

**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, November 10, 2010 at 7:00pm.**

**PRESENT:** Mayor M. Connie Castañeda, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli, Village Attorney Michael Leone, Esq.

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

**ALSO PRESENT:** Jim & Joan Hamlin, Mike & Kathy Pavone, Brian Winant, Joy Levandowski, Sri Ram Bakshi, Kevin McCarthy, Valerie Ciciotti, Tom Mangan, Mary Jo Nayman, Pete & Susan Smith, Mark Kristansen, Pam Ketchum, William Matthias, Karen Kramarsyck, Norm GianCursio, John Bush, Krystina Gabalski, Bill Heyen, Tony Perry, Fred Webster

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

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

**GUESTS:** None

**PUBLIC COMMENT:**

o Pam Ketchum of Park Avenue – expressed concern of the uncontrolled growth of rental properties in the Village. She has been a real estate agent for 25 years and people are worried about investing in the Village of Brockport. Circulated a petition and has obtained approximately 210 signatures in the last 10 days. The petition reads as follows:

Petition regarding the conversion of 52 State Street, Brockport from office space to rental use. We, the undersigned registered voters of the Village of Brockport, request the Planning Board to table the request of Rich Miller to convert his building at 52 State St., Brockport, NY 14420 for the following reasons:

We request that the Village Board issue a MORATORIUM to study and make a plan for the development, use and care of the historic core of the Village of Brockport. It is a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational and general welfare of the public. We need to:

- Protect and enhance the landmarks and historic districts which represent distinctive elements of the Village of Brockport’s historic, architectural and cultural heritage.
- Foster civic pride in the past accomplishments and future use and development of Brockport’s historic core.
- Protect and enhance the Village of Brockport’s attractiveness to visitors and the support and stimulus to the local economy that visitors provide.
- Ensure and plan for orderly, harmonious and efficient growth within the Village of Brockport that will allow all buildings to have peaceful enjoyment and value enhancement.

We must make sure that the development of one property is neither to the detriment of others in the neighborhood nor to the rest of the village that radiates from this historic core of our community.

The development and use of this building and others in the historic core must be guided in a planned manner that insures that the historic, landmark buildings in Brockport will be cared for and promoted. The use of this building or any others should not negatively impact on the peaceful use of other property or the economic value of neighboring properties and the village that radiates beyond.

o Brian Winant of Brockport Stetson Club – thanked those who have made contributions to the Hometown Heroes Banner Program and thanked those who donated to their drive for the Brockport Food Shelf. The banner program is coming along nicely. The food drive garnered 5 large boxes of food. Encouraged participation in the community appreciation open house on behalf of Bob and Debbie Ryan (Ryan’s Big M) being held January 15<sup>th</sup> from 3-7pm at the Elks Lodge at 4400 Sweden Walker Road. Read the following prepared statement:

This past year, as in other years, it has been the trend in Brockport to cast the Stetson Club (a public sector union) as the problem for the Village’s financial woes. This strategy is used to take the spotlight off the real causes for the state of the economy in Brockport and that is poor leadership. Is it right to

and talk of layoffs and have those comments made by Treasurer Mary Beth Lovejoy and only focus on the Brockport Police Department? Is it right to go after the only department in the Village that comes in under budget every year? Or to continue to go after the only union that gave money back during the last contract negotiations? To single out one department by Mary Beth was short sighted. Perhaps the Village will be looking at other areas to save money. I would hope this is the case. Perhaps one area to look at is the Treasurer's position. A position that was being done competently by two people prior to Mary Beth for about \$36 an hour combined and now is being done for over \$50 an hour.

The Stetson Club represents professional police officers in the Village of Brockport. Is it right to attack the benefits of those who lay their lives on the line day in and day out to protect our community? Ask our members who have had to retire prematurely due to disabilities related to their line of duty injuries if they can now support their families, their mortgages and their college loans for the children on their very "lucrative" State pension.

The answer is simple... we are public servants, NOT public enemies.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**CERTIFICATES OR PROCLAMATIONS:** None

**CONSENSUS ITEMS:**

- **APPROVAL OF MINUTES:** 10/27

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 that the minutes of the October 27, 2010 meeting be approved as written.

Clerk Morelli reminded the Board that final approval of the minutes of the August 3, 2010 meeting was still pending. The Board's approval was contingent on review of the meeting tape to verify if a couple of statements were made and if so, if they should be added to the minutes. The Village's video camera is still in the possession of the District Attorney's office.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, Mayor Castañeda, Deputy Mayor Kuhn, Trustee Hannan in favor, Trustees Blair and Hunsinger opposed, carried 3/2 that the minutes of the August 3, 2010 meeting be approved as written.

- **APPROVAL OF BILLS TO BE PAID**

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

A/P Clearing Account

	<u>Date Paid</u>	<u>Amount</u>
FUND (A): <u>General</u>	11/10/10	\$65,427.48
FUND (F): <u>Water</u>	11/10/10	\$1,169.67
FUND (H): <u>Capital</u>	-	-
FUND (T): -	-	-
		\$66,597.15 grand total

**CLERK & TREASURER REPORTS:**

- Clerk
  - Door to door peddling – Citizens Campaign for the Environment – 11/11 & 11/12

Clerk Morelli shared that Citizens Campaign for the Environment would be going door to door November 11<sup>th</sup> & 12<sup>th</sup>. They are exempt from needing a permit, but provide their information as a courtesy.

