

Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, July 13, 2011 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Trustee Margaret B. Blackman, Trustee Carol L. Hannan, Clerk Leslie A. Morelli

EXCUSED: Trustee Kent R. Blair, Trustee Scott W. Hunsinger

ALSO PRESENT: Larry Vaughan, Josephine Matela, Annie Crane, Bill Andrews, Ed & Johnnie Lehman, Susan Alexander, Carl Meier, Bill & Hanny Heyen, Greg Ketchum, Sri Ram Bakshi, Jim & Joan Hamlin, Brian Winant, Bernie LoBracco, Thomas Mangan, David Markham, Susan Smith, Val Ciciotti, Fran Bovenzi, Paul Galloway, James Hubbel, Ulpian Toney, Anita Wicks, David Rice, Mary Jo Nayman, Ann Butler, Norm Giancursio, Fred Webster

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

Mayor Castañeda expressed sympathies to Trustee Blair and his family for the sudden loss of his father.

Mayor Castañeda said she would like the minutes to reflect that Trustee Hunsinger has not attended the last 3 regularly scheduled Village Board meetings.

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

OATH OF OFFICE: Ceremonial swearing in of Margaret B. Blackman as Trustee by William G. Andrews.

Bill Andrews said he claims the honor of making this moment possible, as 34 years ago he hired M. Blackman at SUNY College at Brockport. He has had professional, political, personal association with her and is confident of her intelligence, energy, creativity, common sense and civility. He said it is a pleasure to ceremonially administer the Oath of Office to her.

Trustee Blackman read the following prepared statement:

Going door to door when I was campaigning for this position, I mostly heard the negative things about Brockport: high taxes, a fractious village board, a fire department in limbo, and increased assessments (which I reminded everyone was not Brockport's doing). It's understandable that people express such concerns because they want to know what the candidate is going to do about them. Those voices accompany me to my seat on the board. But, despite the challenges we face, there is so much about our village that is positive, and that is why I asked Bill Andrews to do the honors of swearing me in.

Bill is the embodiment of the creative, can-do spirit of the people who give back to this community. From historic preservation, to building a museum without walls, to staffing a volunteer workforce at the welcome center, to bringing in thousands of dollars of grants to the village, he's made such good things happen in Brockport. So, I take my seat on the board, with Bill's example in mind, hoping I can bring some of his energy, dedication, and optimism to our work of making Brockport better.

PUBLIC COMMENT:

- Bill Andrews of the Welcome Center Management Committee displayed the hat and shirt the newest greeters would be issued. He thanked the following service clubs for each contributing \$120 towards their purchase: Brockport Rotary, Brockport Lions, Brockport Kiwanis. He shared that boat nights are up 25% over the same period last year.

- Josephine Matela wished condolences to Trustee Blair and his family and welcomed Trustee Blackman. She referred to a June 6th letter from Clarkson Supervisor Paul Kimball to Mayor Castañeda and Trustee Blair where the beginning of several sentences begin as such: the village agrees to, the Village agrees not to, Both Towns agree to forgive, the Village will provide, the Village agrees to turn over, the Village agrees to use, etc. She said it was signed "sincerely", but was very insincere. She said if this were war, these would be the articles of surrender. She said she is not saying she is necessarily opposed to the formation of a Fire District. In fact, when she was Mayor, the Village, Towns, Fire Chiefs and Attorney Ray Diraddo sat down to discuss the concept – as ladies and gentlemen, not as adversaries. At that time it was not feasible because the Brockport Volunteer Fire Department was comprised of 5 separate companies. They are now one. When you get a letter full of demands and ridiculous claims... The money was not the Towns to begin with. It is not theirs to forgive. This includes surplus ambulance revenues and workers compensation refunds. The numbers to up and down. She thinks Clarkson Supervisor Kimball should be ashamed of how he has conducted himself throughout this matter. Fire Districts are not

necessarily subject to the new 2% tax cap. They need to buy a new fire truck – think it out. A Board of Fire

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Commissioners may employ paid firefighters. They earn \$30,000 to \$50,000 each plus the cost of benefits, workers comp, disability, etc. She urged the Board not to vote on anything this evening with only 3 members here and no Fire Department liaisons, particularly Trustee Blair. They need more time to study this.

