

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 3, 2008 at 7:00pm.

PRESENT: Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee David J. Wagenhauser, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli.

EXCUSED: DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Timothy Rombaut, Interim Treasurer Kari A. Olson, Village Attorney David F. Mayer

ALSO PRESENT: Paul Kimball, Alicia Fink, Helen Smagorinsky, Bill Andrews, Kathy Snyder, Jim Sutton, Jim & Joan Hamlin, Carrie Maziarz, Charles Garlock, Norm Giancursio, Pat Bennett, Bill Heyen, Fred Webster

CALL TO ORDER: Mayor Wexler 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."

REVIEW OF MEETING MINUTES: Mayor Wexler called for any additions or corrections to the minutes of the last meeting.

Trustee Hunsinger asked if it is common practice to bold statements in the meeting minutes. Clerk Morelli explained that when someone reads a statement into the record, and then provides that statement to her electronically for insertion into the meeting minutes, she makes no changes. Therefore, there may be spelling issues, grammar issues or formatting issues. They are inserted as read and provided.

➔ Trustee Legg moved, unanimously carried 5/0 that the minutes of the meeting held October 20, 2008, be approved as amended.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Paul M. Kimball, Supervisor for the Town of Clarkson 3710 Lake Road, said it is with deep regret that he comes before the Board, but that he has made several inquiries to the Village in regards to the recent purchase of a fire truck. He said he asked the Mayor last March for a listing of Fire Department equipment purchase plans and estimated costs for the next 10 years and has never received the information. Then in June, the Village Board authorized the purchase of a \$450,000 fire truck. He wrote a letter to the Village Board in August and never received a response. He questioned the need for a 4th fire truck. He said he is not necessarily saying there is not a need for the truck, but wants more information to substantiate it. He referred to Section 11 of the 2008 contract which reads as follows:

"This contract shall be for a term commencing January 1, 2008 for the calendar year 2008 and shall be deemed renewed on the same basis each calendar year thereafter for a further full calendar year unless terminated as provided in Subsection 4 of Section 184 of the Town Law..." He said the Village is supposed to send the Town of Clarkson and Town of Sweden a letter by August 20th each year to terminate the contract. He said they did not receive one this year. He said he cannot speak for the Town of Sweden, but knows they also did not receive one. He said this happened once before, but they were willing to overlook it. He said this means that last year's contract is in force and Clarkson will pay last year's contract amount of \$238,563 (rather than the \$243,900 which is a \$5,337 or 2.24% increase) that the Village Board budgeted for Clarkson for 2009. He said he is disappointed at the lack of response to his reasonable questions, wished there had been some dialogue and that they are Brockport's customers and yet there has been no customer service. He said he heard rumor of a future ladder truck purchase that could cost close to a million dollars and a rescue truck that could cost \$250,000.

Trustee Wagenhauser said he would speak to some of this during his report.

GUESTS:

1. Alicia Fink & Helen Smagorinsky & Bill Andrews – presentation of gift to Village – on behalf of themselves and Harry & Deanna Shifton, all members of the Walk Bike Brockport Action Group's Arts and Aesthetics Committee – they personally funded the framing of 4 large Village photographs for hanging on the bare walls of the Village Hall conference room. A. Fink explained that Mr. Jim Rice had taken and given 10 mounted photographs to then-Mayor Josephine Matela a few years ago. She presented them to Walk Bike Arts and Aesthetics for consideration. They sat at Ray & Ute Duncan's house for a while and were then returned to the Mayor's office where they have sat in a stack against the wall. They decided it would be nice to

frame a few and selected 5 of them. Medler Design Frame on Main Street gave them a deal at \$45 each. They had 4 of them framed and are in hopes that the Village Board will adopt the 5th one and have it framed as well. The rest should be given to the locations they depict (Middle School, Fire Hall, churches) for them to consider framing and hanging for their use.

Mayor Wexler and the Board thanked A. Fink, H. Smagorinsky, B. Andrews and H. & D. Shifton for the lovely gift. Mayor Wexler indicated that the Village could adopt the 5th photo for framing.

Welcome Billboard - Trustee Wagenhauser said as long as these folks are here, he wished to report that the beautiful Welcome billboard with H. Smagorinsky's Brockport mural on Main Street near the railroad underpass has, unfortunately, been damaged by other signs being hung on it. In order to avoid future damage, he said he wished to set some guidelines on the record.