- Surrender of delinquent 2010 Village Taxes to Monroe County – Clerk Morelli referred to the information provided to the Board as to the properties that failed to pay their 2010 Village taxes. The surrender of unpaid 2010 Village taxes is due to the County. Each Board member must sign the certificate of surrender. The account of unpaid taxes, including interest through October 31, has been so compared and found to be correct. The total amount of the unpaid tax, including accumulated interest is: \$78,254.46 (\$72,457.84 unpaid Village tax and \$4,796.62 accumulated

interest). The amounts are re-levied onto the 2011 Town/County tax bills. The County forwards payment to the Village in April.

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→ Motion by Trustee Hunsinger, seconded by Deputy Mayor Kuhn, carried 5/0 via roll call authorizing said certificate of village tax surrender.

- Conference Room Use – Clerk Morelli shared that the conference room has been reserved by The Housing Council for a landlords and tenants seminar on Saturday, November 20<sup>th</sup> from 9am to 4pm and by the Ethics Board for a meeting Monday, November 22<sup>nd</sup> at 6pm.

- Treasurer
  - Budget Transfers Amendments –

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

Account Number	From: Description	Account Number	To: Description	Amount:
A3410.4260	FD new equip	A3410.4230	Air bottles	\$313.00

Purpose: allocate for new air bottles

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→ Trustee Hunsinger moved, Trustee Blair seconded, Mayor Castañeda in favor, Deputy Mayor Kuhn in favor, Trustees Blair, Hannan, Hunsinger opposed defeated 2/3 via roll call to authorize the following budget transfers / amendments.

Account Number	From: Description	Account Number	To: Description	Amount:
A2410.0000	Rental Prop	A2401.0000	Interest	\$4,100.00

Purpose: correct posting of original budget amount in the interest and earnings code

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→ Deputy Mayor Kuhn moved, Trustee Hannan seconded, Mayor Castañeda in favor, Deputy Mayor Kuhn in favor, Trustees Blair, Hannan, Hunsinger opposed defeated 2/3 via roll call to authorize the following budget transfers / amendments.

Account Number	From: Description	Account Number	To: Description	Amount:
A1990.4000	Contingency	A1325.4000	Clerk/Treasurer contractual	\$11,482.98

Purpose: allocation for clerk/treasurer contractual expenditure per board meeting 10/27/10

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

Account Number	From: Description	Account Number	To: Description	Amount:
A1990.4000	Contingency	A9050.8000	Unemployment	\$15,000

Purpose: allocation for unemployment insurance based on current information available per board meeting 10/27/10

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

Account Number	From: Description	Account Number	To: Description	Amount:
A2389.8000	Monroe Cty CDBG	A6410.4101	CDBG Façade Improvement	\$23,931.32

Purpose: payment for community block grant participants – flow thru funds

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→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 via roll call to authorize the following budget transfers / amendments.

Account	From:	Account	To:
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Number	Description	Number	Description	Amount:
A2701.0000	Refund of prior year			\$21,883.18
Purpose: reimbursement for workers compensation for C. Curley				

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Mayor Castañeda referred to a memo dated November 9<sup>th</sup> in which the Treasurer informed the Board that we have received approximately \$33,000 in reimbursement for workers compensation claims that were not in the budget. The Village has an obligation to place \$35,000 in the Fire Truck Reserve per the agreement with the towns involved. She suggests transferring the funds from the unappropriated fund balance to the Fire Truck Reserve in the amount of \$35,000 and that the cash be transferred from the Village cash in time account to the investment account for the Fire Truck Reserve.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, that the Treasurer be authorized to transfer funds from the unappropriated fund balance to the Fire Truck Reserve in the amount of \$35,000 and that the cash be transferred from the Village cash in time account to the investment account for the Fire Truck Reserve.

**Discussion:**

Trustee Hunsinger said he thinks it is better to put the money in the General Fund contingency. Then when we near the end of the fiscal year, move it to the Fire Truck Reserve. He said he is for the \$35,000, but he'd rather not lock it in until the end of the fiscal year.

Deputy Mayor Kuhn said this was unexpected, found money.

Trustee Blair questioned why there wasn't a Budget Transfer Amendment Form prepared on this to follow the new process.

**Call to Question:**

In favor: Mayor Castañeda

Opposed: Trustees Blair, Hannan, Hunsinger, Deputy Mayor Kuhn

Defeated 4/1 via roll call.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 via roll call to table to the next meeting and request Treasurer Lovejoy prepare a BTA to allocate the monies to the contingency line of the General Fund.

**DEPARTMENT REPORTS:**

- Building / Zoning / Code Enforcement
  -

- Police
  -

- Public Works
  -

- Fire / Ambulance / Dispatch
  - Dispatch – Trustee Blair shared that should dispatch be eliminated, a number of things need to happen since the Fire Hall would not be manned 24/7. These include a key fob system for access to buildings at a cost of \$15,000, MDT systems and radio equipment for each location at an unknown cost, fire alarm system at a cost of \$1,200. Estimated total cost is \$26,200. Trustee Blair said there is no language in the 2011 Fire contracts with Sweden and Clarkson regarding dispatch. The Towns knew that elimination of dispatch remained a possibility. He said this needs to be addressed.