- o Thomas Mangan of Utica Street read the following prepared statement:

I would like to extend my condolences to Trustee Kent Blair whose father died this week.

I also want to extend my congratulations to Trustee Margay Blackman on her election to the Board.

On her first day in office, Trustee Blackman fulfilled a campaign promise, and thanks to her diligence Brockport residents are finally aware that the New York State Comptroller's Office issued a favorable ruling on March 8th that the Village had NOT misappropriated third party ambulance funds.

According to Michael Kupferman, Assistant Counsel for the Comptroller's Office, Brockport was obligated by law to place any surplus monies from third party ambulance fees into the Village's general fund, and this is exactly what the village did.

Mr. Kupferman wrote:

"the village budget process generally requires all revenues generated by a village function, such as permissible ambulance fees, to be credited to the appropriate budgetary fund, usually the village's general fund."

We also have to thank Trustee Hunsinger, who wrote to the Comptroller's Office in February to ask for a ruling on the ambulance fees. Without his actions we never would have learned the truth.

In his response to the Village, Mr. Kupferman noted that Mayor Castañeda had misled the Comptroller's Office about Brockport's Ambulance Corps, but that Village Attorney David Mayer set the record straight and provided him with accurate data about the structure of the Ambulance Corps. Thank you, Mr. Mayer.

You have to wonder why the Mayor misled the Comptroller's Office.

This is important because Clarkson and Sweden are trying to use the ambulance fees to blackmail the Village into giving away millions of dollars in fire department equipment and property owned by the Village.

Despite the Comptroller's ruling, Paul Kimball, acting for the Towns of Clarkson and Sweden, included their invalid claim to the ambulance fees in the Towns' June 6, 2011 proposal to the Village.

According to Kimball, that proposal listed 14 points that "reflect the Town Boards' position." Point number 6 reads,

"6. The Towns agree to forgive claims to the \$640,000 ambulance surpluses used by the Village in its general fund, contingent on the formation of the JBFD."

This is the same reasoning that Clarkson and Sweden used to destroy the volunteer Ambulance Corps last December. The Towns wanted the Village to do something that was not legal, and the Village Board refused. So the Towns lashed out at our volunteer ambulance corps.

It seems that the Clarkson and Sweden Boards either do not know or do not care that the Comptroller has already ruled that their position has no merit.

Here is the exact text of the March 8th ruling from the Comptroller's Office:

Dear Mayor Castañeda and Trustee Hunsinger:

This is in reply to your separate requests for our opinion concerning your village's practices in relation to the imposition and disposition of fees imposed by the village for ambulance services.

Initially, I note that it is our policy to render formal advisory opinions only to supervisory local officials and to municipal attorneys with respect to prospective courses of action of their local governments. When we do render a formal advisory opinion, however, we do, whenever possible, provide prior

opinions of the Office or other materials that may be of assistance. Accordingly, as discussed below, we have enclosed several prior opinions for your reference.

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As indicated in Mayor Castañeda's letter, on December 22, 2010, I had a telephone conversation with Mayor Castañeda and Treasurer Lovejoy concerning the provision of ambulance service by the village. Based on the discussion, I understood that ambulance service in your village is not provided through the village fire department and the conversation proceeded on that basis. In a more recent telephone conversation with the Village Attorney, however, I was advised that ambulance service in your village is provided through the village fire department.

