

Trustee Hannan said she is satisfied that if the Chief feels it is needed now and it is a safety issue, then there is no need to table decision.

Trustee Blair said Trustee Hunsinger just mentioned to him that this piece of equipment would become property of the Fire District.

Call to Question:

Trustee Blackman	yes
Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Mayor Castañeda	no

Carried 4/1

→ Trustee Hunsinger moved, Trustee Blackman seconded, to authorize the proposal to utilize appropriate reserves for Fire Chief's vehicle replacement.

Discussion:

Again, Mayor Castañeda urged the Board to follow the Village Attorney's recommendation to wait until **MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 7**

the MOU with the Towns is in place.

Trustee Blair said this vehicle would also property of the Fire District.

Call to Question:

Trustee Blackman	yes
Trustee Blair	yes
Trustee Hannan	no
Trustee Hunsinger	yes
Mayor Castañeda	no

Carried 3/2

- Consider / Authorize – full-time non-union staff – return to 40 hrs/week pay from 37.5 hrs/week pay –

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 via roll call to return all full-time, non-union employees to being paid for 40 hours per week as of the next pay period which begins July 31st. There will no retroactive pay from June 1st to July 30th.

This means each should work an 8 hour day and take a half hour lunch. There is no compensation for not taking lunch. The next time the Employee Handbook is updated, the appropriate section will be amended.

DPW's day is 7am to 3:30pm (8.5 hours). This includes 2 breaks of 15 minutes each and a half hour lunch. The Police Department Clerk's day is 8am to 4pm (8 hours). This will include no breaks, but a half hour lunch. The Code Enforcement Officer's day is 8:30am to 4:30pm (8 hours). This will include no breaks, but a half hour lunch. The Village Hall Staff's day is 8:30am to 4:30pm (8 hours). This will include no breaks, but a half hour lunch.

Mayor Castañeda recently directed when only 1 Clerk is working at Village Hall, she will post a sign on the front door and drive up window that Village Hall will be closed for one hour from 1pm to 2pm to do the Village banking and take lunch.

- SEQR Resolution – West Avenue sanitary sewer project –

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

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) procedures, the Village Board of the Village of Brockport has reviewed the significance of and potential environmental impact of the installation of approximately 425 feet of 8" sanitary sewer main to service several residences along West Avenue which currently utilize private septic disposal systems

RESOLVED, that the Village Board hereby concurs with Chatfield Engineers, P.C. that the Project is considered a Type II Action in accordance with 6NYCRR Part 617.5 (c) (11); an extension of utility distribution facility to render service in approved subdivisions

RESOLVED, that the Village Board hereby accepts the Environmental Assessment of this project, prepared by Chatfield Engineers, P.C.. The Village Board further declares that, based on the Environmental Assessment, it finds that the project will result in no significant adverse impacts to the environment and requires no further action.

- SEQR Resolution – College Street Water Main Replacement

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

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) procedures, the Village Board of the Village of Brockport has reviewed the significance of and potential environmental impact of the replacement of the existing 4" cast iron water main with approximately 800 linear feet of new 8" ductile iron water main and appurtenances along College Street between the Main Street and Utica Street.

RESOLVED, that the Village Board hereby concurs with Chatfield Engineers, P.C. that the Project is considered a Type II Action in accordance with 6NYCRR Part 617.5 (c)(2); a replacement, rehabilitation

or reconstruction of a structure or facility, in kind, on the same site

RESOLVED, that the Village Board hereby accepts the Environmental Assessment of this project, prepared by Chatfield Engineers, P.C.. The Village Board further declares that, based on the Environmental Assessment, it finds that the project will result in no significant adverse impacts to the environment and requires no further action.

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VILLAGE BOARD REPORTS:

- Mayor M. Connie Castañeda
 - 100 Fair Street – Mayor Castañeda shared that she was contacted by a potential buyer regarding 100 Fair Street. More information to come.
 - Navy Club Event 8/20 – Mayor Castañeda shared that she was contacted by the Navy Club who have placed a request to close part of the municipal parking lot on Clinton Street between their building and the Police Department for an August 20th event. They will come to the August 9th meeting. The representative indicated having talked to Chief Varrenti about this.
 - Brockport Rotary BBQ & Music Fest – Mayor Castañeda encouraged participation in the event to be held this weekend at Northampton Park.
- Trustee Margaret B. Blackman -
 - Community Service – Trustee Blackman shared that last Saturday Brockport hosted a number of people assigned to community service at Corbett Park. It was quite successful and she hopes to participate again. She mentioned that SUNY College at Brockport will be having it's Saturday of Service on August 27th where incoming freshmen help in the community. She is in hopes the Village will take advantage of this and would be happy to coordinate any suggestions through www.brockport.edu/serve.
 - Community Pastors – Trustee Blackman shared that she had a conversation with Rev. Krista Cameron of St. Luke's Church and learned that the community of pastors are concerned with the occasional friction at Village Board meetings and among Village Board members. They wish to provide their support and plan to begin attending Village Board meetings on a rotating basis. There was even mention of a possible leadership development opportunity at a Village Board work session. This could be very helpful.

Trustee Hannan said she checked with NYCOM and confirmed that educational opportunities are not considered Village Board meetings and therefore are not subject to the open meetings law. Trustee Hannan also shared that the Rev. also recommended a book. Trustee Hannan has ordered it and will share it with the Board.

 - NYS Urban Forestry Grants – Trustee Blackman reported that the Village has been awarded a \$6,600 tree planting grant to cover Barry Street plantings in 2012 and Clark Street plantings in 2013.
- Trustee Kent R. Blair -
 - Thanks for Support – Trustee Blair thanked everyone for their support and sympathies when his father was killed in a car accident a couple of weeks ago. He said there are a lot of good things happening in the community – now there's a chance for therapy and prayer!
 - Fire Department – Trustee Blair read the following prepared statement:

This board has struggled with what direction to take with our fire protection. When we decided to withdraw from talks with the towns about the formation of a fire district, it gave us time to research the potential cost to maintain and operate the Brockport Fire Department exclusively for the Village of Brockport. That cost would be approximately \$380,000, which we simply cannot afford. Manpower is another concern. Clarkson and Sweden would go their separate ways and many of our fire department would go with them. Splitting up the firefighters and line officers would not be in the best interest of anyone that falls within the fire protection district.

To date we have met with the towns for Sweden and Clarkson a few times, received two proposals and just this week submitted the village's counter proposal. We all acknowledge that this is a contentious topic for everyone. As we can all agree, emotions have run extremely high at times for some, yet we have needed to keep our eye on the ball at the same time.

Our goal is to put together the best deal possible for the village of Brockport residents that protect them and their families and at the same time keep the cost down. What's unique for the village board is we feel responsible for the safety and well being of all three communities and visitors. I believe once we work out a few of the details we will accomplish just what we are striving for. Per the direction we have

received from our attorney, these matters involve potential litigation which makes it permissible and advisable to review the proposals in executive session.

We assure you that once the details are worked out and agreed upon, all information will be released to the public; hopefully within just a few days.

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- Police Department – Trustee Blair read the following prepared statement:

Just a quick note in reference to the recent concessions made from the Stetson Club. Currently when an officer needs to work overtime to cover a shift, the average hourly wage is \$51.93. Over the next 2 weeks Officer Hagen, our newest part time member of the Police Department is covering vacations. The cost prior to the minimum staffing change in the contract would have been approximately \$4,155. With a part timer working at \$20 per hour, the cost to the village is \$1,600. This is a \$2,555 savings or 21% or 1% of our tax levy.

- Brockport Arts Festival – Trustee Blair said that some BISCO representatives have indicated that they are eager to return the annual Brockport Arts Festival to Main Street in the Village. Due to NYS DOT construction, they held it on the SUNY campus last year and will be holding it on the grounds of the Sweden Clarkson Community Center this year. He said he was asked to get it on the record that the Village Board wants them to return to Main Street once the construction is completed.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the BISCO Brockport Arts Festival is welcome to return to Main Street in the Village of Brockport in August 2012 as long as the NYS Department of Transportation construction project is completed.

- Trustee Carol L. Hannan –
 - Fee Schedule – Trustee Hannan shared that she, Trustee Blackman and Code Enforcement Officer Zarnstorff have been looking at the fee schedule and have some recommended changes. She distributed a copy. She apologized for not meeting the agenda deadline, but it was just finished up at last night's Code Review Committee meeting. She suggested the Board take some time to review this. The reasonableness of costs was taken into consideration. She cited an example where the same fee in Spencerport is \$600 – several times our cost.

Trustee Hannan shared that she just handed the Village Attorney a suggestion regarding Village Code Chapter 36 that would require annual inspection of residential rentals as opposed to the current every 3 years.

Mayor Castañeda said she appreciates being allowed some time to review the proposed fee schedule changes. She previously had Clerk Morelli send out an e-mail to Department Heads requesting any changes to the fee schedule be submitted by Noon, July 20th. Not a single Department Head suggested any with the exception of Clerk Morelli pointing out that the in district sewer fee needs to be added and the out of district sewer fee should be raised to at least match the in district rate. Mayor Castañeda said she learned that Trustees Hannan and Blackman were working with S. Zarnstorff to consider a change to the length of time the Certificate of Occupancy would be valid from 3 years to one year and the cost would go up. Nothing had yet been shared with the Board for consideration. She said while she doesn't find action in this regard surprising given the constant drive to punish business owners and renters for the "crime" of wanting to live and invest in the Village, there is a more immediate problem: the fact that C of O's are valid for a period of 3 years is contained within the Village Code Chapter 36. Therefore, such an action would require the passage of a local law which requires that the item be placed on the agenda, properly noticed public hearing held, etc.

- Trustee Scott W. Hunsinger –
 - Summer Serenades – Trustee Hunsinger shared the Summer Serenades concert schedule and thanked Gary Skoog and Bill Andrews of GBDC for their help.
 - Goals – Trustee Hunsinger shared that he has 2 main goals in this last year of his term: continue pursuit of a Village Court with a Power Point presentation prior to the October 11th Village Board meeting and continue pursuit of referendum on the June 2012 ballot regarding supervision of the Code Enforcement Officer by the Police Chief.
 - Fire District – Trustee Hunsinger shared that while he or others may not be happy about it, they need to follow the Village Attorney's counsel on keeping proposals confidential at this point. However, once they can be released they will. He said it is important that the public have an opportunity to review it and participate in a public

hearing before the Boards vote.

Mayor Castañeda commented that the first proposal the Towns presented to the Village was better for the Village than the second proposal. However, the Board voted yes on being involved in creating a Fire District and then rescinded. She said both proposals should be shared when the time comes as she believes the first proposal would have been better financially for the Village.

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EXECUTIVE SESSION:

→ At 8:10pm, Trustee Blackman moved, Trustee Blair seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss a personnel matter – final interview with potential Village Manager/Treasurer and contract matters – fire and ambulance.

→ At 9:35pm, Trustee Blackman moved, Trustee Hunsinger seconded, carried 5/0 that the Board of Trustees re-enter the regular meeting.

VILLAGE MANAGER/TREASURER APPOINTMENT:

→ Trustee Blackman moved, Trustee Hunsinger seconded, carried 5/0 to un-table the agenda item from earlier regarding Village Manager/Treasurer appointment.

→ Trustee Blackman moved, Trustee Hunsinger seconded, to appoint Michael A. Giardino as Village Manager/Treasurer.

Discussion:

Mayor Castaneda said the search committee consisted of herself, Trustee Blackman and Village Clerk Morelli. The Board was provided with the applications and notified of the finalists the committee selected for interviews.

Trustee Blair said he appreciated the opportunity to meet with the candidate. M. Giardino has a long history of success and he will be fantastic for the Village. He said he is very excited M. Giardino has agreed to come to the Village of Brockport.

Trustee Blackman said M. Giardino is quite phenomenal and shared some of his credentials.

Mayor Castaneda said she and Trustee Blackman checked his references and all spoke very highly of him. He will be a huge asset to the Village.

Call to Question:

Trustee Blackman	yes
Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Mayor Castaneda	yes

Carried 5/0

The Board and staff looks forward to him starting as soon as possible. He has to relocate back to this area from Florida.

FIRE/AMBULANCE MATTERS:

Trustee Blair commented that the Board is very close to finalizing matters regarding the ambulance being created as a separate entity. Mayor concurred. The August 2nd work session and August 9th meeting will likely see this come to resolution.

Mayor Castaneda reminded the Board of the special meeting with the Town of Sweden and Town of Clarkson Boards July 28th at 5pm at Sweden Town Hall regarding formation of a fire district.

OPEN ORGANIZATIONAL PART OF MEETING:

→ At 9:35pm, Trustee Hunsinger moved, Trustee Blackman seconded, carried 5/0 that the Board of Trustees open the annual organizational part of the meeting and re-enter the regular meeting.

ORGANIZATIONAL - APPOINTMENTS & ADOPTIONS:

ANNUAL FENCE PERMITS –

⇒ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the following annual fence permits be renewed:

- GE – 98 Lyman Street
- RG&E – Perry Street and Erie Street

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 11

ADVANCE APPROVAL OF CLAIMS –

⇒ Trustee Hunsinger moved, Trustee Blackman seconded, carried 5/0 that the Board authorizes payment in advance of audit of claims for non-discretionary costs such as insurances, public utility services, postage, freight and express charges.

MILEAGE ALLOWANCE -

⇒ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 that the Board authorizes reimbursement to Village officers and employees who use their personal automobiles while performing their official Village duties for travel at the current IRS rate per mile as indicated in the Employee Handbook.

ADOPT STANDARD WORK TIME FOR RETIREMENT PURPOSES -

⇒ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 adopting the hours credited for NYS retirement purposes:

RESOLUTION
STANDARD WORK DAY/WEEK/MONTH
FOR NEW YORK STATE RETIREMENT PURPOSES

BE IT RESOLVED, that the Village Board be and hereby establishes the following as a standard workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System:

Full time
not necessarily per fiscal year budget
some of these positions are vacant

RESOLVED; that the standard work time for the full time **Village Manager** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Village Clerk** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Village Treasurer** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Deputy Village Clerk-Treasurer** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Deputy Village Clerk** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Water Clerk** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Building Inspector / Code Enforcement Officer / Fire Marshal** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Police Chief** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for full time **Police Officers** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Clerk (Police Department)** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work day for the full time **Department of Public Works**

Superintendent be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work day for the full time **Department of Public Works Working Foreman** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard workday for the full time **Department of Public Works Laborers** be established at eight (8) hours per day / forty (40) hours per week; and be it

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 12

Part time:

RESOLVED: that the standard work time for the part time **Mayor** (if enrolled in said retirement system) be established at six (6) hours per day / twenty (20) days per month; and be it

RESOLVED: that the standard work time for the part time **Trustees** (if enrolled in said retirement system) be established at five (5) days per month; and be it

RESOLVED: that the standard work time for part time **Planning Board** members (if enrolled in said retirement system) be established at sixteen (16) hours per month; and be it

Part time
maximum hours allowed for positions as created through Civil Service
not necessarily per fiscal year budget
some of these positions are vacant:

RESOLVED: that the standard work time for the part time **Crossing Guard** be established at twenty (20) hours per week; and be it

RESOLVED: that the standard work time for the part time **Assistant Building Inspector / Code Enforcement Officer / Fire Marshal** be established at twenty (20) hours per week; and be it

RESOLVED: that the standard work time for the part time **Secretary to the Planning/Zoning Boards (Building/Zoning/Code Enforcement Office)** be established at thirty (30) hours per week; and be it

RESOLVED: that the standard work time for the part time **Clerk (Department of Public Works)** be established at twenty (20) hours per week; and be it

RESOLVED: that the standard work time for the part time **Clerk (Fire Department)** be established at twenty (20) hours per week; and be it

RESOLVED: that the standard work time for the part time **Economic Development Coordinator** be established at twenty (20) hours per week

ADOPT VILLAGE STOP SIGNS & TRAFFIC SIGNALS -

⇒ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 adopting the following stop signs and traffic signals for the Village of Brockport:

- 1) Adams Street at Chappell Street
- 2) Adams Street at Utica Street
- 3) Allen Street at Centennial Avenue
- 4) Anita's Lane at Anita's Lane
- 5) Anita's Lane at East Avenue
- 6) Barry Street at Fayette Street
- 7) Barry Street at Keable Court (eastbound and westbound)
- 8) Beach Street at Erie Street
- 9) Beach Street at Holley Street
- 10) Berry Street at Fayette Street
- 11) Beverly Drive at Idlewood Drive
- 12) Briar Rose Lane at Cailyn Way
- 13) Briar Rose Lane at West Avenue
- 14) Brockview Drive at Frazier Street
- 15) Brockway Place at Chappell Street
- 16) Brockway Place at Main Street
- 17) Brook Terrace at #24 Brook Terrace
- 18) Brook Terrace at Brookdale Road
- 19) Brook Terrace at South Avenue
- 20) Brookdale Road at Main Street

- 21) Burroughs Terrace at Fair Street
- 22) Candlewick Drive at Havenwood Drive
- 23) Carolin Drive at Clark Street (northbound and southbound)
- 24) Carolin Drive at West Avenue
- 25) Centennial Avenue at Allen Street
- 26) Centennial Avenue at Main Street
- 27) Central School Drive and Centennial Avenue
- 28) Chappell Street at Adams Street
- 29) Chappell Street at Centennial Avenue

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 13

- 30) Cherry Drive at Clark Street
- 31) Cherry Drive at Evergreen Road
- 32) Clark Street at Carolin Drive (eastbound and westbound)
- 33) Clark Street at Evergreen Road
- 34) Clark Street at Kimberlin Drive
- 35) Clark Street at Main Street
- 36) Clark Street at Smith Street (eastbound and westbound)
- 37) Clinton Street at Main Street
- 38) Cloverwood Drive at Candlewick Drive
- 39) Coleman Creek Road at Central School Drive
- 40) Coleman Creek Road at Main Street
- 41) College Street at Main Street
- 42) College Street at Utica Street
- 43) Commencement Drive at Holley Street
- 44) Cyrus Way at McCormick Lane
- 45) Erie Street at Beach Street (eastbound and westbound)
- 46) Erie Street at Perry Street (eastbound and westbound)
- 47) Erie Street at Utica Street (eastbound and westbound)
- 48) Evelyn Drive at Glendale Road
- 49) Evergreen Road at Clark Street
- 50) Fair Street at Quaker Maid Street
- 51) Fayette Street at East Avenue
- 52) Frazier Street at Fayette Street
- 53) Frazier Street at Glendale Road (eastbound and westbound)
- 54) Frazier Street at Keable Court (eastbound and westbound)
- 55) Gardner Alley at Clinton Street
- 56) Gardner Alley at King Street
- 57) Glendale Road at Barry Street
- 58) Glendale Road at East Avenue
- 59) Glendale Road at Frazier Street (northbound and southbound)
- 60) Gordon Street at Spring Street
- 61) Gordon Street at State Street
- 62) Graves Street at Clark Street
- 63) Graves Street at West Avenue
- 64) Havenwood Drive at East Avenue
- 65) High Street at Park Avenue
- 66) Hillcrest Parkway at Main Street
- 67) Holley Street at Main Street
- 68) Holley Street at Perry Street (eastbound and westbound)
- 69) Holley Street at Utica Street (eastbound and westbound)
- 70) Idlewood Drive at Clark Street
- 71) Idlewood Drive at West Avenue
- 72) Keable Court at Barry Street
- 73) Keable Court at Frazier Street
- 74) Kenyon Street at Monroe Avenue
- 75) Kimberlin Drive at Clark Street
- 76) Kimberlin Drive at West Avenue
- 77) King Street at Utica Street
- 78) Liberty Street at Fayette Street
- 79) Liberty Street at Main Street
- 80) Lincoln Street at King Street
- 81) Locust Street at Barry Street
- 82) Lyman Street at Fayette Street
- 83) Lyman Street at Locust Street
- 84) Market Street at Main Street
- 85) Market Street at Park Avenue
- 86) Maxon Street at Kenyon Street
- 87) Maxon Street at Utica Street
- 88) McCormick Lane at East Avenue
- 89) Meadowview Drive at Clark Street

- 90) Meadowview Drive at Evergreen Road
- 91) Mercer Street at Chappell Street
- 92) Monroe Avenue at Holley Street
- 93) Monroe Avenue at Main Street
- 94) Monroe Avenue at Utica Street (eastbound and westbound)
- 95) Morgan Court at Evergreen Road
- 96) Owens Road at State Street
- 97) Oxford Street at Spring Street
- 98) Oxford Street at State Street
- 99) Park Avenue at South Street (east and west of triangle)

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 14

- 100) Park Avenue at State Street (northbound and southbound)
- 101) Quaker Maid Street at South Avenue
- 102) Quarry Street at Locust Street
- 103) Queen Street at Clinton Street
- 104) Queen Street at Erie Street
- 105) Queen Street at Holley Street
- 106) Residence Drive at Kenyon Street
- 107) Smith Street at Clark Street (northbound and southbound)
- 108) Smith Street at West Avenue
- 109) South Avenue at Brook Terrace
- 110) South Avenue at Main Street
- 111) South Avenue at Owens Road
- 112) South Avenue at Quaker Maid Street
- 113) South Street at Main Street
- 114) South Street at Park Avenue
- 115) State Street at Park Avenue (eastbound and westbound)
- 116) Union Street at Park Avenue
- 117) Utica Street at Adams Street
- 118) Utica Street at Clinton Street
- 119) Utica Street at College Street (northbound and southbound)
- 120) Utica Street at Erie Street (northbound and southbound)
- 121) Utica Street at Holley Street (northbound and southbound)
- 122) Utica Street at Monroe Avenue (northbound and southbound)
- 123) Victory Drive at Barry Street
- 124) Victory Drive at Frazier Street
- 125) Washington Street at State Street
- 126) Water Street at Market Street
- 127) Westwood Drive at Glendale Road
- 128) Willowbrooke Drive at West Avenue
- 129) Winston Woods at South Avenue (privately owned)

Village owned and operated traffic signal – Adams Street at Allen Street

DISSOLVE COMMITTEES DUE TO INACTIVITY OR COMPLETION OF MISSION:

Mayor asked Trustee Hannan if the Ad Hoc Committee investigating the feasibility of a sewer user fee is done – seeing as the fee was implemented. It is.

⇒ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 to dissolve the Ad Hoc Committee investigating the feasibility of a sewer user fee with thanks to its members for their service.

Mayor asked Trustee Blair if the Ad Hoc Committee investigating the feasibility of a Code Enforcement Points and Penalties system is done. It is.

⇒ Trustee Blair moved, Hannan seconded, carried 5/0 to dissolve the Ad Hoc Committee investigating the feasibility of a Code Enforcement Points and Penalties system with thanks to its members for their service.

Mayor asked Trustee Hannan if the Ad Hoc Committee studying the Village’s water is done. It is.

⇒ Trustee Hannan moved, Trustee Hunsinger seconded, carried 5/0 to dissolve the Ad Hoc Committee studying the Village’s water (continue re-selling or consider turning over to Monroe County Water Authority) with thanks to its members for their service.

Mayor asked Trustee Hunsinger if the Ad Hoc Committee investigating the feasibility of a Village Court is done. It is not. Therefore, it will not be dissolved.

ACCEPT RESIGNATIONS / or do not wish to be considered for renewal / or inactive -

⇒ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to accept the following resignations or non-interest for appointment renewal with thanks for their service: Shirley Schuff from the Parks Committee, Wayne Bennett from the Ethics Board.

APPOINTMENT RENEWALS -

⇒ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the following appointments be made:

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 15

Official Paper..... Suburban News

⇒ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the following appointment be made:

Official Repositories.....JP Morgan/Chase & HSBC

⇒ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the following appointment be made:

External Auditor.....one year term.....Raymond F. Wager, CPA, P.C.

Previously approved:

Village Attorney.....previously approved through 5/31/12...Robert S. Leni, Esq. of Harris, Chesworth, O'Brien, et al

⇒ Trustee Hunsinger moved, Trustee Blackman seconded, carried 5/0 that the following appointment be made:

Environmental Attorney.....one year term.....Underberg & Kessler

⇒ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the following appointment be made:

Village Manager/Treasurer.....2-year term to 6/30/13.....Michael A. Giardino at an annual salary of \$70,000 plus benefits to start as soon as possible.

⇒ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the following appointment be made:

Village Clerk.....2-year term renewal to 6/30/13.....Leslie Ann Morelli

⇒ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 that the following appointment be made:

Deputy Village Clerk (re-title from Water Clerk) .2-year term to 6/30/13.....Deborah Herzog

⇒ Trustee Blackman moved, Trustee Hunsinger seconded, carried 5/0 that the following appointment be made:

Village Historian.....1-year term renewal to 6/30/12.....Jacqueline Morris
Museum Director.....1-year term renewal to 6/30/12 Jacqueline Morris

⇒ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the following appointment be made:

Planning Board.....5-year term renew to 6/30/16.....Arthur Appleby

⇒ Trustee Hunsinger moved, Trustee Blackman seconded, carried 5/0 that the following appointment be made:

Historic Preservation Board (Historian Emeritus) 3-year term renew to 6/30/14...William Andrews

⇒ Trustee Blackman moved, Trustee Hunsinger seconded, carried 5/0 that the following appointment be made:

Historic Preservation Bd (Realtor) 3-year term renew to 6/30/14.....Pamela Ketchum

⇒ Trustee Blackman moved, Trustee Blair seconded, carried 5/0 that the following appointment be made:

Historic Preservation Bd.....complete a term to 06/30/13.....Kevin McCarthy

⇒ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the following appointment be made:

Tree Board.....4- year term renew to.. 6/30/15.....Josephine Matela

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 16

⇒ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the following appointment be made:

Tree Board.....4-year term renew to 6/30/15... Ian Blount

⇒ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the following appointment be made:

Tree Board.....complete a term to 06/30/12..... Lucas VanDervort

⇒ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the following appointment be made:

Parks Committee.....4-year term renew to 6/30/15.....Carol Brakenbury

⇒ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the following appointment be made:

Code Review Committee.....5-year term renew to 6/30/16.....Matthew Sauers

⇒ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the following appointment be made:

Code Review Committee.....5-year term renew to 6/30/16.....Mark Kristansen

⇒ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the following appointment be made:

Seymour Library Board.....complete a term to 12/31/13.....Walter Borowiec

The following vacancies exist – no applications submitted - position interest forms available

Zoning Board of Appeals.....5-year term to 6/30/16

Ethics Board.....4-year term to 6/30/15

Parks Committee.....4-year term to 6/30/15

The following also applied no further vacancies available at this time. Application will be kept on file.
Lyndsey Macmillan for Tree Board

ADOPT MEETING SCHEDULE -

⇒ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the following schedule be adopted:

Per the Board’s wishes, Village Board meetings changed from 2nd & 4th Wednesdays to 2nd & 4th Tuesdays & Village Board work sessions changed from 2nd Tuesdays to 1st Tuesdays. This required the ZBA to change their meeting night from the 4th Tuesday to the 1st Thursday. (They haven’t had an application/ need to meet in over a year and agreed to the change.)

August 2011 – August 2012
Village of Brockport Meetings

Village Board Meetings

Meetings begin at 7pm and are held at Village Hall

2nd & 4th Tuesday of each month unless otherwise noted

Submittal Deadline: Wednesday by Noon prior to meeting date

Note: Department Heads are in attendance only the 2nd regular meeting of each month.

August 9, 2011	January 10, 2012
August 23, 2011	January 24, 2012
September 13, 2011	February 14, 2012
September 27, 2011	February 28, 2012
October 11, 2011	March 13, 2012
October 25, 2011	March 27, 2012
November 8, 2011	April 10, 2012 (<i>budget hearing</i>)
November 22, 2011	April 24, 2012
December 13, 2011	May 8, 2012
December 27, 2011	May 22, 2012
	June 12, 2012
	June 26, 2012

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 17

July 10, 2012
July 24, 2012 (*organizational*)
August 14, 2012
August 28, 2012

Plus the following work sessions the 1st Tuesday of the following months:

August 2, 2011	January 3, 2012
September 6, 2011	February 7, 2012
October 4, 2011	March 6, 2012
November 1, 2011	April 3, 2012
December 6, 2011	May 1, 2012
	June 5, 2012
	July - NONE
	August 7, 2012

Planning Board Meetings

Meetings begin at 7pm and are held at Village Hall

3rd Tuesday of each month unless otherwise noted (only upon application)

Submittal Deadline: Tuesday by Noon prior to meeting date

August 16, 2011	January 17, 2012
September 20, 2011	February 21, 2012
October 18, 2011	March 20, 2012
November 15, 2011	April 17, 2012
December 20, 2011	May 15, 2012
	June – NONE – conflicts w/ Village Elections
	July 17, 2012
	August 21, 2012

Zoning Board of Appeals Meetings

Meetings begin at 7pm and are held at Village Hall

1st Thursday of each month (only upon application)

Submittal Deadline: Tuesday by Noon at least 3 weeks prior to meeting date

August 4, 2011	January 5, 2012
September 1, 2011	February 2, 2012
October 6, 2011	March 1, 2012
November 3, 2011	April 5, 2012
December 1, 2011	May 3, 2012
	June 7, 2012
	July - NONE
	August 2, 2012

Historic Preservation Board Meetings

Meetings begin at 7pm and are held at Village Hall

3rd Thursday of each month unless otherwise noted (as needed)

August 18, 2011	January 19, 2012
September 15, 2011	February 16, 2012
October 20, 2011	March 15, 2012
November 17, 2011	April 19, 2012
December 15, 2011	May 17, 2012
	June 21, 2012
	July 19, 2012
	August 16, 2012

Other Boards and Committees:

meeting schedules and locations vary

MAYOR APPOINTMENT OF DEPUTY MAYOR -

Mayor Castañeda has no plans to appoint a Deputy Mayor. Should the rare occasion arise when she cannot attend a meeting, she will rotate Trustees to run the meeting or she will cancel the meeting.

Mayor Castañeda stressed that she can always be reached by Village cell phone. During any extended absence, she would notify fellow Board members, staff and Department Heads.

UPSTATE NEW YORK MUNICIPAL WORKERS' COMPENSATION PROGRAM REPRESENTATIVES:

⇒ Trustee Hunsinger moved, Trustee Blackman seconded, carried 5/0 designating representatives to the Upstate New York Municipal Workers' Compensation Program:

BE IT RESOLVED that the Trustees of the Village of Brockport hereby designates the Village of Brockport's Mayor or her appointee as the Village of Brockport's member on the Board of Directors of the program;

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 18

The appointees shall be as follows:

- Village Manager/Treasurer as Director
- Village Trustee as Alternate Director (Carol L. Hannan)
- Village Clerk as Facilitator

ASSIGN VILLAGE BOARD LIAISONS to departments / areas / boards / committees –

⇒ Trustee Blackman moved, Trustee Hunsinger seconded, carried 5/0 that the following Village Board liaison assignments be made:

August 2011 – July 2012

Village of Brockport

BOARD LIAISONS TO DEPARTMENTS / AREAS / BOARDS / COMMITTEES

Personnel / Human Resources	Mayor Castañeda
Budget & Finance	Mayor Castañeda
Intergovernmental Relations	Mayor Castañeda
Department of Public Works	Trustees Hunsinger & Hannan
Police Department	Trustees Hunsinger & Blair
Fire & Ambulance	Trustees Blair & Blackman
Building / Zoning / Code Enforcement	Trustee Hunsinger & Hannan
Economic Development (includes Downtown Merchants)	Trustees Hannan & Blackman
Planning Board	Trustee Blair
Zoning Board of Appeals	Trustee Hannan
Historic Preservation Board	Trustee Blackman
Code Review Committee	Trustee Hannan
Emily L. Knapp Museum & Library of Local History	Trustee Hunsinger
Parks Committee	Trustee Blair
Welcome Center Management Committee	Trustee Blair
Seymour Library Board	Trustee Hunsinger
Tree Board	Trustee Blackman
Farmers Market	Trustee Blackman
Walk Bike Brockport Action Group	Trustee Blackman
Workers Compensation Program (Alternate Director)	Trustee Hannan

FEE SCHEDULE -

There were no suggested revisions submitted by Department Heads as of the requested 7/20 deadline. However, the out of district sewer fee should be changed to reflect same (or higher) recently set for in district sewer user fee.

⇒ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to adopt the following fee schedule as follows – the only change to include in district sewer fee and match out of district sewer fee.

**VILLAGE OF BROCKPORT
FEE SCHEDULE
AMENDED 7/27/11**

To be noted on invoices: All bills and charges are payable net cash within thirty (30) days. A

delinquent charge of 10% will be added for non-payment by the due date. Failure to pay may result in the re-levy of said charges plus delinquent charges on your next Village tax bill.

VILLAGE BOARD FEES

- Rezoning application.....500.00
- Blasting permit.....\$200.00

ZONING BOARD OF APPEALS FEES

- Area Variance.....\$200.00
- Use Variance.....\$300.00
- Interpretation.....\$150.00
- Home Occupations.....\$25.00
- Travel trailer / dumpster approval.....\$25.00

- Other (special permit or authorization required by code).....\$150.00

PLANNING BOARD FEES

- Commercial / Industrial Change of use.....\$45.00
- Residential Change of use.....\$35.00

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 19

- Site plan (new construction) (less than 5 acres).....\$300.00
includes stormwater pollution prevention plan review
- Site plan (new construction) (greater than 5 acres)\$600.00
includes stormwater pollution prevention plan review
- Site plan (other).....\$250.00
includes stormwater pollution prevention plan review
- Residential subdivisions (less than 5 acres)\$200.00 plus \$50 per lot
includes stormwater pollution prevention plan review
- Residential subdivisions (greater than 5 acres).....\$600.00 plus \$50 per lot
includes stormwater pollution prevention plan review
- Re-subdivision.....\$50.00
- Residential Fences (front yard).....25.00
- Commercial / Industrial Fences (includes dumpster enclosures).....\$50.00
- Residential / Commercial / Industrial parking lots.....\$50.00
includes stormwater pollution prevention plan review
- Changes to or alteration of or extension of previous approvals.....\$50.00
- Special Meeting at request of applicant
.....\$50.00 in addition to application base fee
- Public Hearing if Board deems necessary
.....\$100.00 in addition to application base fee

ENGINEERING INSPECTIONS & STORMWATER INSPECTIONS

Engineering costs charged to the Village for site inspections or stormwater inspections shall be the responsibility of the applicant / developer. Village engineering inspections are based on time spent and will either be invoiced or utilized from the letter of credit. Village stormwater inspection fee is \$50 per inspection and will either be invoiced or utilized from the letter of credit.

MISCELLANEOUS

- Tax Search.....\$20.00
- Copies.....\$.25 per page
- Returned Check Charge.....\$20.00
- Zoning Map (color).....\$5.00
- Sign Permit.....\$30.00 per sign
- Sidewalk Café Permit.....\$200.00
 - \$150 of the \$200 is returnable at the end of season if no violations.
- Hawking & Peddling Permit 1 to 7 days.....\$100.00
6 months or less.....\$250.00
1 year.....\$500.00
- Parade / Procession Permitno charge
- Fireworks Permit.....no charge
- Appliance with Freon.....\$25.00
- Garbage and Trash Pick-Up cost to Village plus \$50.00 for first calendar year
(CY) offense, cost plus \$100 for second CY offense, cost plus \$250 for third CY offense.
- Garbage Cans Pick-Up.....\$25.00 per can
- Lawn Mowing.....\$150 per hour (1 hour minimum) per man plus equipment
- plus \$50.00 for first calendar year (CY) offense, plus \$100 for second CY offense, plus \$250 for third CY offense.

- Weekly Commercial Waste Hauler Permit.....\$1,500.00 (annually)
- Other Commercial Waste Hauler Permit.....\$500.00 (annually)
- Facilities Use Permit\$25.00 deposit
- Electrical Inspection Agency Permit.....\$150.00 (annually)
- Demolition permit – Residential structures.....\$30.00
- Demolition permit - Commercial structures.....\$50.00
- Demolition permit – Industrial structures.....\$100.00

CANAL FRONT AMMENITIES

- Boats 16’ or less.....\$4.00
- Boats 17’ – 30’.....\$6.00
- Boats 31’ – 40’.....\$12.00
- Boats 40’.....\$15.00
- Commercial Boats.....\$20.00

POLICE DEPARTMENT FEES

- Copy of Police Report.....no charge
- Fingerprinting (NON-Village resident/merchant).....\$15.00
- Record Check.....\$5.00

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 20

Pay at Village Hall for fingerprinting or Brockport record check then go to Police Department.

- Parking
 - Illegally Parked.....\$30.00
 - Winter Parking Ordinance.....\$40.00
 - Fire Lane / Hydrant.....\$50.00
 - Handicapped Parking.....\$60.00*

Fines doubled if not paid or contested within 30 days.

*Applicable NYS surcharges may be applied by the adjudicating agency.

BUILDING / FIRE APPLICATION FEES

RESIDENTIAL NEW HOME CONSTRUCTION – includes Certificate of Occupancy inspection fee:

- 800 – 1,100 square feet.....\$400
- 1,101 – 1,300 square feet.....\$550
- 1,301 – 1,500 square feet.....\$650
- 1,501 – 1,700 square feet.....\$700
- 1,701 – 2,000 square feet.....\$750
- 2,001 – 3,000 square feet.....\$800
- 3,001 – 5,000 square feet.....\$850
- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$100.00 each item

RESIDENTIAL NEW CONSTRUCTION – (additions, remodeling) - includes Certificate of Occupancy inspection fee:

- Value of construction from \$0 - \$500.....\$65
- Value of construction from \$500 - \$10,000.....\$85
- Value of construction from \$10,000 - \$50,000.....\$105
- Value of construction from \$50,000 - \$100,000.....\$125
- Value of construction from \$100,000 - \$150,000.....\$145
- Value of construction from \$150,000 and up.....\$175
plus \$10.00 for each \$10,000 of construction value
- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$100.00 each item

COMMERCIAL NEW CONSTRUCTION – (additions, remodeling) – includes Certificate of Occupancy Inspection fee:

- Value of construction from \$0 - \$500.....\$100
- Value of construction from \$500 - \$10,000.....\$120
- Value of construction from \$10,000 - \$50,000.....\$140
- Value of construction from \$50,000 - \$100,000.....\$160
- Value of construction from \$100,000 - \$150,000.....\$180
- Value of construction from \$150,000 and up.....\$200
plus \$10 for each \$10,000 of construction value
- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$100.00 each item

RESIDENTIAL ACCESSORY STRUCTURES – includes Certificate of Compliance inspection fee:

- Decks.....\$35
- Above ground pools.....\$50
- In ground pools.....\$100
- Sheds (144+sf).....\$30
- Gas appliances i.e. hot water heater, furnace.....\$20
- Gas appliances..... i.e. fireplace, gas log sets, fixed piped home generators.....\$20.00
 Temporary Construction Trailer.....\$50.00
- Inspection deficiency – 3 or more non life-safety items.....\$25.00 each item
- Inspection deficiency – any life-safety items.....\$50.00 each item

RENTAL PROPERTY CERTIFICATE OF OCCUPANCY / OPERATIONAL PERMITS

- Single family rental Code 210.....\$50
- Two family rental Code 220.....\$100
- Three family rental Code 230.....\$150
- Townhouses Code 411.....\$20.00 per unit
- Apartment building Code 411.....\$150.00 per building
- Inn / rooming house Code 418.....\$100.00

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 21

- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$10.00 each item
- Re-inspections for non-compliant results after 30 days will double the C of O fee

OPERATIONAL FIRE-SAFETY PERMITS & INSPECTION FEES

- Educational.....\$100.00 (annually)
- Place of Public Assembly 100 persons or greater\$100.00 (annually)
- Assembly uses 50 – 100 persons.....\$50.00 (annually)
- Manufacturing.....\$100.00(annually and/or as local conditions require)
- Fairs/festivals.....\$200.00 (annually)

- Repair/service garages.....\$100.00 (3 year intervals)
- Mercantile over 5000sqft.....\$100.00 (3 year intervals)
- Business use over 5000sqft.....\$100.00 (3 year intervals)
- Food service establishments.....\$35.00 (yearly and/or as local conditions require)
- Other.....\$100.00 (yearly and/or as local conditions require)
- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$100.00 each item
- Re-inspections for non-compliant results after 30 days will double Operating Permit fee

PLUMBING & SEWER FEES

- Plumbing License.....\$25.00
- Plumbing Permit.....\$40.00 plus \$4.00 per fixture
- Sewer Tap Inspection (Monroe County Pure Waters).....\$250.00 plus
 If Village installed.....\$300.00
 If contractor installed.....\$125.00
- In District Sewer Users.....\$1.16/1,000 gallons water used
- Out of District Sewer Users
 If on Village water.....\$1.16/1,000 gallons water used
 If not on Village water.....\$50.00 per unit
 (Unit = 50,000 gallons water per MCPW)

WATER:

Water Rate Schedule – Effective January 1, 2010 Billing

Rates for the sale of water to all customers of the Board of Water Commissioners.

QUARTERLY METERED SERVICE WITHIN THE VILLAGE OF BROCKPORT:

All Water Usage \$ 4.66 per M gallons
 Minimum Billing \$20.00 per quarter

QUARTERLY METERED SERVICE OUTSIDE THE VILLAGE OF BROCKPORT:

All Water Usage \$ 5.99 per M gallons
 Minimum Billing \$25.00 per quarter

MONTHLY METERED SERVICE WITHIN THE VILLAGE OF BROCKPORT:

All Water Usage \$ 4.66 per M gallons
Minimum Billing \$20.00 per month

MONTHLY METERED SERVICE OUTSIDE THE VILLAGE OF BROCKPORT:

All Water Usage \$ 5.99 per M gallons
Minimum Billing \$25.00 per month

UN-METERED WATER:

The rate for un-metered water sales shall be \$6.00 per thousand gallons

TERMS AND PAYMENT:

All bills and charges of the Water Commissioners are payable net cash within thirty (30) days. A delinquent charge of 10% will be added to the bill for non-payment by the due date.

Frozen meter fee \$100 plus equipment and labor

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 22

SERVICE CONNECTIONS:

The fees charged upon application for water service tap (including meter) to the Commissioner's are as follows:

SIZE OF SERVICE	Fee Charge
3/4" and 1" with 5/8" or 3/4" meter and under.....	\$1,000.00
3/4" and 1" with 1" meter.....	\$1,880.00
1 1/2" meter and above.....	to be charged a fee equal to the time and materials used to render the service plus 10%

The Commissioners will install the service pipe and appurtenances on public streets from the water main to and including the curb box and shutoff. Easements acceptable to the Commissioners must be furnished to them for service installation if private property is involved. Water meters will be furnished and connected by the Commissioners and will remain the property of the Commissioners. (Section IV and Section V)

Where a tap already exists, or is being installed under a Main Extension, the fees charged are as follows:

SIZE OF SERVICE	Fee Charge
3/4" and under	\$250.00
1".....	\$300.00
1 1/2" meter and above.....	to be charged a fee equal to the time and materials used to render the service plus 10%

In addition to the fee charges set forth above for the service taps and water installation, there will be an additional charge if, upon installation, the Water Department has to supply any other necessary parts in order to effect the installation.

SERVICE DISCONTINUANCE

Any water service account which carries an unpaid balance for two billing quarters or more is subject to discontinuance of service, and a fee of \$100.00 will be collected prior to restoration of the service.

Any use or attachment to an unprotected, unmetered fire hydrant for other than fire-fighting purposes is subject to an Unauthorized Hydrant Use Fee of \$500.00.

The rate for unmetered water sales shall be \$6.00 per thousand gallons.

FACILITIES USE POLICIES -

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to confirm Village Facilities Use Agreement for Village Hall Conference Room and Sagawa Park last amended 7/20/09.

Board of Trustees for a specific PURPOSE OF USE.

4.1 ALCOHOLIC BEVERAGES: The USER agrees and acknowledges that the sale of alcoholic beverages at the PROPERTY is strictly prohibited. If alcoholic beverage consumption is approved by the Board of Trustees for a particular PURPOSE OF USE, then the USER may provide alcoholic beverages for consumption by the guests of the USER at the event by the USER purchasing the alcoholic beverages, and then the USER may provide the alcoholic beverages to the guests at the event, for free, and without any charge.

5. INGRESS/EGRESS: All portions of the sidewalks, entries, doors, passages, vestibules, halls, corridors, stairways, passageways, and all ways of access to public utilities of the premises must be kept unobstructed by USER and must not be used by USER for any purpose other than ingress to or egress from the premises.

6. DAMAGES AND REPAIRS: The USER agrees to be responsible for all damages to buildings, grounds, fields and equipment incident to the use of the PROPERTY. USER shall make no temporary or permanent modifications to the PROPERTY without the prior written consent of the VILLAGE.

7. COMPLIANCE: The USER agrees to use and occupy the FACILITY in accordance with all VILLAGE policies, regulations, rules, and practices and with all applicable municipal, state and federal laws, including but not limited to fire codes. USER may not use the VILLAGE's names or marks, or imply VILLAGE endorsement or support, without express permission from an authorized VILLAGE official.

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 24

8. PARTICIPANTS AND ATTENDEES: The USER is responsible for providing all necessary and appropriate safety instruction to all participants and attendees at USER'S activity. The USER is responsible for any and all damages to buildings, grounds, fields and equipment caused by participants and attendees. If the use of the PROPERTY is open to any non-members of USER, then no person shall be denied the equal privileges and enjoyment of having free and open access to the USER'S event on the basis of race, color, creed, religion, national origin or sexual orientation. Access may not be limited on the basis of age or sex except insofar as the goals or purposes of the activity require such limitation and are lawful.

9. ABANDONED PROPERTY: Any property left on the PROPERTY shall, after a period of ten days from the last day of the scheduled use, be deemed abandoned and shall become property of the VILLAGE to be disposed of or utilized at VILLAGE'S sole discretion.

10. PERSONAL: This agreement is personal and the USER shall not assign this agreement nor allow any other person, group or entity to use the PROPERTY during the scheduled time(s) without the prior written consent of VILLAGE.

11. FORCE MAJEURE: If the PROPERTY is rendered unsuitable for the conduct of the USER'S activity by reason of force majeure, the VILLAGE and the USER are released from their obligations under this contract. Force majeure shall mean fire, earthquake, hurricane, flood, act of God, strikes, work stoppages or other labor disturbances, riots or civil commotions, war or other act of any foreign nation, power of government, governmental agency or authority, or any other cause like or unlike any cause mentioned which is beyond the control of the VILLAGE.

12. INDEMNIFICATION

A. The VILLAGE shall have no responsibility for the safety and/or security of any property belonging to USER or to those persons participating in the use of the PROPERTY by USER. USER expressly releases and discharges the VILLAGE for any and all liabilities for any loss, injury, or damages to any such property.

B. The VILLAGE shall have no responsibility for the safety and/or security of any person participating in the use of the PROPERTY by USER except as may arise from the negligence of the VILLAGE. USER expressly agrees to indemnify and hold harmless VILLAGE, its officers, employees, students and agents, from all cost, loss and expense arising out of any liability or claim of liability for injury or damage to persons resulting directly or indirectly from their participation in USER'S use of the PROPERTY, regardless of whether such use was authorized or not, and regardless of whether the liability or claim of liability arises out of the act or omission of USER.

C. In the sole discretion of the VILLAGE, at all times during the use of the PROPERTY, USER may be required to have a policy of comprehensive liability insurance, including public liability, bodily injury, and property damage, written by a company licensed to do business in the state of New York, covering the use contemplated by this agreement with combined single limits of no less than \$1,000,000 per occurrence and \$3,000,000 aggregate. The USER shall name the VILLAGE, including its trustees, officers, agents and employees as Additional Insureds for the said purpose and use of this agreement. USER agrees that the insurance will be primary coverage and will contain no terms allowing the insurer to be subrogated to the rights of any injured or damaged person or entity insofar as said person or entity may have claims against VILLAGE. The USER shall also maintain Worker's

Compensation insurance to meet the requirements of the Workers Compensation laws of New York where applicable. Certificates of Insurance evidencing such insurance coverage shall be provided to the VILLAGE.

D. If USER is a department, division, or other unit of VILLAGE, paragraph 12 and all requirements included within it are null and do not become part of the agreement between the parties. If USER is a state or federal government agency, indemnification is not required where prohibited by law. If USER is an individual, the comprehensive liability insurance certificate required by paragraph 12(C) shall not be required unless the VILLAGE finds, in its sole discretion, that the intended use may negatively impact the Village or its property.

13. CANCELLATION AND TERMINATION: The VILLAGE reserves the right to cancel or terminate the use and retain the use fees and security deposit paid to the VILLAGE if for any reason, within the independent and sole discretion of the VILLAGE, there is or will be, any violation of this agreement, of any rule regarding the use of the PROPERTY, any obligation of the user hereunder, or for any other reason based on health and safety concerns of the Village or its officials.

14. WHOLE AGREEMENT: This writing contains the whole and complete agreement between the VILLAGE and USER.

15. SEVERABILITY: The terms of this Agreement are severable such that if one or more provisions are declared illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.

The undersigned certifies that (s) he is authorized to sign this Agreement on behalf of the USER and the VILLAGE, respectively, and that the USER and the VILLAGE acknowledge and accept the terms and conditions herein and attached hereto.

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 25

Dated: _____ 20__ Dated: _____ 20__

USER: VILLAGE:

BY: _____ BY: _____

Position: _____ Position: _____

For office use only:

_____ Approved _____ Denied
_____ Availability Confirmed with _____
_____ Notification Given to _____
_____ Security Deposit Collected (\$25)
_____ Fees Collected
_____ Received Insurance Certificate with Village as Additional Insured (Not required for individual use of facility)

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 to confirm Village Facilities Use Agreement for West Avenue Fire Hall last amended 3/23/11.

**Village of Brockport
Standard Facilities Use Agreement
Amended 3/23/11
Specifically for use of the West Avenue Fire Hall
Please contact Brockport Protectives, Inc.
C/o Willard (Bill) Bird
205 Clark Street Brockport, NY 14420
637-4483 home
739-9446 cell**

This Agreement describes the terms and conditions under which the undersigned outside party (the "USER") may use facilities owned by the Village of Brockport (the "VILLAGE").

Whereas VILLAGE owns and operates, or lawfully controls the use of, the property ("PROPERTY") described below, and USER desires to use said PROPERTY, VILLAGE agrees to make said PROPERTY and no other available to USER at the date(s) and time(s) and for the purposes referenced below and no other, and in consideration for being permitted to use PROPERTY for the stated purposes, USER agrees to pay the fees and abide by the terms and conditions set out in this agreement.

USER NAME:		PROPERTY:	
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8. PARTICIPANTS AND ATTENDEES: The USER is responsible for providing all necessary and appropriate safety instruction to all participants and attendees at USER'S activity. The USER is responsible for any and all damages to buildings, grounds, fields and equipment caused by participants and attendees. If the use of the PROPERTY is open to any non-members of USER, then no person shall be denied the equal privileges and enjoyment of having free and open access to the USER'S event on the basis of race, color, creed, religion, national origin or sexual orientation. Access may not be limited on the basis of age or sex except insofar as the goals or purposes of the activity require such limitation and are lawful.

9. ABANDONED PROPERTY: Any property left on the PROPERTY shall, after a period of ten days from the last day of the scheduled use, be deemed abandoned and shall become property of the VILLAGE to be disposed of or utilized at VILLAGE'S sole discretion.

10. PERSONAL: This agreement is personal and the USER shall not assign this agreement nor allow any other person, group or entity to use the PROPERTY during the scheduled time(s) without the prior written consent of VILLAGE.

11. FORCE MAJEURE: If the PROPERTY is rendered unsuitable for the conduct of the USER'S activity by reason of force majeure, the VILLAGE and the USER are released from their obligations under this contract. Force majeure shall mean fire, earthquake, hurricane, flood, act of God, strikes, work stoppages or other labor disturbances, riots or civil commotions, war or other act of any foreign nation, power of government, governmental agency or authority, or any other cause like or unlike any cause mentioned which is beyond the control of the VILLAGE.

12. INDEMNIFICATION

A. The VILLAGE shall have no responsibility for the safety and/or security of any property
MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 27

belonging to USER or to those persons participating in the use of the PROPERTY by USER. USER expressly releases and discharges the VILLAGE for any and all liabilities for any loss, injury, or damages to any such property.

B. The VILLAGE shall have no responsibility for the safety and/or security of any person participating in the use of the PROPERTY by USER except as may arise from the negligence of the VILLAGE. USER expressly agrees to indemnify and hold harmless VILLAGE, its officers, employees, students and agents, from all cost, loss and expense arising out of any liability or claim of liability for injury or damage to persons resulting directly or indirectly from their participation in USER'S use of the PROPERTY, regardless of whether such use was authorized or not, and regardless of whether the liability or claim of liability arises out of the act or omission of USER.

C. In the sole discretion of the VILLAGE, at all times during the use of the PROPERTY, USER may be required to have a policy of comprehensive liability insurance, including public liability, bodily injury, and property damage, written by a company licensed to do business in the state of New York, covering the use contemplated by this agreement with combined single limits of no less than \$1,000,000 per occurrence and \$3,000,000 aggregate. The USER shall name the VILLAGE, including its trustees, officers, agents and employees as Additional Insureds for the said purpose and use of this agreement. USER agrees that the insurance will be primary coverage and will contain no terms allowing the insurer to be subrogated to the rights of any injured or damaged person or entity insofar as said person or entity may have claims against VILLAGE. The USER shall also maintain Worker's Compensation insurance to meet the requirements of the Workers Compensation laws of New York where applicable. Certificates of Insurance evidencing such insurance coverage shall be provided to the VILLAGE.

D. If USER is a department, division, or other unit of VILLAGE, paragraph 12 and all requirements included within it are null and do not become part of the agreement between the parties. If USER is a state or federal government agency, indemnification is not required where prohibited by law. If USER is an individual, the comprehensive liability insurance certificate required by paragraph 12(C) shall not be required unless the VILLAGE finds, in its sole discretion, that the intended use may negatively impact the Village or its property.

13. CANCELLATION AND TERMINATION: The VILLAGE reserves the right to cancel or terminate the use and retain the use fees and security deposit paid to the VILLAGE if for any reason, within the independent and sole discretion of the VILLAGE, there is or will be, any violation of this agreement, of any rule regarding the use of the PROPERTY, any obligation of the user hereunder, or for any other reason based on health and safety concerns of the Village or its officials.

14. WHOLE AGREEMENT: This writing contains the whole and complete agreement between the VILLAGE and USER.

15. SEVERABILITY: The terms of this Agreement are severable such that if one or more provisions are declared illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.

"Your Responsibilities" specifically per Protectives:

- NO Alcoholic Beverages.
- All music/bands/loud noise must stop at 11pm.
- No parking in front of the truck bays or in the small lot on the west side of the building.
- No parking on the grass.
- Empty all garbage and replace bags. Garbage can be put in the large container on the east side of the building. New bags are in the bottom of each container.
- No taping or picking up tiles for decorations on the ceilings. There are hooks in the ceiling for decorations.
- Tables and chairs should be wiped off and put away immediately after the event.
- No children in the truck bays.
- Turn all lights out when you leave the building. Make sure all doors are locked when exiting your function.
- You will be responsible for any damage to/or stolen property.
- You are responsible for any injuries.

Donations are greatly appreciated. Please make checks payable to Brockport Protectives, Inc.

The undersigned certifies that (s) he is authorized to sign this Agreement on behalf of the USER and the VILLAGE, respectively, and that the USER and the VILLAGE acknowledge and accept the terms and conditions herein and attached hereto.

Dated: _____ 20__ Dated: _____ 20__

USER: _____ PROTECTIVES: _____

BY: _____ BY: _____

Position: _____ Position: _____

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 28

Address & Phone: _____

For office use only:	Approved	Denied
_____	Availability Confirmed with _____	
_____	Copy Given to Village Clerk	
_____	Security Deposit Collected (\$25)	
_____	Fees (donation) Collected	
_____	Received Insurance Certificate with Village as Additional Insured (Not required for individual use of facility)	

PURCHASING / PROCUREMENT POLICY –

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to confirm Village Purchasing / Procurement Policy last amended 7/19/10.

**Village of Brockport
Purchasing / Procurement Policy
Amended 7/19/10**

Section 104-b of the General Municipal Law (GML) requires every municipality to adopt internal policies governing all procurement of goods and services not subject to the bidding requirements of GML Section 103 or any other law. In accordance with that requirement, the following guidelines are established for use by the Village of Brockport.

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML Section 103. Every village officer, board member, department head or other personnel with the requisite purchasing authority (the Purchaser) shall adhere to this policy. An employee wishing to make a purchase on behalf of the Village must have the purchase authorized by the appropriate department head.

Guideline 2. All purchases of:

- (a) Goods, services, equipment or public works contracts shall be executed through a purchase order, which will be preceded by a Request for Purchase Order.
- (b) Purchases which will exceed the threshold amount set forth in GML Section 103

(\$20,000 for goods and equipment purchases and \$35,000 for Public Works Contracts) shall be formally bid pursuant to this law and shall be executed only after appropriate Village Board approval has been obtained.

Guideline 3. All purchases of goods, services, equipment or public works contracts:

- (a) Less than \$10,000 but greater than \$500 require a written request for proposal (RFP), written/fax quotes from three (3) vendors.
- (b) Purchases equal to or in excess of \$2,000 will also require approval of the Village Board.
- (c) Purchases of less than \$2,000 are at the discretion of the Department Head.
- (d) Any written RFP shall be from a reputable vendor, and must describe the desired goods, quantity and particulars of delivery. The Purchaser shall use the Quotation Log to compile a list of all vendors from whom written/fax quotes have been requested; and the written/fax quotes offered, and all information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the RFP. The Quotation Log must be signed by the employee and the Department Head.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification as to why it is in the best interest of the Village and its taxpayers to make an award to other than the low bidder. If a vendor is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 29

Guideline 5. A good faith effort shall be made to obtain the required number of proposals or quotations. However, if the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made. In no event shall the inability to obtain the required proposals or quotations be a bar to the procurement.

Guideline 6. In the event that there is only one supplier for a particular good or service, care must be taken to document that the item or service is unique in its benefits as compared to other items or service available in the market place. The Purchaser must be sure that no other item or service provides a substantially equivalent or similar benefit. These facts must be documented on the Quotation Log and filed with the purchase request.

Guideline 7. In the event a good or service can be obtained under a city, county or state contract bid, the Purchaser must document the **current year** contract number, whether it is a city, county, or state bid, the price per unit and the total cost of the purchase.

Guideline 8. Except when directed by the Village Board, no solicitations of written proposals or quotations shall be required under the following circumstances:

- (a) Emergencies;
- (b) Goods purchased from agencies for the blind or severely handicapped;
- (c) Goods purchased from correctional facilities;
- (d) Goods purchased from another governmental agency;
- (e) Goods purchased at auction - shall be done at or below any established limit agreed upon by the Village Board.

Guideline 9. Additional exceptions apply to the use of purchase orders by the Fire Department and the Ambulance Corps as follows:

- (a) The Fire Department and Ambulance Corps are required to use purchase orders for the purchase of new items in excess of \$50.00.
- (b) Fire Department and Ambulance Corps purchases of repair or replacement parts or services or of supplies can be made without the use of a purchase order.
- (c) Fire Department purchase orders must be signed by the Village Mayor.

(d) Ambulance Corps purchase orders can be signed by the Village Treasurer.

Guideline 10. This policy shall be reviewed annually or as deemed necessary by the Village Board.

VILLAGE VEHICLE USAGE POLICY –

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to confirm Village Vehicle Usage Policy last amended 7/19/10.

**Village of Brockport
Vehicle Usage Policy
Amended 07/19/10**

Policy Statement – The village board may assign a village vehicle to a village official, employee or volunteer (whether on a case-by-case or continual basis). The village owns and maintains such vehicles, including related equipment, explicitly to conduct official village business. Personal use and the use of vehicles, including related equipment, for the private gain of any official, employee, or volunteer, including related equipment, except for commuting and de minimus personal use, is prohibited.

General Standards – Compliance with this policy requires observance of the following standards.

- The village board shall authorize (whether on a case-by-case or continual basis) the purpose(s) for which a village vehicle may be used.
- A department head to which the village board has assigned a vehicle, including any related equipment, shall maintain the general administrative jurisdiction of said vehicle, including directing its use by a subordinate.

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 30

- A department head shall maintain under his control and jurisdiction all keys to a vehicle assigned to his department when such vehicle is not in use.
- A village official, employee or volunteer shall not use a village vehicle for an unauthorized purpose.
- A village official, employee or volunteer cited for a parking violation, moving violation, or any other driving infraction or offense while using a municipal vehicle shall notify his supervisor as soon as practicable and within 24 hours of such citation.
- A village official, employee or volunteer operating a village vehicle shall be personally liable for fines resultant from conviction of a parking violation, moving violation, or any other driving infraction or offense committed while using a village vehicle.
- A village official, employee or volunteer involved in a motor vehicle accident while using a municipal vehicle shall notify his supervisor as soon as practicable and within 24 hours of such accident; the applicable department head shall notify the mayor and file an accident report in the village clerk's office as soon as practicable and within 48 hours of such accident.
- A village official, employee or volunteer shall not transport in a village vehicle persons who are not village officials, employees or volunteers (exception: department supervisors issued take home vehicles may transport family members while maintaining 24/7 availability to their respective department in a non-emergency mode), or material or persons unrelated to the conduct of village business. For the purpose of this policy, persons affected by emergency situations to which village emergency responders have responded are related to the conduct of village business.
- A village official, employee or volunteer to whom a village vehicle is assigned shall not allow their spouse or another to drive said vehicle.
- A village official, employee, or volunteer to whom a village vehicle, excluding a police vehicle, is assigned shall lock the same when not in use.
- A village official, employee or volunteer shall notify the appropriate department head of any malfunction of a village vehicle while it is assigned to him.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on village vehicles at any time, except those of a limited community service nature that have been authorized by the village board.
- Village vehicles, except unmarked police vehicles, shall be clearly marked with identification as approved by the village board.
- Smoking and the use of smokeless tobacco in village vehicles are prohibited.

Standards for Use of Fire Apparatus at Funerals, in Parades or Public Displays –

The following standards apply in addition to the foregoing "General Standards."

- No more than two pieces of fire department apparatus may be used simultaneously at funerals without prior approval from the village board.
- At the discretion of the fire chief, up to two pieces of fire department apparatus may be used for a period of up to 8 hours for a former Brockport Fire Department member's funeral within

Monroe County.

- At the discretion of the fire chief, one piece of fire department apparatus may be used for a period of up to 8 hours for a funeral within Monroe County's resultant from an emergency responder's line of duty death (LODD).
- Contingent upon prior approval from the mayor, one piece of fire department apparatus may be used for a funeral in any state adjoining the State of New York.
- Contingent upon prior approval from the mayor, 5 pieces of fire department apparatus may be used for a period of up to 8 hours in a parade or public display within Monroe, Orleans, Genesee and Livingston counties.
- Contingent upon prior approval from the village board, fire department apparatus may be used in a parade or public display within the State of New York, excluding Monroe, Orleans, Genesee and Livingston counties, or within any state adjoining the State of New York.

Standards for Use of Police Vehicles – The standards described by Brockport Police Department General Order 325 apply to the use of police vehicles in addition to the foregoing "General Standards."

Taxable Fringe Benefit – Employees authorized to use a village vehicle on a 24-hour-per-day, seven-day-per-week basis may be subject to imputed income tax regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The village will use IRS Publication 15-B "Employers Tax Guide to Fringe Benefits," Section 3, Fringe Benefit Valuation Rules, Commuting Rule in determining any tax liability and automatically update changes to the rate as made by the IRS. The rule establishes a \$1.50 per one-way commute value as the non-cash taxable fringe value. This value will be includable in the employee's gross income and is subject to all federal withholding taxes. Employees who are assigned marked police and fire vehicles, unmarked police vehicles or specialized vehicles carrying tools and meeting certain other eligibility criteria established by the IRS will not be subject to the commuting valuation rule.

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VILLAGE MEDIA RESPONSE AND SUBMISSION POLICY –

→ Trustee Blair moved, Trustee Blackman seconded, carried 5/0 to confirm Village Media Response and Submission Policy last amended 5/17/10.

Mayor encouraged all review and follow this.

Village of Brockport Media Response and Submission Policy

Adopted by Village Board 5/17/10

Policy Statement - The village board acts to ensure coordinated, coherent, professional, accurate, and reliable communication between the Village of Brockport and all media outlets. This policy is intended to sustain and reinforce a positive public image of the village by effectively disseminating timely, relevant, and interesting information.

General Standards – For the purpose of this policy, "statement" means spoken communication; "submission" means printed or electronic communication. Compliance with this policy requires observance of the following standards.

- § 1. Members of the village board are the official spokespersons of the village. Except as noted in § 7. below, other village officials, employees and volunteers shall not make official statements, whether unsolicited or in response to a media inquiry, except when authorized by the mayor or the village board, or to affirm or clarify facts that are part of the public record.
- § 2. Except as noted in § 7. below, only official spokespersons shall respond to media inquiries.
- § 3. Official statements to the media, whether unsolicited or in response to an inquiry, shall accurately reflect the village's position as described by official documents such as, but not limited to formal plans, adopted policies, and approved meeting minutes.
- § 4. A village official, employee or volunteer who wishes to make a personal statement regarding any village-related topic must clearly inform the media that he is making such statement as an individual, that his/her statement does not necessarily represent the position of the village, and that they are not authorized to speak for, or on behalf of the village at the time of the statement.

- § 5. Any unsolicited submission to the media, such as a press release, must be approved by the village board or the mayor prior to its issuance. It shall include in its heading the date of such approval.
- § 6. Any direct quotation of a village official, employee or volunteer in a statement or submission to the media must be verified by official record or acknowledged as accurate by the party quoted prior to issuance of such statement or submission.
- § 7. Communications regarding fire department incidents issued by the fire chief or his designee, communications regarding police department incidents issued by the police chief or his designee, editorials, legal notices, and advertisements are not subject to § 1.-6. of this policy.

VILLAGE BOARD MEETING PROCEDURES –

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to adopt the Village Board meeting procedures last amended 10/13/10 to reflect changes related to meeting nights.

**VILLAGE OF BROCKPORT
VILLAGE BOARD
MEETING PROCEDURES
Amended 7/27/11**

INTENT: Every public body has an inherent right to regulate its own procedures. Legislative bodies need rules so that the will of the majority is expressed and the rights of the minority are protected.

Section 1. MEETINGS: The Board of Trustees for the Village of Brockport, New York shall hold regular meetings on the second and fourth Tuesdays of each month per the adopted schedule. Such meetings shall commence at 7:00pm and be conducted in the conference room of the Village Hall at 49 State Street, Brockport, New York. Any deviation of the foregoing paragraph shall be determined by the

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 32

Board of Trustees.

Section 2. SPECIAL MEETINGS: The Board of Trustees for the Village of Brockport, New York shall hold work sessions on the first Tuesday of each month per the adopted schedule.

Special meetings of the Board of Trustees are all those Board meetings other than regular meetings. A special meeting may be called by a quorum of said Board as defined in section 3 Quorum upon notice to the entire board. Notice shall be given by telephone, in person, or in writing.

Section 3. QUORUM: A quorum shall be required to conduct business. A quorum of the (5) five member Board of Trustees shall be (3) three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

Section 4. EXECUTIVE SESSIONS: Executive sessions shall be held in accordance with the New York State Public Officers Law Section 105. All executive sessions shall be commenced in a public meeting.

Section 5. AGENDAS: The agenda shall be prepared by the Clerk at the direction of the Mayor. The Mayor or any Trustee may have an item placed on the agenda. Items for the agenda shall be given to the Clerk by noon the Wednesday preceding the Tuesday meeting. However, items may be placed on the agenda at any time, including during the meeting. The agenda shall be prepared by end of day Monday prior to the Tuesday meeting. (When possible, it will be prepared by end of day Friday prior to the Tuesday meeting.) If necessary, a supplemental agenda shall be distributed at the beginning of the meeting.

Section 6. VOTING: Pursuant to Village Law, each member of the Board shall have one vote. The Mayor may vote on any matter but must vote in case of a tie. A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State Law. An abstention, silence or absence shall be considered a negative vote for the purpose of determining the final vote on a matter. A vote upon any question shall be taken verbally, and the names of the members present and their votes shall be entered in the minutes.

Once the Board has voted on a matter, the matter is closed and no member of the Board including the presiding officer may speak or comment on the matter.

When the presiding officer is out of order, he/she may be called out of order by any member of the Board.

Section 7. MINUTES: Minutes shall be taken by the Clerk. Minutes shall consist of a record or summary of all motions, proposals, resolution and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon, provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law. (See attachment)

MINUTES SHALL INCLUDE THE FOLLOWING:

- Name of the Board
- Date, place and time of the meeting
- Notation of presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment.
- Name and title of other Village officials and employees present.
- Names of attendees.
- Record of communications presented to the Board.
- Record of reports made by Board or other personnel.
- Time of adjournment.
- Signature of Clerk or person who took the minutes if not the Clerk.

Minutes shall contain only a summary of the discussion leading to action taken but shall not include verbatim comments. Officials desiring that a verbatim statement be included must provide such statement electronically to the Village Clerk the day following the meeting.

Minutes shall be typed and available to the Village Board within 2 weeks as per law. Minutes shall be approved at the next Board meeting. Amendments to the minutes shall require Board approval.

Section 8. ORDER OF BUSINESS:

- Call to order / Pledge to the Flag
- Guests
- Public comment
- Public hearings

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 33

- Public information meetings
- Certificates & proclamations
- Approval of minutes
- Approval of bills to be paid
- Clerk & Treasurer Reports
- Department Reports
- Personnel Items
- Old business
- New business
- Village Board reports
- Executive Session (if needed)
- Adjournment

Section 9. GENERAL RULES OF PROCEDURE: The Mayor shall preside at the meeting. In the Mayor's absence, the Deputy Mayor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Board.

Board members shall not be required to rise but must be recognized by the presiding officer before making motions and speaking. Motions do not require a second. A member, once recognized, shall not be interrupted when speaking unless it is to call him/her to order. If a member, while speaking, were called to order, he shall be permitted to proceed.

There is no limit to the number of times a member may speak on a question.

Motions to close or limit debate may be entertained but shall require a two-thirds vote.

A motion shall be discussed or acted upon only if any member of the totally authorized voting power – except the member that made such motion – seconds such motion.

Members of the Board, including the presiding officer, may only speak or comment on the current subject before the Board. Members of the Board including the presiding officer may not speak or comment on any subject that is not currently before the Board.

Section 10. GUIDELINES FOR PUBLIC COMMENT: The public shall be allowed to speak only during the public comment period of the meeting or at such time as recognized by the presiding officer.

Speakers must be visible.

Speakers must give their name, address and organization, if any.
Speakers must be recognized by the presiding officer.
Speakers must limit their remarks to (5) five minutes on a given topic or extended if recognized by the presiding officer.
Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
All remarks shall be addressed to the Board as a body and not to any member thereof.
Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
Interested parties or their representatives may address the Board by written communications in the event of creating a hardship to attend the meeting personally.

Section 11. AUDITING: The approval of the Board to pay the bills upon audit must be done by motion. Bills shall be prepared by end of day Monday prior to the Tuesday meeting. (When possible, they will be prepared by end of day Friday prior to the Tuesday meeting.)

Section 12. ADJOURNMENT: The meeting shall be adjourned by motion.

Section 13. AMENDMENTS TO THE RULES OF PROCEDURE: The foregoing procedures may be amended from time to time by a majority vote of the Board.

ATTACHMENT TO Section 7.

OPEN MEETINGS LAW "SUNSHINE LAW"

Effective in New York State in 1977. Amendments that clarify and reaffirm the public's right to hear the deliberations of public bodies became effective on October 1, 1979.

A public body cannot close its doors to the public to discuss the subject of its choice, for the law specifies and limits the subject matter that may appropriately be discussed in executive session. The eight subjects that may be discussed behind closed doors include:

- (a) matters that will imperil the public safety if disclosed;
- (b) any matter which may disclose the identity of a law enforcement agency or informer;
- (c) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;

MINUTES OF VILLAGE BOARD MEETING HELD July 27, 2011 continued.....page 34

- (d) discussions regarding proposed, pending or current litigation.
- (e) collective negotiations pursuant to Article 14 of the Civil Service Law, (the Taylor Law);
- (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- (g) the preparation, grading or administration of examinations, and
- (h) the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

These are the only subjects that may be discussed behind closed doors; all other deliberations must be conducted during open meetings.

A public body can never vote to appropriate public monies during a closed session. Although a public body MAY vote during a properly convened executive session, any vote to appropriate public monies must be taken in public.

NOTE: If a vote is taken during a properly convened executive session, minutes of the executive session must be taken and included in the meeting minutes.

IDENTITY THEFT PREVENTION POLICY –

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 to confirm Village Identity Theft Prevention Policy (i.e. water bills) last amended 11/16/09.

Village of Brockport

Identity Theft Prevention Program

Effective December 1, 2009

I. PROGRAM ADOPTION

The Village of Brockport ("Village") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal

Trade Commission's ("FTC") Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. This Program was developed with oversight and approval of the Village Board of Trustees. After consideration of the size and complexity of the Village's operations and account systems, and the nature and scope of the Village's activities, the Village Board of Trustees determined that this Program was appropriate for the Village, and therefore approved this Program on November 16, 2009.

II. DEFINITIONS AND PROGRAM

A. Red Flags Rule Definitions Used in this Program

"Identity Theft" is a "fraud committed or attempted using the identifying information of another person without authority."

A "Red Flag" is a "pattern, practice, or specific activity that indicates the possible existence of Identity Theft."

A "Covered Account" includes all utility accounts that are administered by the Village.

"Program Administrator" is the individual designated with primary responsibility for oversight of the program. (See Section VI below).

"Identifying information" is "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, computer's Internet Protocol address, or routing code.

B. Fulfilling Requirements of the Red Flags Rule

Under the Red Flags Rule, the Village is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and

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4. Ensure the Program is updated periodically to reflect changes in risks to customers or to the safety and soundness of the customer from Identity Theft.

III. IDENTIFICATION OF RED FLAGS

In order to identify relevant Red Flags, the Village considers the types of accounts that it offers and maintains, methods it provides to open its accounts, methods it provides to access its accounts, and its previous experiences with Identity Theft. The Village identifies the following Red Flags in each of the listed categories:

A. Notifications and Warnings from Credit Reporting Agencies

Red Flags

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on an applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant;
4. Receipt of a notice of address discrepancy in response to a credit report request; and
5. Indication from a credit report of activity that is inconsistent with an applicant's usual pattern or activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information; and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on an enrollment application);
3. Identifying information presented that is the same as information shown on other applications

- that were found to be fraudulent;
- 4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- 5. Social security number presented that is the same as one given by another customer;
- 6. An address or phone number presented that is the same as that of another person;
- 7. A person fails to provide complete personal identifying information on an application when reminded to do so; and
- 8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Covered Account Activity or Unusual Use of Account

Red Flags

- 1. Change of address for an account followed by a request to change the customer's name;
- 2. Payments stop on an otherwise consistently up-to-date account;
- 3. Account used in a way that is not consistent with prior use;
- 4. Mail sent to the customer is repeatedly returned as undeliverable;
- 5. Notice to the Village that a customer is not receiving mail sent by the Village;
- 6. Notice to the Village that an account has unauthorized activity;
- 7. Breach in the Village's computer system security; and
- 8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

- 1. Notice to the Village from a customer, Identity Theft victim, law enforcement or other person that the Village has opened or is maintaining a fraudulent account for a person engaged in Identity Theft. 5

IV. DETECTING RED FLAGS

A. Customer Enrollment

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In order to detect any of the Red Flags identified above associated with the enrollment of a customer, Village personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect:

- 1. Require certain identifying information such as name, date of birth, home address or other identification; and
- 2. Verify the customer's identity at time of enrollment (review of driver's license or other government-issued photo identification).

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing Covered Account, Village personnel will take the following steps to monitor transactions on an account:

Detect:

- 1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
- 2. Verify the validity of requests to change billing addresses by mail or email and provide the customer a reasonable means of promptly reporting incorrect billing address changes; and
- 3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Village personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

- 1. Continue to monitor a Covered Account for evidence of Identity Theft;
- 2. Contact the customer or applicant (for which a credit report was run);
- 3. Change any passwords or other security devices that permit access to Covered Accounts;
- 4. Not open a new Covered Account;
- 5. Provide the customer with a new customer identification number;
- 6. Notify the Program Administrator for determination of the appropriate step(s) to take;
- 7. Notify law enforcement;
- 8. File or assist in filing a Suspicious Activities Report ("SAR"); or
- 9. Determine that no response is warranted under the particular circumstances.

Protect Customer Identifying Information

In order to further prevent the likelihood of Identity Theft occurring with respect to Covered Accounts, the Village will take the following steps with respect to its internal operating procedures to protect customer identifying

information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer account information when a decision has been made to no longer maintain such information;
3. Ensure that office computers with access to Covered Account information are password protected;
4. Avoid use of social security numbers
5. Ensure computer virus protection is up to date; and
6. Require and keep only the kinds of customer information that are necessary for Village purposes.

VI. PROGRAM ADMINISTRATION

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee (“Committee”) for the Village. The Committee is headed by a Program Administrator who may be the Mayor of the Village or his or her appointee. Two or more other individuals appointed by the Mayor of the Village or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for ensuring appropriate training of Village staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Village staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags and the responsive steps to be taken when a Red Flag is detected. Village staff shall be trained, as necessary, to effectively implement the Program. Village employees are expected to notify the Program Administrator once they become aware of an incident of Identity Theft or of the Village’s failure to comply with this Program. At least annually or as otherwise requested by the Program Administrator, Village staff responsible for development, implementation, and administration of the Program shall report to the Program Administrator on compliance with this Program. The report should address such issues as effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening and maintenance of Covered Accounts, service provider arrangements, significant incidents involving identity theft

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and management’s response, and recommendations for changes to the Program.

C. Service Provider Arrangements

In the event the Village engages a service provider to perform an activity in connection with one or more Covered Accounts, the Village will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Village's Program and report any Red Flags to the Program Administrator or the Village employee with primary oversight of the service provider relationship.

D. Non-disclosure of Specific Practices

For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices may need to be limited to the Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered “confidential” and should not be shared with other Village employees or the public. The Program Administrator shall inform the Committee and those employees with a need to know the information of those documents or specific practices which should be maintained in a confidential manner.

E. Program Updates

The Committee will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Village from Identity Theft. In doing so, the Committee will consider the Village's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Village's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Committee will update the Program.

MISCELLANEOUS:

Mayor referred to a list of “housekeeping” type items that she and Clerk Morelli put together. She will review it with the Board at their next work session. A couple of highlights include sticking to the meeting schedule just adopted, limiting special, extra, emergency meetings to those absolutely needed, advising the Mayor and Clerk when one absolutely cannot attend a meeting, advising the Mayor and Clerk when one is out of town and unavailable for Village business, the suggestion that the Board establish a policy requiring reimbursement for registration fees expended when a Planning Board or

ZBA member signs up for training and fails to show, the need to do a review of the Employee Handbook in 2012, the need to update the Emergency Operating Plan (Department Heads have been working on this for some time).

CLOSE ORGANIZATIONAL PART OF MEETING:

→ At 10:00pm, Trustee Hunsinger moved, Trustee Blackman seconded, carried 5/0 that the Board of Trustees close the annual organizational part of the meeting and re-enter the regular meeting.

ADJOURNMENT:

→ At 10:05pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk