

**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, January 4, 2010 at 7:00pm.**

**PRESENT:** Deputy Mayor Christopher R. Martin, Trustee Kent R. Blair, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli

**EXCUSED:** Mayor M. Connie Castañeda, Treasurer Gina M. Tojek, DPW Superintendent Harry G. Donahue, Police Chief Daniel P. Varrenti, Building/Zoning Officer Scott C. Zarnstorff, Village Attorney Michael Leone, Fire Chief Scott Smith

**ALSO PRESENT:** Jim & Joan Hamlin, Tony Perry, Dave Moore, Bruce Hovey, Brian Winant, John Bush, Scott Rightmyer, Zachary Marrow, Sandy VanDervort, Jonathan Keck, Adam Rich, Francisco & Linda Borrayo, Norm Giancursio, Fred Webster, Roger Smith, Ed Spade, and Clarkson Town Board members: Paul Kimball, Christa Filipowicz, Sheldon Meyers

**CALL TO ORDER:** Deputy Mayor Martin 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.”

**APPROVAL OF MINUTES OF PREVIOUS MEETING:** Deputy Mayor Martin called for any additions or corrections to the minutes of the last meeting.

➔ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 that the minutes of the meeting held December 21, 2009, be approved as written.

Later in the meeting after recalling a couple of suggested corrections:

➔ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 to amend the above motion and that the minutes of the meeting held December 21, 2009, be approved as amended.

**AUDIT – PAY BILLS:**

➔ Trustee Blair moved, Trustee Hunsinger seconded, unanimously carried 4/0 that the bills be allowed and paid upon audit.

A/P Clearing Account Check # 000167 - 000209

|   | <u>Date Paid</u> | <u>Amount</u>       |                      |
|---|------------------|---------------------|----------------------|
| FUND (A): General                                 | 12/30/09         | \$66.49             |                      |
| (Includes fire & ambulance 3 <sup>rd</sup> party) | 01/05/10         | \$114,221.66        |                      |
|   |                  | <b>\$114,288.15</b> | <b>Total General</b> |
| FUND (F): Water                                   | 01/05/10         | \$10,359.62         |                      |
|   |                  | <b>\$10,359.62</b>  | <b>Total Water</b>   |
| FUND (H): Capital                                 | 12/22/09         | \$422,237.03        |                      |
|   |                  | <b>\$422,237.03</b> | <b>Total Capital</b> |
|   |                  | <b>\$546,884.80</b> | <b>Grand Total</b>   |

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT:**

Deputy Mayor Martin asked public to limit their remarks to 5 minutes and address the entire Board and not one individual Board member.

1. Tony Perry – introduced himself as a Village taxpayer but not a Village resident, and said he cannot honor Deputy Mayor Martin’s request to address the entire Board as this Board does not work united, it is a public meeting and there is such a thing as freedom of speech. He said elected officials were elected to act in the best interests of the Village. At a recent Board meeting he urged the Board to work

together to solve the Village dire financial problems. In that same meeting he witnessed an outlandish display of disrespect by Trustee Legg who went on for 15 minutes having compiled a list of things not accomplished by the Mayor in her first few months in office. He said he feels it was a slap in the face to the Mayor and to the voters. Then at the last meeting, 2 Department Heads corrected the Mayor's figures regarding the salary of the part time Police Department Clerk and the part time Building Inspector/Code Enforcement Officer. He reminded the Board that the hiring of the part time PD clerk and the re-instatement of the part time BI/CEO after 2 months pulled off duty, came after the Village's financial woes were known and the Mayor suggested a hiring freeze. He further suggested considering sharing Building Inspector/Code Enforcement services like the Town of Gates does with the City of Rochester. He questioned the need for a full time and part time BI/CEO. T. Perry referenced ~\$182,000 in cuts to the Police Department made at the last meeting and wondered if this was by a united Board or only a few with select community members. He referenced the \$900,000 shortfall and that the State requires 6 months of operating expenses in reserve. Therefore, that \$900,000 could really be \$1.6 million. He stated that there may be litigation from the Towns of Clarkson and Sweden regarding not restoring the surplus Fire Department funds. This will come with attorney costs. He suggested the Village hire a professional to look at the Village's financial situation and do the math. Even if Village taxes are raised 25% and sewer fees are imposed. Those things plus the new water rates will not happen quick enough to help that shortfall. The public needs to be kept informed about the financial problems. He said he believes the Board made 2 mistakes recently. The first is not settling the issue of surplus Fire Department funds. Two motions were made to repay the Fire Department accounts. One option was to amortize over a period of 5 years and the other was to amortize over a period of 3 years. Three Board members were opposed to putting the monies into the proper account. This was a slap in the Towns faces. The second is not voting for the Fire Department contracts. The fallout felt by the volunteers is immense. Those volunteers are fighting a fire in the cold as we speak. He believes 3 Trustees are clearly causing a division of the Board.

Deputy Mayor Martin reported that Brockport Fire Department responded this evening to a house fire at 173 Main Street.

**GUESTS:** None

**DEPARTMENT REPORTS: (All Department Heads are in attendance the 2<sup>nd</sup> meeting of each month)**

A. PUBLIC WORKS – Superintendent Harry G. Donahue (excused)

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Request Executive Session per 105.1(e) – collective negotiations –

**Executive Session:**

⇒ At 7:10pm, Trustee Legg moved, Trustee Hunsinger seconded, unanimously carried 4/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss (e) “collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law)” - regarding Stetson Club negotiations. Board invited Chief Varrenti into executive session.

⇒ At 9:00pm, Trustee Hunsinger moved, Trustee Blair seconded, unanimously carried 4/0 that the Board of Trustees re-enter the regular meeting.

C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff (excused)

D. FIRE / AMBULANCE / DISPATCH - Chief Scott Smith (excused)

1. 2009 Fire Service Payments – Deputy Mayor Martin shared that the Town of Sweden fulfilled its 2009 Fire Service payments, but that the Town of Clarkson had not made its fourth and final 2009 installment that was due December 15<sup>th</sup>. He asked Clarkson Supervisor Kimball who was in the audience for payment status. Supervisor Kimball said he would have to check on that when he returned to his office.

E. TREASURER – Gina M. Tojek (excused)

F. CLERK - Leslie A. Morelli

1. Hawking - Peddling Permit renewal application – Gateway Energy Service – Clerk Morelli reviewed the application and reminded the Board that the applicant had a 6 month permit that expired December 31<sup>st</sup>. The applicant has paid the 1 year permit fee of \$500 which would cover all of 2010. She said she contact Police Chief Varrenti as to whether there were any concerns or complaints registered and there were not. Deputy Mayor Martin referred to confirmation of such by Chief Varrenti included with the application materials.

→ Trustee Blair moved, Trustee Legg seconded, unanimously carried 4/0 to grant the 1 year hawking and peddling permit.

2. 2010 Events Schedule – Clerk Morelli shared that she sent out her annual notice today to various community groups soliciting information by the end of February of any 2010 events to be held within the Village limits and open to the public.

G. VILLAGE MANAGER – (vacant)

H. ECONOMIC DEVELOPMENT COORDINATOR – (vacant)

I. VILLAGE ATTORNEY – Michael Leone, Esq. of Harris, Chesworth, O'Brien, Leone, et al. (excused)

**VILLAGE BOARD REPORTS:**

A. Mayor M. Connie Castañeda (excused)

1. Consideration of proposed 2010 Educable Agreement – No discussion or action. No funds in that budget line to renew such agreement.

Volunteer videographer John Bush shared that he has made contact with the appropriate party at Time Warner Cable and arranged for his meeting tapes to be aired on Channel 12 – likely every other Thursday evening at 7pm.

2. Consideration of Monroe County Council of Governments (COG) call to action – health care consortium – Clerk Morelli referenced the Call to Action from Pittsford Supervisor Bill Carpenter to members of COG which is made up of Monroe County Town Supervisors and Village Mayors. It is in regards to the formation of a health care consortium as the cost of medical benefits has become a major burden on all municipal budgets. The call to action is to pursue the formation of a Health Insurance Benefits Consortium of at least 500 insured individuals in time for the renewal of health care benefits for 2011. He asked Supervisors and Mayors to determine if they would be serious in coming to the table with the intent of being a participant in the formation of this consortium. Clerk Morelli said the Village of Brockport is just shy of the current law that requires a minimum of 50 eligible lives to participate (employees and retirees under age 65), but believes it would be worthwhile to be a part of this conversation.

Trustee Legg shared that Genesee County does something similar and it was favorable. He said the Village did something similar with workers compensation a few years ago. Clerk Morelli said that is correct. The Village of Brockport is part of what was the Monroe County Municipal Workers Compensation Plan that is now the Upstate New York Municipal Workers Compensation Program. Great savings have been realized.

→ Deputy Mayor Martin moved, Trustee Legg seconded, unanimously carried 4/0 to forward response to Supervisor Carpenter that the Village of Brockport would be interested in the possibility of participating in the formation of a health insurance benefits consortium.

3. Consideration of letter of home rule – pursuit of Library district – Clerk Morelli shared that she learned it may be premature to issue a letter of home rule, as the Village need to wait for correspondence from Assemblyman Reilich. As soon as this comes in, she will forward it to the Board and place the item back on the agenda.
4. Accept Fire Department officer election results (swearing in 1/5) – Deputy Mayor Martin said it is usual and customary for the Village Board to confirm the Fire Department officers as elected by the department. At this time, the Board is in a position to confirm the 4 Chiefs. Further election is necessary to fill some of the other officer positions.

→ Trustee Legg moved, Trustee Blair seconded, unanimously carried 4/0 to confirm the 4 chiefs as elected by the Fire Department: Fire Chief Scott Smith, Deputy Fire Chief Michael Henry, Assistant Fire Chief Don Marenus, EMS Chief Lucas VanDervort.

B. Deputy Mayor Christopher R. Martin

C. Trustee Kent R. Blair

1. Police Department – Trustee Blair read the following statement into the record:

“In reference to the recent comments made about putting up the police department to a referendum: In comparison to the research that was prepared for fire dispatch, meetings were held and a suitable replacement of services was aligned before a vote was made. There should be no affect to the residents in the Village of Brockport or the fire protection area foot print.

I believe that it is our job as elected officials to do our research and then make the best choices for the residents we serve. With this being said, the suggestions made were to have the Sheriff's take over, the State Police and even the SUNY University Police. These suggestions were made with NO research, NO conversations with police officials and it was even said "Well, I see the Sheriff's in  
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Brockport all the time, so they can pick up calls here".

Forgive me for saying, but here is an example of how that sounds "I see a Kendall School bus in the Village of Brockport, so why are my taxes paying for a Brockport school bus? They can just catch a ride from them."

The State Police in this region generally perform traffic detail on most expressways/highways in Rochester. They do monitor and receive calls on the Sheriff's channel 1 and back up the sheriff's if a county car is unavailable. But 90% of the time they are picking up MVA's and disabled vehicles in our region. Anyone can request and have a State Trooper respond if they desire. In the outlying areas (outside of Monroe County) the NYS Police patrol and handle all emergency requests. Again, anything is possible, but I would hope conversations take place prior to making the comments of getting rid of the Police Department.

SUNY Police – pulled off the internet – this is the duties of the SUNY Police – Specialist Jurisdiction – Buildings and lands occupied or explicitly controlled by the educational institution and the institution's personnel, and public entering the buildings and immediate precincts of the institution. In other words, besides backing up a police officer in need of help, to have the SUNY Police pick up regular calls for service would require this to be legislated in Albany.

As for the Sheriff's office – The deputies in C zone cover a large area – South of Churchville to Lake Ontario – From the Orleans County line to the Greece/Gates border down to Scottsville. That is an amazingly large area and many times when a Sheriff has responded to a call and needs back up in Hilton the next closest car could be coming from the zone office in Chili. There are 8 to 12 cars. So, before any decision would be made, I would certainly hope conversations would take place.

For the people who elected us, they trust we are making good decisions and keep their safety in mind. To make a comment of "Let's just get rid of the police" is downright scary without presenting the facts to the residents.

Last year the numbers were under 5 minutes for Brockport to respond and over 16 minutes for the Sheriff's to respond."

D. Trustee Scott W. Hunsinger

1. Capen Hose Company Contract – Trustee Hunsinger shared that he wanted to honor Mayor Castañeda's request to wait until her return from out of town to sit down with Capen Hose Company representatives.
2. Municipal Court – Trustee Hunsinger shared that he and Police Chief Varrenti hope to have information regarding the possibility of establishing a Village Court to the Board for discussion in March.

E. Trustee Hal S. Legg

1. Discussion on budget-related resolution introduced & tabled 12/16 – Trustee Legg said the Board acted on December 21<sup>st</sup> on several of the items he presented at the December 16<sup>th</sup> meeting. He wishes to discuss the remaining items and will wait to the next meeting in which Mayor Castañeda is in attendance.
2. Consideration of Capen Hose Company contract – Trustee Legg said this item is unnecessary this evening per Trustee Hunsinger's earlier report.
3. Request Executive Session per 105.1(f) – personnel – Trustee Legg noted that while in executive session earlier this evening: a) the Mayor was conference called into the discussion with the Board and Chief Varrenti regarding collective bargaining negotiations and that the entire Board and Chief Varrenti are all on the same page regarding Stetson Club negotiations and b) the Board tackled a personnel matter that Trustee Legg had on the agenda for later in the meeting - to discuss (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" - regarding personnel – related to the Fire Department. The Board invited no one into that portion of the executive session. Deputy Mayor Martin confirmed that the second scheduled executive session was, indeed, handled right after the first.

4. Seymour Library Tot Spot Ribbon Cutting – Trustee Legg announced the ribbon cutting for The Tot Spot @ the Seymour Library scheduled for 11am Saturday, January 23<sup>rd</sup>. Per the flyer: “The Tot Spot is a new early literacy area for children ages birth through 5 and their parents/caregivers, which seeks to give local children the tools they need to enter Kindergarten “ready to read”. The Tot Spot was made possible by contributions from library patrons, local

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businesses and local service clubs as part of the Seymour Library’s 1<sup>st</sup> Annual Fundraiser “After Hours @ the Library.” Save the date: 2<sup>nd</sup> Annual “After Hours @ the Library” will take place on Saturday, March 20<sup>th</sup>.”

**ADJOURNMENT:**

➔ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 that the meeting be adjourned at 9:15pm.

Joan Hamlin asked Trustee Blair for clarification regarding his earlier comments as to whether he researched information on the internet or whether he directly contacted the various law enforcement agencies. Tony Perry commented that Trustee Blair’s numbers are way off.

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Leslie Ann Morelli, Village Clerk