Under these circumstances, I am enclosing a copy of Opn 94-7, which concludes that when a village provides emergency or general ambulance service through its volunteer fire department pursuant to section 209-b of the General Municipal Law, the village may not charge a fee for the use of the service. I am also enclosing a copy of Opns 98-9 and 2005-8 which indicate that when a village provides ambulance service in the manner authorized by section 122-b of the General Municipal Law, such as through a paid village fire department, the village may establish fees for the use of the service and the fees belong to the village. As also indicated in Opn 2005-8, any such fees must be reasonably related to the village's cost of providing the ambulance service and may not be designed to generate revenue in excess of the cost of providing the service for the purpose of offsetting the general cost of government. Finally, I am enclosing a copy of Opn 96-4, which indicates that the village budget process generally requires all revenues generated by a village function, such as permissible ambulance fees, to be credited to the appropriate budgetary fund, usually the village's general fund.

I trust the enclosed opinions will be of service.

Very truly yours,
Michael Kupferman
Assistant Counsel
Office of the State Comptroller

CONSENSUS ITEMS:

• **APPROVAL OF MINUTES:**

Mayor Castañeda shared that the June 22, June 28, July 5 minutes were typed and distributed to the Board. However, there is not a quorum of members present at those meetings to approve them. They are available in draft form upon request. They will be reviewed at the next regular Board meeting.

• **APPROVAL OF BILLS TO BE PAID**

→ Trustee Hannan moved, Trustee Blackman seconded, carried 3/0 that the bills be allowed and paid upon audit.

A/P Clearing Account

	<u>Abstract Date</u>	<u>Amount</u>
FUND (A): <u>General</u>	07/12/11	\$86,995.33
FUND (F): <u>Water</u>	07/12/11	\$39,680.22
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust & Agency)</u>	-	-
		\$126,675.55 grand total

CLERK & TREASURER REPORTS:

- Clerk
- Treasurer
 - United Way – 2011 campaign – certificate of achievement – Mayor Castañeda thanked Treasurer Lovejoy for coordinating this year's United Way campaign. She received a certificate of achievement. Mayor Castañeda thanked the employees who participated by donating to the campaign.
 - Workers Compensation Plan – 6/29 meeting report & 6/30 buildings inspection report – Mayor Castañeda said the Board received the reports for their information.
- **PERSONNEL**
 - Resignations –
 - Margaret Blackman from Tree Board and Historic Preservation Board –

→Trustee Hannan moved, Mayor Castañeda seconded, carried 3/0 to accept the resignation of Margay

Blackman from the Tree Board and Historic Preservation Board due to her election to the Village Board with thanks for her service.

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- Vacancies -
 - Village Manager/Treasurer – Mayor Castañeda shared that she has asked Trustee Blackman and Clerk Morelli to serve with her on a new search committee. They will review the applications received after the deadline that the first search committee did not consider and schedule interviews in hopes of bringing forth a hiring recommendation to the July 27th meeting.
 - Part time Fire Department Administration/Cleaner – 2 applications received. One has since withdrawn from consideration. Mayor and Deputy Fire Chief will interview tomorrow.
- Vacancies –
 - Various Board/Committee vacancies/anticipated vacancies per notice – application deadline 7/18
 - Volunteer Drops/Addds
 - Welcome Center Greeters –

→Trustee Hannan moved, Trustee Blackman seconded, carried 3/0 to appoint the following as Welcome Center Greeters: Roseanne Mascari, Gary Fradenburgh, Recharad Pecora.

OLD BUSINESS:

- Proposal from Lime Energy re lighting energy efficiency audit review – Mayor Castañeda shared that at last evening’s work session, 2 representatives from Lime Energy (Peter Cook and Bob Trembath) reviewed their proposal and provided good information. The Board will review the materials and determine how to proceed. Should the Board decide to proceed, it may include the DPW, Police Department and Village Hall, but likely not the fire hall at this time.