→ Trustee Wagenhauser moved, unanimously carried 5/0 that any sign or banner allowed to be attached to said billboard be placed under the mural and be 15'6" wide x 33" high utilizing standard hooks allowing for such hanging, with Walk Bike to work with DPW on this.

Trustee Wagenhauser said Walk Bike's Harry Shifton provided these dimensions. H. Smagorinsky said the space on the bottom was planned for additional signage and she hopes existing signs by community groups that do not meet those dimensions will not be "grandfathered in". Trustee Wagenhauser said they would not and the information would be relayed to Superintendent Donahue.

DEPARTMENT REPORTS: (most Department Heads are excused from the 1st meeting of the month)

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

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti (excused)

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

D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Timothy Rombaut (excused)

1. Authorize BLS Hires – Kenneth Keirn & Michael Shipman – Clerk Morelli reminded the Board that there are currently 2 openings on the ambulance career staff for BLS (basic life support) EMT's (Emergency Medical Technicians). The EMS Chief and Career Staff Administrator have reviewed the candidates and recommend the hiring of Kenneth Keirn and Michael Shipman. Clerk Morelli explained that they were eligible through Civil Service as of August but that list expired, so the hiring would have to be considered competitive-temporary until Civil Service provides her with a new certification of eligibles list. Then they should be able to be changed from temporary to permanent.

→ Trustee Wagenhauser moved, unanimously carried 5/0 to appoint Kenneth Keirn and Michael Shipman as part time EMT's at \$12.75 per hour – temporary until confirmed by Civil Service.

2. Authorize promotion of recent ALS Hire – Rachel Weaver from provisional to permanent – confirmed by Civil Service – Clerk Morelli reminded the Board that they appointed Rachel Weaver as a provisional ALS (Advanced Life Support) / EMT-Advanced (Paramedic) at their September 15th meeting. She has since received Civil Service confirmation, so the Board can change her to permanent status.

→ Trustee Castañeda moved, unanimously carried 5/0 to appoint Rachel Weaver as part time Paramedic at \$15.08 per hour.

3. Authorize proposal to activate EVDO cards in the 4 toughbook tablet computers – Trustee Wagenhauser reported that the Ambulance Corps needs the embedded internet (EVDO) cards in the 4 Panasonic Toughbook Tablet computers activated. This is to be in compliance with the 3-hour rule for documentation after transfer of patient care at the hospital. This is a monthly fee of \$170 for all 4 and is paid out of 3rd party billing – not taxpayer monies.

→ Trustee Wagenhauser moved, unanimously carried 5/0 to authorize said EVDO cards activation at \$170 per month from 3rd party billing monies.

E. INTERIM TREASURER – Kari A. Olson (excused)

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F. CLERK - Leslie A. Morelli

1. Certificate of Village Tax Surrender – unpaid 2008 Village taxes to County relevy – Clerk Morelli reported that 2008 Village tax collection has concluded. There are 59 tax bills that remain unpaid - applicable to 47 property owners. This is comparable to years past. Clerk Morelli further commented that the offering of payment in 2 installments was very well received. She said she and Interim Treasurer Olson recently met with the Village’s government banking representative from Chase and are looking into the possibility of “lock box” tax collection beginning next fiscal year. Basically, a return address envelope or labels are included with tax bills and taxpayers are encouraged to use it to either mail it in to the bank processing center or drop it off at the local branch. Other area municipalities, school districts and fire districts have done so with one of the benefits being efficiency by streamlining and saving staff resources with time consuming collection and posting. More information will be forthcoming.

→ Trustee Hunsinger moved, unanimously carried 5/0 to adopt the 2008-2009 certificate of Village tax 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 is \$61,779.75 including accumulated interest of \$4,942.37 for a total of \$66,722.12.

G. VILLAGE MANAGER - vacant

H. VILLAGE ATTORNEY – David F. Mayer, Esq. (excused)

VILLAGE BOARD REPORTS:

A. Mayor Morton Wexler

1. Accept resignation of Jean Skillings from Ethics Board –

→ Trustee Castañeda moved, unanimously carried 5/0 to accept with regret the resignation of Jean Skillings from the Ethics Board.

2. Call for 12/1 NYSDOT public information meeting re Smith Street Bridge -

→ Trustee Castañeda moved, unanimously carried 5/0 to hold a public information meeting at 7pm on December 1st as follows:

New York State Department of Transportation to provide an update on the proposed Smith Street Bridge rehabilitation project to include progress with the project design and plans to rehabilitate or replace deficient or deteriorated bridge elements, painting and re-opening the bridge to vehicular traffic by December 2009. This will be subject to completion of an agreement to transfer ownership of the bridge to the Village followed by a permissive referendum.

3. Stetson Club Contract – Mayor Wexler referred to a proposal signed by the Stetson Club President and indicated that there are questions as to the last sentence on page 2 regarding retroactivity that the Stetson Club added in, so he removed that sentence and asked the Village Board to consider authorizing him to sign his version. Board members were confused as to which version the Mayor wished the Board to vote on. That was clarified and determined that it is really still just a proposal and not an agreement since the Stetson Club has not agreed to it or signed off on it. Mayor Wexler said Attorney Watkins suggested he bring this to the Board tonight to authorize the Mayor to sign it. Trustee Wagenhauser commented that he finds it ironic that on the eve of election day and the Board is still not able to vote on a contract – that the Mayor has been negotiating for over 2 years, the meter has been running, and that the inability of the Mayor to get this done is getting expensive. Mayor Wexler reminded the Board that they were pushing to get this resolved. Trustee Wagenhauser said proposals should have been shared with Board members all through the process and wondered if the Mayor would now be bringing various proposals to each meeting. He said he would be happy to vote when there is an actual agreement in place. He suggested the Mayor call for a special Board meeting to get this done rather than wait until the next regularly scheduled meeting. Mayor Wexler said back in January of 2007, he would not have accepted the version he presented the Board tonight. However, he recently learned that social security recipients will be getting a 5.8% increase and is aware that the wage increase figures proposed in the contract are lower than that. Further, the mediator indicated that the results could be worse if they go to arbitration. Like the song says “you gotta know when to hold ‘em and know when to fold ‘em.”

Trustee Castañeda asked if it is down to that one difference – one sentence. Mayor Wexler said yes.

Mayor Wexler said he would inform the negotiators on both sides that the Board chose not to

vote on it. Trustee Wagenhauser said the Board doesn't have anything to vote on yet and that the Mayor shouldn't shift the blame to the Board since he worked alone on this instead of with the Board.

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Mayor Wexler responded to Trustee Wagenhauser as follows: "I saw your prowess as a negotiator when you sat and negotiated a contract previously also. So the contract, and here we go, you opened it up now. You negotiated a contract that made a person the highest paid official whether it be in western New York, central New York, any part of New York, more than the Chief of Police is making in the City of Rochester. So when you start talking about – at least I tried. I didn't go there and capitulate and hold my hands up in the air and say ok here is a contract. Take it. Me. Are you kidding me, they ran. You wanted when I first met way back when on proposals I had questions whether I felt that you could do the job. That was my concern and that's why I didn't ask you."

Trustee Wagenhauser responded: "I didn't follow that, Mr. Mayor, at all."

Mayor Wexler said he can wait, but the Chief is concerned as to which contract the 2 new hires will be hired under – the old or the new, which would be under a reduced rate. Trustee Wagenhauser said he agrees with the Chief's concern and urged the Mayor to get the contract done so the Village can start saving money. Trustee Wagenhauser said if the Stetson Club agrees with the latest proposal and signs off on it, he would be happy to vote on it.

Mayor Wexler said if the Village signs off on it, then it could go to the Stetson Club to sign off on. Trustee Wagenhauser questioned if the whole Board is negotiating now. Mayor Wexler said no.

Trustee Legg said it appears that the Mayor has not yet negotiated an agreement with the Stetson Club, but wants the Village Board to rubber stamp a proposal that would go back to the Stetson Club for consideration.

Mayor Wexler withdrew the proposal. To be continued.

4. Police Department Staffing Costs – Mayor Wexler said there have been letters written in the local paper and while all certainly have the right to express their opinion, it would be more advantageous if the letter writers were also Village taxpayers, as some are not. Chief Varrenti's letter and Trustee Legg's letter each reference saving money by hiring 2 additional officers. However, those who have lived in this Village for 40 or more years are concerned not just with the cost of the new hires for the first three years, but for future costs beyond that. He said there is no doubt that for the first three years, at staged pay, the Village will spend less than what it is spending in overtime. After that, hold onto your wallet. A full time officer will make \$69,000 base pay after 3 years. In addition is shift differential, holidays, laundry, health, dental, life, disability, workers comp, social security, retirement. Plus, that does not mean overtime would be completely eliminated. Last year comp and overtime totaled \$213,000. There is no way the Village will save money in the long run once these new hires reach full pay. Mayor Wexler said he'd bet a sarsaparilla that it will cost the Village more in the long run since for the first three years the officers will be working at a reduced rate.

B. Trustee / Vice Mayor Maria C. Castañeda

1. Village Advisory Committee – Next meeting will be Tuesday, November 11th at 7pm at Village Hall.
2. Seymour Library – Attended the October 21st Library Board meeting. November 15th is read, learn, play national gaming day. Career counseling is available by appointment on Wednesdays from 5-9pm through June.
3. 200 State Street – Monroe County will again attempt to auction 200 State Street on November 7th.
4. Sunnking (correct spelling) Zero Waste Event – Encouraged all to participate in the November 8th one-stop recycling event, educational opportunity and free festivities.
5. Veteran's Day Celebration – Encouraged all to participate in the Sweden Senior Center Veteran's Day celebration on November 11th.

C. Trustee David J. Wagenhauser

1. Stetson Club Contract and Police Staffing Costs – Stressed that what will drive costs is the police contract that the Mayor negotiates. Said he'd bet the Mayor 2 sarsaparilla's that even

a guy working at McDonald's will make more in 4 years than he does now.

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2. Fire Department Costs – Trustee Wagenhauser said he is at a loss as to Clarkson Supervisor Kimball's comments regarding not having received a termination letter and will leave that to the Mayor. Regarding the fire truck and opportunity for dialogue, both the Town of Clarkson and Town of Sweden were offered a spot on the truck replacement committee who spent a great deal of time researching the appropriate truck. The Town of Clarkson failed to have a representative at these meetings. Fire Chief Rombaut did go before the Town of Clarkson Board and answered all of their questions regarding the fire budget. Trustee Wagenhauser said it was more appropriate for the Fire Chief to do so, than a Village Board member.

Further, the Village Board discussed the fire budget at its last meeting. He said he would think it would be difficult to voice a concern over the fire budget when Brockport Fire is one of the lowest rates per 1,000 in Western Monroe County. Neighboring Hamlin and Walker rates are 2 and 3 times Brockport's rate. Brockport, Clarkson, Sweden taxpayers get a good bang for their buck when it comes to fire service. While \$400,000+ may not seem like it, the truck is looking more and more like a deal with rising costs. As one of two Board liaisons to the department, he has discussed with the Fire Chief planning for the future. The equipment line has been increased. The truck was purchased outright – not bonded. Its financial house is in order. They also put \$10,000 in the budget for a survey that will evaluate current equipment and site locations and help plan for the future. Trustee Wagenhauser said it appears Supervisor Kimball did not stay for a response, but that he would encourage him to take a hard look at the fire department budget, as he will find his concerns have largely been answered.

3. Village's Annual Financial Report – Trustee Wagenhauser shared that the Village's annual financial report for the fiscal year June 1, 2007 – May 31, 2008 has been filed with the Office of the New York State Comptroller. It has been posted to the Village website and is available for review at the Village Hall. He commended Deputy Clerk / Interim Treasurer Kari Olson for doing a great job. It was a daunting task, but with backup from Chris Trento and some assistance from former Treasurer Ian Coyle, it was accomplished. Trustee Legg commented that it was even completed earlier than last year – very efficient.

3. Seymour Library Budget – Trustee Wagenhauser shared that he confirmed that the Town of Sweden approved a 3% increase for the 2009 budget. He suggested the Village Board modify its previous 5% approval to 3% so the 3 involved municipalities match. Trustee Castañeda said it is unfortunate that the municipalities could not give them more and that she hopes the Library Board communicates with the municipalities their plans regarding Sunday hours. Mayor Wexler said all three municipalities have to agree on the number. Trustee Legg said the Village Board lent an ear, but it is a tri-municipal agreement. He looks forward to the Library's continued good work.

→ Trustee Wagenhauser moved, unanimously carried 5/0 to modify the Village's increase over 2008 from 5% to 3% for a total Village of Brockport share of \$177,063 for Seymour Library for 2009.

4. Police Injuries – Trustee Wagenhauser shared information he received from Chief Varrenti as to recent injuries to police officers. On October 2nd, Officer Paul Wheat sustained a compound fracture of the right trigger finger requiring surgery. He will likely be out 4 to 6 months. There is a chance the injury may prevent him from returning to work. Gerald M. Darby was arrested. On October 25th, Officer Chris Curley sustained an injury to his right wrist requiring surgery. He will likely be out 3 months. Joseph Bartholomew was arrested. Trustee Wagenhauser commented that the Police Department is already short staffed and is now down further. The Police Department is involved with many violent incidents on a regular basis, but most altercations do not leave officers injured. He wished Officers Wheat and Curley a speedy recovery. He hopes the District Attorney prosecutes the offenders to the fullest extent of the law. He contacted the Village Attorney regarding the chances for success of reimbursement of overtime costs, workers compensation costs and such that have been or will be incurred as a direct result of actions of "bad guys". The Village should investigate recovery from alleged criminals through criminal and civil courts. As an example, if Mr. Hamlin threw a pumpkin through a window at Village Hall, the court would seek restitution. Restitution can include garnishment of wages. Those that wish to cause harm should be made to pay for their damages.

D. Trustee Scott W. Hunsinger

1. DPW – Trustee Hunsinger reported that he had lunch today with DPW Superintendent Donahue and took a tour of the facilities. Superintendent Donahue will be forwarding a memo on their needs.
2. 200 State Street – Trustee Hunsinger said he has reviewed the latest report on groundwater contamination and that the 5 pump stations are showing a decrease in VOC's. This is good. He said researching this property has been an educational experience. He said he would hope that if the Mayor or Code Enforcement Officer meet with the Environmental Attorney that he would be included or at least kept apprised.

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3. Police Injuries – Trustee Hunsinger commended the Brockport Police Department for their work and wished a speedy recovery to Officer Wheat and Officer Curley.
4. 5 corners intersection – Trustee Hunsinger expressed concern of a potential safety hazard as to the placement of the “stop at line” sign as it relates to the traffic signal heading south on Main Street at the 5 corners intersection of Main Street / Adams Street / Park Avenue. He implored the Mayor to follow up on this. Mayor Wexler said a call was made and two follow up letters sent to NYSDOT. The last word from NYSDOT was that they were looking into it and would conduct a study. Trustee Hunsinger suggested the Mayor keep “knocking at their door” about this issue.
5. Leadership Quote – Read a quote by John Quincy Adams, 6th President of the United States: “If your actions inspire others to dream more, learn more, do more and become more, you are a leader.”

E. Trustee Hal S. Legg

1. Fire Department – Trustee Legg commended the Brockport Fire Department for being first rate in operation and administration as well as a respected and responsible community resource. His son’s pre-school class visited and the department provided great hospitality for that as well as the October 24th Merchants Association Halloween event.
2. Treasurer Search – Trustee Legg reported that on November 14th the Search Committee would be interviewing 5 finalists for Treasurer.
3. Grants – Trustee Legg reported that Kelly Smith has spent a couple of Friday afternoons at Village Hall and begun reviewing the grants in progress. She has already submitted grant reimbursement paperwork totaling \$70,000.

PUBLIC COMMENT: None

NEXT MEETING: Trustee Wagenhauser noted that due to work commitments 2 Trustees are unable to attend the next meeting scheduled for November 17th. He suggested the Board postpone the meeting to November 24th so that the entire Board can be there.

Trustee Castañeda reminded the Board that each of them received and adopted the meeting schedule for the year and that if 3 out of 5 Board members are available it constitutes a quorum and the meeting can be held as scheduled. She asked Clerk Morelli the cost for publishing a notice to change the meeting date. Clerk Morelli said she does not know offhand, but estimates \$20 to \$30. Clerk Morelli indicated that the conference room is available, but that she would be out of town November 24th and that she would need to ask Building/Zoning Clerk Pam Krahe to cover and that she would need to notify the Department Heads and Village Attorney of any meeting date change.

→ Trustee Wagenhauser moved, Trustees Hunsinger and Legg in favor, Mayor Wexler and Trustee Castañeda opposed, carried 3/2 to reschedule the November 17th meeting to November 24th.

AUDIT:

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

	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
<u>Village</u>	10/30/08	177891	\$48.43
	11/04/08	177899-177945	\$54,724.75
<u>Fire</u>	10/22/08	177887-177888	\$684.12
	11/04/08	177892-177898	\$8,884.19
<u>Third Party Billing</u>	11/4/08	1377-1386	\$16,110.70
<u>Capital Projects</u>	11/4/08	2280-2281	\$4,706.30

<u>Water</u>	10/29/08	2113	\$43,973.82
	11/4/08	2114-2120	\$8,854.32

ADJOURNMENT:

➔ Trustee Castañeda moved, unanimously carried 5/0 that the meeting be adjourned at 8:40pm.

Leslie Ann Morelli, Village Clerk