- Paid Ambulance - Trustee Blair referred to discussion held at the November 9<sup>th</sup> work session as to the proposal to go from having the Career Staff Supervisor (Senior EMT Advanced) as a couple of part time positions, to having it be a single full time position. One benefit to the position being full time is that he or she could fill in holes in the schedule when an EMT or EMT-Advanced

cannot fulfill their scheduled shift. He said this often happens when the staff works jobs elsewhere and are offered overtime at those jobs. When we don't have sufficient staff to cover calls, we lose the call (and the revenue) to mutual aid or a commercial ambulance. It doesn't make sense to lose money and have to pay intercept fees. We could eliminate 2 part time Supervisors and 1 on duty staff by having 1 full time Supervisor. Trustee Blair said he is working closely with the Fire and EMS Chiefs on this and that there are still a few steps in the process.

Clerk Morelli will contact Civil Service to see if the current job specifications for Senior EMT Advanced will allow for full time.

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Mayor Castañeda asked Trustee Blair if they had met with Treasurer Lovejoy on this yet as to any financial implications. Trustee Blair said not yet, but they plan to do so soon. Mayor Castañeda referred to having asked Deputy Chief Henry for a breakdown of calls as to Village, Sweden, Clarkson.

Trustee Blair reminded the Board that they are still awaiting Village Counsel as to the matter of properly separating the ambulance from the Fire Department. He said the Village Attorney recently posed some questions to the Board on that matter that fit right in with this staffing proposal.

- Correspondence from Clarkson Supervisor – Mayor Castañeda read into the record the following received from Clarkson Supervisor Kimball today.

Mayor,

Last night the Town of Clarkson approved and signed the Fire Protection contract for 2011. Next Tuesday, November 16, 2010 we will be meeting with the Town of Sweden to review the committee report we received regarding the future of fire protection for the towns. In preparation for the meeting I need to know the Village's position on the following:

1. Should the Towns follow the committee's recommendation that a fire district be formed, will the Village be part of the fire district? As a note, this was recently accomplished cooperatively in the Villages of Spencerport and Hilton and their respective towns.
2. We need a formal written reply as to whether the Village will credit the towns for any surplus generated by 3<sup>rd</sup> party ambulance billing.
3. It has been rumored, that the Village is once again considering closing the dispatchers office. Is this correct? If so, this is a serious breach of good faith, as it was not discussed during the recent contract negotiations.

I look forward to the Village's reply.

Paul Kimball, Supervisor

Mayor Castañeda referred to Trustee Blair having mentioned the elimination of dispatch by year end at the last Board meeting. She said she questioned this as dispatch was included in the fire budget that he and Trustee Hunsinger work on with Deputy Fire Chief Henry and which fire contracts were based on. She said she would like to make it clear that unless new contracts are negotiated with the Towns, local dispatch remains. The time to do it was prior to finalizing contracts.

Trustee Blair questioned there being money in the budget for dispatch after January 1<sup>st</sup>. Trustee Hunsinger concurred.

Mayor Castañeda reminded the Board that when they tried to eliminate dispatch last winter, the Towns hired legal counsel threatening breach of contract.

- **PERSONNEL**
  - Terminations
    - Resignations –
      - James D. Bell, Esq. – Historic Preservation Board

→ Motion by Deputy Mayor Kuhn, seconded by Trustee Hannan, carried 5/0 to accept with regrets the resignation of James D. Bell, Esq. from the Historic Preservation Board.

- Retirements - none
- Terminations - none
- Vacancies – none
- Appointments
  - Lynda A. VandenBerg, Esq. – Historic Preservation Board

→ Motion by Trustee Hunsinger, seconded by Trustee Hannan, Deputy Mayor Kuhn abstained, carried 4/0/1 to appoint Lynda A. VandenBerg, Esq. to the Historic Preservation Board to complete a three-year term in progress to June 30, 2012.

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- Volunteer Drops/Addds
  - Fire / Ambulance –

→ Motion by Trustee Hunsinger, seconded by Trustee Blair, carried 5/0 to approve the following drops: Heidi McKay, Nichole Green, Deanna Kepler, Bruce Butler; and the following add: Ian Newville to fire only.

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

**OLD BUSINESS:** None

**NEW BUSINESS:**

- Technical Service Support agreement w/ Medtronic re 8 AED's & 3 Lifepack 1,200's – Mayor Castañeda referred to the Medtronic 5-year service agreement for \$27,760 regarding 8 AED units and 3 Lifepack 1,200 units. She asked if the Board wished to approve it and authorize the Mayor to execute it.

→ Motion by Trustee Hunsinger, seconded by Trustee Blair, to approve and authorize the Mayor to execute the service agreement with Medtronic regarding 8 AED units and 3 Lifepack 1,200 units.

Discussion:

As to whether the funds are in the budget for such and that per the purchasing and procurement policy, the dollar amount is over the threshold which would require going out to bid.

→ Motion by Trustee Blair, seconded by Trustee Hunsinger, to rescind the motion and to instead authorize going out to bid once Deputy Chief Henry provides Clerk Morelli with the bid specifications.

- Annual agreement w/ Strong URMC EAP (Employee Assistance Program) – Mayor Castañeda referred to the annual agreement and commented that in her conversation with Clerk Morelli, this may be another place where we can consolidate and use a single vendor/provider. She asked Clerk Morelli to explain.

Clerk Morelli shared that for many years the Village used Employee Health Systems for all of its employees and Fire/Ambulance volunteers for EAP services. Then several years ago the Fire/Ambulance and Police switched to using Strong URMC as they are more geared to assisting emergency responders. According to the Strong representative, the contract mentions only Brockport Fire Department, as apparently Chief Varrenti opted to discontinue use as a cost saving measure. However, not being aware of this, the Police Department personnel were not factored in to the number of employees covered through the other vendor, EHS that continue to provide services as needed for non-emergency and non-union personnel. Further, Clerk Morelli shared that in speaking with Treasurer Lovejoy, the EAP contracts do not run on the Village's fiscal year. Therefore, she contacted Strong URMC to request a contract expiration of May 31, 2011. She has contacted EHS to request that the next contract with them be changed to the fiscal year. That one is good from August 1, 2010 to July 31, 2011. Both providers are willing to provide quotes on being the sole provider. She would be happy to follow up with them prior to the expiration of the contracts.

→ Motion by Trustee Hunsinger, seconded by Trustee Blair, carried 5/0 to approve and authorize the Mayor to execute the contract with Strong URMC for the Brockport Fire Department for \$1,721.16 (based on 150 people x \$19.67 for 7 months) from November 1, 2010 to May 31, 2011.

- Proposed amendments to Village Code Chapter 34 (Parking) –

→ Motion by Trustee Blair, seconded by Trustee Hunsinger, carried 5/0 to schedule a public hearing on December 22, 2010 on the amendments proposed by the Code Review Committee to Village Code Chapter 34 (Parking).

- Notification of employees re potential future staff reductions – Mayor Castañeda said as was mentioned at a recent meeting, the new Stetson Club contract requires 6 months notice for possible layoffs. For example, notice to employees in January could have an impact in July. Should the Village be in the unfortunate position to have to consider layoffs, it would be wise to provide notice to all employees in advance. There are many Civil Service implications involved with competitive positions

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including 60-day notice to Civil Service prior to notifying employees. Mayor Castañeda asked the Board if they wished to consider a motion to direct the Clerk to notify Civil Service of this possibility, or do they wish to table this to a future meeting.

→ Motion by Trustee Hunsinger, seconded by Trustee Blair, to table

**Discussion:**

Mayor Castañeda said it is important to keep in mind that tabling just delays any financial impact layoffs could achieve.

Deputy Mayor Kuhn said he is not sure the simple generalized letter he drafted for Board consideration would provide the required specificity to meet the contract requirements. However, he knows time is of the essence as budget planning will soon be underway.

Trustee Hunsinger said we went from a sky is falling type comment to a proposed letter to the Clerk informing the Board of the need for Civil Service involvement. He said it seems that some are leaping before they look or are shooting before they aim rather than doing the homework and getting it right.

Trustee Blair concurred and considers it shoot from the hip mentality. He said from his understanding layoffs many years ago in the Police Department helped lead to the overtime costs of today. Everyone can do the math. It's not hard to figure out.

Deputy Mayor Kuhn said the majority of the Village's budget is payroll and benefits related. If cuts are to be made, some form of notification process needs to take place. He said he has no specific layoffs in mind. He just doesn't want to handicap the budget process before it begins. He agreed it is important to do this correctly and it is clear that will not happen tonight.

Trustee Blair thanked Clerk Morelli for providing the accurate process information and recommended the Board review it.

**VILLAGE BOARD REPORTS:**

Mayor Castañeda reminded the Board that this portion of the agenda is simply for Board members to report on areas they are liaison to, areas they have been investigating or researching and functions they have attended. It is not meant for new business or motions to be brought to the floor. She encouraged all to adhere to the recently amended meetings procedures.

- Mayor M. Connie Castañeda

- Canal Mural – Mayor Castañeda shared that on November 7<sup>th</sup> she attended the dedication of the canal mural on the façade of the Lift Bridge Book Shop and presented certificates to the illustrator of the book the mural was based on, to the muralist and to his assistant. The mural is a nice addition to our downtown historic commercial district.

- Make A Difference Day – Mayor Castañeda shared that she gave a certificate of recognition to SUNY Brockport's Cheyenne Sylvestre for her efforts coordinating the recent Make A Difference Day in which students volunteered cleaning up throughout the community. Cheyenne was invited, but unable to attend the meeting to accept the certificate in person.

- Seymour Library - Mayor Castañeda shared that on November 8<sup>th</sup> she met with the Town Supervisors regarding a personnel matter at the Seymour Library. She will apprise the Board in executive session.

- Holiday Kickoff Weekend - Mayor Castañeda encouraged everyone to take a flyer or download one from the Village website and participate in the various events planned for the weekend of December 3 – 5. She encouraged all to support the local merchants this holiday season.

- Landmark Society Special Achievement Award - Mayor Castañeda shared that she just learned that Brockport's own Bill Andrews will be receiving the Landmark Society's Special Achievement Award at the annual meeting and reception this Sunday. She is unable to attend, but wishes to congratulate Bill and said his many efforts in the community do not go unnoticed.

- Trustee / Deputy Mayor Daniel P. Kuhn

- Tree Board – Deputy Mayor Kuhn said he will be working with the Tree Board on the Emerald Ash Borer issue and on creating a priority list of what needs to be done and when it needs to be done. They will also be looking into Trustee Blair's suggestion on the cost and process of getting

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a DPW employee certified for pesticide application to possibly be able to apply the chemicals ourselves rather than contract with SUNY to do so.

- Mom's Club Gift Away - Deputy Mayor Kuhn shared that the Mom's Club of Brockport Gift Away will be held December 3 and 4 at the Senior Center. They have been collecting toys and clothing for families in need. There are no specific economic requirements to be eligible for the gifts.

- Trustee Kent R. Blair

- Agenda Items – Trustee Blair asked for clarification on how the agenda is generated. Clerk Morelli shared that she sends out a reminder notice to Village Board members, Department Heads, and Treasurer of the deadline for them to submit items and supporting materials to her. The deadline is by Noon the Friday before the Wednesday meeting. Then she puts this together and shares with the Mayor. Then the Mayor either has her contact folks for clarification or approves the agenda as submitted. It has been customary that the Mayor has the final say on the agenda. By either end of day Monday or Noon Tuesday before the Wednesday meeting, the agenda and packet are forwarded to the Board. The agenda is also forwarded to the Department Heads and Treasurer, posted to the Village website, and made available at Village Hall. If an item is suggested for executive session, it is not specifically listed on the agenda.

Mayor Castañeda stated that the agenda holds a purpose to those holding the meeting and to the public. It should make everyone aware of what the topics are so that the Board and Staff have time to review and prepare. It should also be a courtesy to the public as many decide whether they wish to attend a meeting based on the agenda items.

- Parking – Trustee Blair noticed that Karen Maynard was in the audience and commented that her suggestion about parking permits for residents who live above the storefronts on Main Street in the downtown historic commercial district is being considered.

- Ad hoc committee investigating feasibility of a code enforcement points and penalties system - Trustee Blair shared that the committee has done a lot of research and it is clear that it is important to take steps to strengthen code enforcement. He said he and Trustee Hunsinger reached out and met with the Gates Police Chief. The Gates Police Department now oversees Gates Code Enforcement. It has added more eyes to code enforcement. This concept was discussed with Code Enforcement Officer Zarnstorff and Police Chief Varrenti and was discussed at the Board's work session last night. This coupled with a points and penalties system could make for more consistency. The Town of Gates has one Code Enforcement Officer, but all Police Officers provide support. His recommendation will be to move Code Enforcement under the Supervision of the Police Chief. The CEO would better be able to do community outreach, would have an organized route, would have checks and balances, and would have police assistance. It would be a positive and professional re-branding with the CEO vehicle being lettered and S. Zarnstorff and L. Vaughan in their uniforms.

Mayor Castañeda asked if they are still researching. Trustee Blair said yes. He said this is an organizational change that will not cost more. It will give the CEO the support he needs. It will give him

a supervisor here for guidance full time day to day. Trustee Blair said it is no one's fault, but the Mayor works full time as to most of the Board members who are simply not here to provide what's needed.

Mayor Castañeda said S. Zarnstorff's Civil Service title is Building Inspector and that the Mayor directs and supervises the position. She said one Department Head cannot supervise another Department Head. Further, it is unlikely that the Mayor's powers can be diminished. This needs further research.

Mayor Castañeda asked if it was just Trustees Blair and Hunsinger who met with Gates Police Chief DiCaro. Trustee Blair said Police Chief Varrenti did as well. Mayor Castañeda said she wished to discuss this further in executive session.

- Trustee Carol L. Hannan
  - Liaison report re Brockport Merchants Association – Trustee Hannan thanked the Board for their personal donations and shared that the BMA accepted their membership as non-merchants and were happy to do so. From 6pm to 9pm on Friday, November 19, many merchants will be participating in "Night Out for Charity" in which a percentage of sales will go to support many local charities and community organizations. Many merchants will be offering specials and such during the Village's holiday kickoff weekend December 3 through 5. She encouraged everyone to support the local merchants. Trustee Hannan shared that she made it her personal project to purchase, light and decorate wreaths for the historic downtown commercial district. She showed a couple of samples of her

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work. These should last a number of years and save money as opposed to fresh wreaths each year. She reported that the lights that were on the trees downtown got chopped up by the State's tree trimmers.

- DPW cost cutting suggestions – Trustee Hannan reported that she shared with the Board at their work session suggestions for DPW cost cutting which include contracting out mowing and creating an emergency snowplow driver list. These would be hourly snow plow operators who could help out in an emergency. DPW has limited staff and extended heavy snow events cause safety concerns and overtime costs.

- Update on Ad-hoc committee investigating the feasibility of a sewer user fee – Trustee Hannan reported that the committee has been meeting regularly. The Village's sewer system is aging and stressed. They have reviewed the 1907 initial map. Much of the system is in need of repair now and some will need repair in the future. There are approximately 300 manholes that need to be inspected and repaired. Some may need to be replaced. Upkeep and repairs for sewer are currently funded through property taxes. However, there are inequities with that method. Single occupancy in a highly assessed home subsidizes a lesser assessed home with many occupants. Tax exempt properties that use the system don't support it financially. Snowbirds, seniors who go away for the winter, don't use the system for months, but pay for it year round. Trustee Hannan said there are various ways to handle a sewer fee. One is a flat fee. However, a flat fee wouldn't take into account water usage. One is EDU – equivalent dwelling units. This is where every water user is an EDU. A single family would be 1; a two-family would be 2, etc. She said Clayton has a long list of EDU's including even their opera house. The EDU method has the potential to be controversial and complicated. Many municipalities have sewer fees and many are based on water consumption – so much per 1,000 gallons of water used. If sewer fees are based on water consumption, it would give residents motivation to conserve water. She said the committee is crunching the numbers. She noted that large tax exempt properties include Brockport Middle School and Lakeside Memorial Hospital. However, SUNY is not part of the Village's sewer system.

- Suggested moratorium on conversion of single family homes to rental units – Trustee Hannan said she has reviewed the Town of Sweden / Village of Brockport Comprehensive Plan and it says very little on existing structures and focuses on new structures and development. She and many in the community continue to be concerned of the proliferation of residential rentals and their impact on the Village.

→ Motion by Trustee Hannan, seconded by Trustee Blair:

**PROPOSED RESOLUTION**

ON MOTION DULY MADE AND SECONDED,

WHEREAS, the Village of Brockport wishes to preserve, to the extent possible, the current status of Village housing stock and carefully consider ways to best implement and achieve the goals asserted in the Town of Sweden / Village of Brockport Comprehensive Plan as amended May 3<sup>rd</sup> 2005, in order that the best possible oversight and review processes and procedures may be applied for the purpose of preserving and protecting the continued community character, consistent with that Comprehensive Plan;

WHEREAS, the Village of Brockport is reviewing the Village resources, current zoning and land use regulations, and the desires of the residents and property owners of the Village regarding the achievement of the goals set forth in the Comprehensive Plan, and in its Planning, Zoning, and Building Codes, and other relevant laws, as they may apply;

WHEREAS, the Village of Brockport has commenced litigation concerning the unlawful conversion of residential properties to multiple unit rental properties, and has undertaken a total revision of Chapter 36 of its Code - Minimum Housing and Building Code - to include provisions for Residential Rental property registrations; and the Village of Brockport has considered certain changes to its Zoning Code, including the Amortization of Non-Conforming uses, and Point Penalty enforcement provisions; all for the purpose of striking a proper balance between the amenities of living in traditional single family residential neighborhoods, and the rental unit requirements of the Village of Brockport, consistent with the public health, safety and welfare, and the aims and intent of the Town of Sweden/Village of Brockport Comprehensive Plan, as amended May 3, 2005;

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WHEREAS, the Zoning Codes and regulations of the Village of Brockport currently written may be inadequate to address certain applications for approval of some land uses. The proliferation of the conversion of residential or commercially used premises into residential rental properties within the Village of Brockport can have dramatic and long-term impacts on the public health and safety, quality of life, environment, natural resources, public infrastructure and revenue base of the Village of Brockport. In addition, land use regulations regarding rental properties may have other significant consequences including a broad effect on the economic values of adjoining lands. Each of these impacts, as well as others, requires evaluation to determine the extent to which such matters can and should be regulated.

BE IT RESOLVED THAT A LOCAL LAW IN THE FORM ATTACHED HERETO FOR A TEMPORARY MORATORIUM OF SIX MONTHS DURATION PROHIBITING THE CONVERSION OF SINGLE FAMILY RESIDENTIAL PROPERTIES AND/OR COMMERCIAL PROPERTIES TO RESIDENTIAL RENTAL USE BE SET DOWN FOR PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES OF THE VILLAGE OF BROCKPORT ON DUE NOTICE TO BE HELD ON THE 22<sup>nd</sup> DAY OF DECEMBER, 2010;

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BE IT FURTHER RESOLVED THAT COPIES OF THE LOCAL LAW FOR A TEMPORARY MORATORIUM OF SIX MONTHS DURATION PROHIBITING CONVERSION OF SINGLE FAMILY RESIDENTIAL PROPERTIES AND/OR COMMERCIAL PROPERTIES TO RESIDENTIAL RENTAL USE BE "SET DOWN ON THE TABLE" FOR THE BOARD OF TRUSTEES AND EACH MEMBER THEREOF TO REVIEW (OR BE DISTRIBUTED TO EACH MEMBER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BROCKPORT) NOT LATER THAN THE 10<sup>th</sup> DAY OF NOVEMBER, 2010.

BE IT FURTHER RESOLVED THAT THE TEMPORARY RESIDENTIAL RENTAL CONVERSION MORATORIUM LOCAL LAW BE MADE AVAILABLE FOR PUBLIC REVIEW BY PUBLICATION IN THE Suburban News ON THE 22<sup>nd</sup> DAY OF NOVEMBER, 2010, AND ON THE VILLAGE WEBSITE BEGINNING ON THE 22<sup>nd</sup> DAY OF NOVEMBER, 2010, AND THAT PAPER COPIES THEREOF BE AVAILABLE FOR DISSEMINATION TO THE PUBLIC AT THE VILLAGE OFFICES ON THE 22<sup>nd</sup> DAY OF NOVEMBER, 2010;

BE IT FURTHER RESOLVED THAT THE TEMPORARY RESIDENTIAL RENTAL CONVERSION MORATORIUM LOCAL LAW BE REFERRED TO THE COUNTY OF MONROE PLANNING BOARD PURSUANT TO NY GENERAL MUNICIPAL LAW 239-M, NOT LATER THAN THE 22<sup>nd</sup> DAY OF NOVEMBER, 2010;

**PROPOSED  
A LOCAL LAW IMPOSING A MORATORIUM ON CONVERSION OF RESIDENTIAL OR COMMERCIAL PROPERTIES INTO RENTAL RESIDENCES WITHIN THE VILLAGE OF BROCKPORT**

WHEREAS, the Village of Brockport has commenced litigation concerning the unlawful conversion of residential properties to multiple unit rental properties, and has undertaken a total revision of Chapter 36 of its Code - Minimum Housing and Building Code - to include provisions for Residential Rental property registrations; and the Village of Brockport has considered certain changes to its Zoning Code, including the Amortization of Non-Conforming uses, and Point Penalty enforcement provisions; all for the purpose of striking a proper balance between the amenities of living in traditional single family residential neighborhoods, and the rental unit requirements of the Village of Brockport, consistent with the public health, safety and welfare, and the aims and intent of the Town of Sweden/Village of Brockport Comprehensive Plan, as amended May 3, 2005;

WHEREAS, The Village of Brockport wishes to preserve, to the extent possible, the current status of Village housing stock and carefully consider ways to best implement and achieve the goals asserted in the Town of Sweden / Village of Brockport Comprehensive Plan as amended May 3<sup>rd</sup> 2005, in order that the best possible oversight and review processes and procedures may be applied for the purpose of preserving and protecting the continued community character, consistent with that Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Brockport as follows:

**Section 1. PURPOSE**

The Zoning Codes and regulations of the Village of Brockport currently written may be inadequate to address certain applications for approval of some land uses. The proliferation of the conversion of residential or commercially used premises into residential rental properties within the Village of Brockport can have dramatic and long-term impacts on the public health and safety, quality of life, environment, natural resources, public infrastructure and revenue base of the Village of Brockport. In addition, land use regulations regarding rental properties may have other significant consequences including a broad effect on the economic values of adjoining lands. Each of these impacts, as well as others, requires evaluation to determine the extent to which such matters can and should be regulated.

The Village of Brockport is reviewing the Village resources, current zoning and land use regulations, and the desires of the residents and property owners of the Village regarding the achievement of the goals set forth in the Comprehensive Plan, and in its Planning, Zoning, and Building Codes, and other relevant laws, as they may apply.

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In order to provide an opportunity to perform this task, there shall be a moratorium on the issuance of any permit, variance, or other authorization of any kind by the Village of Brockport for a period of six (6) months from the date of the filing of this local law with the Secretary of State, except as hereinafter set forth concerning pending applications at the time of enactment, which would allow for the conversion of residential or commercially used premises in the Village of Brockport into residential rental properties as defined by the codes of the Village of Brockport.

### **Section 2. AUTHORITY**

This moratorium is enacted by the Board of Trustees of the Village of Brockport pursuant to its authority to adopt local laws under the New York State Constitution Article IX , and Article III of the Municipal Home Rule Law.

### **Section 3. ENACTMENT OF TEMPORARY MORATORIUM**

For a period of six (6) months following enactment of this Local Law, the Code Enforcement Office of the Village of Brockport is prohibited from accepting any application for, or issuing any permit for the conversion of a single family house or commercial building to residential rental units; the Zoning Board of Appeals shall not grant any variances, nor shall any other Board of the Village of Brockport grant any permit, authorization or approval of any kind which would allow for the conversion or use of any single family residence and/or commercial building to be used, modified or authorized to be used as a residential rental dwelling.

Excluded from this moratorium are pending applications for such residential conversion and/or uses that have been submitted more than forty-five (45) days prior to the enactment of this local law (defined as the date of filing of the local law with the office of the NYS Secretary of State), and/or any proposals contained in a Q RESIDENTIAL District or Q RESIDENTIAL District overlay. Further, this moratorium shall not prevent or prohibit the use of any legally established residential rental property (as of the date of enactment of this local law) or the ordinary maintenance or repair thereof.

### **Section 4. EARLY TERMINATION OR EXTENSION OF THIS LOCAL LAW**

In the event that any new Local Law which addresses the substantive issues set forth herein, is enacted and adopted by the Board of Trustees prior to the date that the moratorium provided for by this Local Law expires, then in such event this local law moratorium shall expire on the date such new Local Law takes effect in accordance with Article 21 of the municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the enactment of this Local law, it shall be determined by a finding of the Board of Trustees that an extension of this moratorium is required, then the Board of Trustees by Resolution, may extend this moratorium for such a period of time as it deems necessary in order to fulfill the findings heretofore made by the Board of Trustees, up to including an additional four (4) months from the date of the original intended expiration of this Local Law.

### **Section 5. CONFLICT WITH STATE STATUTES AND AUTHORITY TO SUPERSEDE**

To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control.

### **Section 6. APPEALS**

Any person desiring an exemption from the temporary moratorium imposed by this Local Law shall present a waiver request to the Board of Trustees of the Village of Brockport, and the Board of Trustees shall have discretion to grant such waiver only after a public hearing of such waiver has been held.

In granting a waiver the Board of Trustees must find that a waiver will not adversely affect the purposes of this local law or the health, safety, or welfare of the residents of the Village of Brockport.

If the Board of Trustees grants a waiver, the Code Enforcement Office will then be authorized to receive applications, issue permits, inspect the premises, and/or issue Certificate of Occupancies in conformity with the law as it is in effect at the time of its issuance. Similarly, the Zoning Board of Appeals shall be authorized to take action within its jurisdiction not inconsistent with the terms of any waiver granted by the Board of Trustees.

### **Section 7. SEVERABILITY**

If any part of this Local Law is deemed by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

### **Section 8. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State.

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Discussion:

Mayor Castañeda said she had Clerk Morelli contact NYCOM and while they could not find any examples of a moratorium for this purpose, they provided a few samples and a guide book on moratoriums in general. The Board received a copy of this. She suggested taking the time to review it and consult counsel. NYCOM strongly encourages the Village to work closely with the Village Attorney.

Trustee Hannan said counsel was consulted – Deputy Village Attorney Frank Aloï.

Mayor Castañeda said Frank Aloï is not the Village Attorney and was not reappointed as Deputy Village Attorney. He continues to work only on the Webster litigation. The Board moved to have him assist the Ad-Hoc Committee investigating the feasibility of Code Enforcement Points and Penalties a couple of months ago. This was contingent on his getting back to us with his fees for Board consideration. To date, he has not done so. Mayor Castañeda said she is extremely concerned that F. Aloï’s services were engaged without proper authorization. Board members do not possess any power in their individual capacities to enter into contracts or other agreements or to approve payment on behalf of the municipality. Any officer of person who assumes to create a liability or appropriate money or property of the Village without authority is personally liable either for the debt or to the Village for the money or property.

Mayor Castañeda said she has further concerns that information is not being shared with the entire Board and appropriate staff and of a possible conflict of interest of Trustee Hannan.

Trustee Hannan said if anyone has a conflict of interest it is the Mayor, as she is known to share information with her boyfriend, a leading landlord. Trustee Hannan said the Mayor should recuse herself.

Deputy Mayor Kuhn said Trustee Hannan buys and flips houses, so it could be considered a conflict of interest that she is trying to eliminate the competition.

Trustee Hannan said she is no longer in possession of any “flips” and has no plans to do any more.

Mayor Castañeda said nothing is before the Board. If so, she would recuse herself. The litigation regarding Village Code Chapter 36 between the Landlords Association and the Village is being handled in Court. She said she has no involvement.

Trustee Hannan said she is currently referring to an application the Mayor’s boyfriend has before the Planning Board in December to allow rental apartments at a property he acquired.

Mayor Castañeda said that is before the Planning Board, not the Village Board.

Trustee Blair and Deputy Mayor Kuhn suggested moving on.

→ Motion by Trustee Blair, seconded by Deputy Mayor Kuhn to table this to a future meeting.

Discussion:

Attorney Leone said you can’t discuss a tabling motion.

Call to question:

Trustee Blair	yes
Trustee Hannan	no
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	yes

Carried 4/1 to table to a future meeting.

Trustee Hunsinger said he is inclined to be in favor of the moratorium, but shared that his vote to table is to have the Village Attorney of record review and advise on the proposed moratorium. It is important that this is done right.

- Trustee Scott W. Hunsinger
  - Monroe Ambulance – Trustee Hunsinger reminded the Board that last year negotiations were under way to charge Monroe Ambulance for the space they occupy at the Market Street Fire Hall. A contract wasn’t agreed upon and it was dropped. In the meantime, Monroe

Ambulance raised its rates significantly, but is still not paying for space. The correct figures have been figured out for occupying the space. This should be addressed as we move forward, and retroactively if possible. He will look to get rates from others.

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- Treasurer - Trustee Hunsinger commented that he is not happy with some of the answers to some questions posed to the Treasurer such as the overtime line. This Treasurer is part time and is paid \$51 per hour. He said he wants the finances to be more open and transparent, but the lines are not there to readily see such things as overtime. He referred to excel spreadsheets that the Police Department and DPW keep on their own. He said the Treasurer has indicated being opposed to creating spreadsheets and using any other method than the Village's financial software. He understands there may be more time involved and that there is a concern of human error transferring data onto spreadsheets. However, the Board and Staff need a unified device that is clear and easily understandable.

Trustee Blair concurred and suggested the Village shave one point off its tax levy by not paying the Treasurer \$51 per hour. He said the current Treasurer will not be getting his vote for 2-year reappointment in July. He suggested Mayor Castañeda start planning alternatives.

- Update on Ad-hoc committee investigating the feasibility of a Village Court - Trustee Hunsinger said many of the intangibles are becoming clearer and that the committee will be prepared to do a Power Point presentation at the December 22<sup>nd</sup> Board meeting.

- Code Enforcement – Trustee Hunsinger said they are continuing to do their homework on ways to enhance Code Enforcement.

**EXECUTIVE SESSION:**

→ At 8:35pm, Mayor Castañeda moved, Trustee Blair seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into executive session to discuss a personnel matter related to the Police Department, a personnel matter related to the Library, and correspondence from the Ethics Board.

→ At 9:33pm, Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 that the Board of Trustees re-enter the regular meeting.

**ADJOURNMENT:**

→ At 9:33pm, Trustee Hunsinger moved, Mayor Castañeda seconded, carried 5/0 that the meeting be adjourned.

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Leslie Ann Morelli, Village Clerk