NEW BUSINESS:

VILLAGE BOARD REPORTS:

- Mayor M. Connie Castañeda
 - Fire protection – Mayor Castañeda shared that on July 5th the Board held a special meeting and met in executive session to discuss fire proposals/contracts. That evening the board voted unanimously to join the Towns of Sweden and Clarkson in the formation of a Fire District. On July 6th, she and Trustee Blair met with the Towns and discussed their proposal #2 in executive session. The Village Attorney was unable to meet with the Board at last evening’s work session and with 2 Trustees missing, a special work session will be held Wednesday, July 20th at 6pm regarding fire and ambulance.

Mayor Castañeda expressed concern that information discussed in executive session and confidential documents remain as such since they relate to contract negotiations. She said she is disappointed that a confidential document was referenced earlier this evening in public comment. The Village is trying to work with the Towns to come to the best possible resolution for all. The Village has been invited to meet with the Towns on July 28th.

- Ambulance – Mayor Castañeda stated that when NYS OSC representatives came in, it was made clear that the ambulance was supposed to have been formed under a different General Municipal Law. The ambulance was to have been separated from the Fire Department. She said the Village is not supposed to be collecting a fee unless the separation took place. Separating the ambulance entirely from the Village and forming it as a private entity is what is currently being worked on. That will be part of the July 20th work session. She said she is glad the letter referenced earlier this evening in public comment will be included in the minutes.

- Trustee Margaret B. Blackman
 - Fire protection – Trustee Blackman reported that as soon as she began her term last week she contacted the Town of Sweden and Clarkson Supervisors and had a lengthy discussion about the deteriorated relations between the Village and the Towns and the fire and ambulance matters. She said she came away with a better understanding of their position on the matters.

- Senator Maziarz – Trustee Blackman reported that Bill Andrews invited her and Trustee Hannan to attend a meeting with Senator Maziarz in which they discussed historic preservation and the tax exempt status of SUNY.

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- Code Enforcement – Trustee Blackman reported that she and Trustee Hannan met with Code Enforcement Officer Zarnstorff and discussed review of the fee schedule.
 - SUNY Parking Services – Trustee Blackman reported that she attended a SUNY parking services meeting.
 - Fire Department – Trustee Blackman reported that she met with Fire Chief Henry, discussed finances and got a tour of the equipment.
 - Tree Board – Trustee Blackman reminded the Board that SUNY had offered to lend the Village their equipment to deter the Emerald Ash Borer. There are 80 ash trees on Village public spaces, 53 of them in Corbett Park. Purple ribbons and tags mark the trees. The Village would have to buy the chemical and hire a certified person to administer the pesticide. The cost would be \$4,000 for all. The Tree Board is considering getting donations. Two children, Jack and Nick Mahoney have already contributed \$62 to save 2 trees.
- Trustee Kent R. Blair (excused)
 - Trustee Carol L. Hannan
 - Senator Maziarz – Trustee Hannan said the meeting with Senator Maziarz confirmed that the State has no money. However, the Senator had an excellent fundraising idea.
 - Code Enforcement – Trustee Hannan reported that she is working with CEO Zarnstorff and will bring suggested fee schedule changes forward.
 - Welcome Center – Trustee Hannan shared that while she was volunteering as a greeter recently, a couple from Alabama commented on the user fees for the Welcome Center amenities being a bargain.
 - Trustee Scott W. Hunsinger (excused)
 - Trustee Hannan shared a brief report from Trustee Hunsinger who is out of town on a work assignment – regarding Thursday evening Summer Serenades concerts by the Welcome Center; thanks to GBDC and sponsors and thanks to DPW and Police Department for helping with the street closure for the recent concert on Main Street during the Sidewalk Sale; thanks to the Fire Department for their incredible efforts; and that he and Police Chief Varrenti are working on cost information for a Village Court and putting together a future Power Point presentation.

EXECUTIVE SESSION: None

ADJOURNMENT:

→ At 7:30pm, Trustee Hannan moved, Trustee Blackman seconded, carried 3/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk