

Regular meeting of the Board of Trustees of the Village of Brockport was held in the Auditorium of the A.D. Oliver Middle School, 40 Allen Street, Brockport, New York, April 27, 2011 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Deputy Mayor/Trustee Daniel P. Kuhn, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Deputy Clerk-Treasurer Pauline Johnson, Treasurer Mary Beth Lovejoy, Police Chief Daniel P. Varrenti, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Assistant Fire Chief Michael Ladue, Attorney Robert S. Leni, Esq.

EXCUSED: Clerk Leslie Ann Morelli

ALSO PRESENT: ~26 members of the public per the sign in sheet: Linda Ketchum, Jim and Joan Hamlin, Harley and Andrea Perry, Rhett King, Jo Matela, Johnnie and Edward Lehman, Donald Ennis, Leonard Natiello, Margay Blackman, Jose Mendez, Rudy Aceto, Bill and Ann Sweeting, Thomas Mangan, Bernie LoBracco, Rosario Rangel, John Dennis Chase, Eduardo Galan, Brian Winant, Gary Worboys, Susan Smith, Art Appleby, Norman GianCursio, Valerie Ciciotti, Pam Ketchum, L. Negus, and others who did not sign in.

CALL TO ORDER / PLEDGE: Mayor Castañeda called the meeting to order at 7:05 pm and led the Pledge of Allegiance. Mayor Castañeda encouraged attendees to sign in, take a handout, and silence their electronic devices

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

PUBLIC HEARING:

Trustee Hannan gave a Power Point presentation (attached to the minutes) and introduced the following local law:

A LOCAL LAW MODIFYING CHAPTER 42 OF THE
CODE OF THE VILLAGE OF BROCKPORT
TITLED "SEWERS"
Local Law 1 - 2011

BE IT ENACTED by the Village Board of the Village of Brockport that Chapter 42 of the Code of the Village of Brockport shall be modified by the addition of the following Article I-A, as follows:

Chapter 42

SEWERS

Article I-A Sewer Rental Fee

§42-10(a). Legislative intent.

§42-10(b). Definitions.

§42-10(c). Scope.

§42-10(d). Computation and billing of sewer rental fee.

§42-10(e). Effective date.

Be it enacted by the Board of Trustees of the Village of Brockport as follows:

§42-10(a). Legislative intent.

The Village of Brockport operates and maintains a sanitary sewer collection system for properties located within the Village as well as a limited number of additional properties located outside the Village which utilize the Village sewer system as out of district users.

For the purpose of operating and maintaining the sewage systems of the Village of Brockport, including for the purposes of debt services and to establish a reserve fund for capital improvements and equipment, the Village of Brockport hereby establishes a sewer rental fee for use of the Village wastewater collection facilities or any part or parts thereof.

MINUTES OF VILLAGE BOARD MEETING HELD April 27, 2011 continued.....page 2

This article is adopted pursuant to the provisions of Article 14-F of the General Municipal Law of the State of New York, and any and all amendments thereto.

§42-10(b). Definitions.

ANNUAL WATER CONSUMPTION— Shall mean the number of gallons of water billed to a property by the Village of Brockport for the period July 1 to June 30. This number will be used to compute the sewer rental fee for the next succeeding Village Tax year. Accordingly, for the Village Tax year beginning June 1, 2011, the sewer rental fee will be based upon water consumption for the period July 1, 2009 to June 30, 2010.

COLLECTION AND CONVEYANCE SYSTEM—Shall mean the system for the collection, treatment or disposal of municipal sewage, domestic sewage, liquid industrial wastes or other wastes, including all sewer pipes and appurtenances, which are owned or operated or maintained by the Village of Brockport, including sewage pumping stations and sewage treatment and disposal works.

OPERATION AND MAINTENANCE COSTS—Shall mean, but not be limited to, the following annual costs:

1. Salary and wages, including benefits, of personnel operating, maintaining and administering the wastewater collection and conveyance system.
2. Costs of materials and supplies for the wastewater collection and conveyance system.
3. Costs of any indebtedness necessary for the operation and maintenance, as well as repair, improvement and reconstruction, of the wastewater collection and conveyance system.
4. Equipment costs.
5. Insurance costs.
6. Any other incidental costs not hereinabove specified.

SYSTEM USERS—Shall mean any properties that have a sanitary sewer system available to them in the Village of Brockport and are connected or serviced by the collection and conveyance system or any part or parts thereof.

SEWER RENTAL FEE—Shall mean the rent, fee or charge imposed to system users by the Village of Brockport for the operation and maintenance costs hereinabove described.

§42-10(c). Scope.

Sewer rental fees shall constitute charges established and imposed pursuant to this article, and any and all amendments thereto, for the use of the collection and conveyance system operated, owned or maintained by the Village of Brockport, or any part or parts thereof.

§42-10(d). Computation and billing of sewer rental fee.

(1) The sewer rental fee will be assessed on a monthly or quarterly basis and computed solely based upon annual water consumption as herein defined in this article.

(2) The sewer rental fee will be based upon the following formula:

$$\frac{\text{Total annual operation and maintenance costs}}{\text{Total thousands of gallons of water consumed by system users}} = \text{Sewer rental fee per thousand gallons}$$

(3) Sewer rental fees for system users shall appear on the regular water bills issued by the Village, which are issued alternatively either on a monthly or quarterly basis.

(4) Every year the Village Board shall review and may revise the sewer rental fee rate as may be deemed necessary. System users shall be notified of rate changes on an annual basis.

(5) All sewer rental fees are due and payable at the same time as the regular water bill. In the event payment is not made by the date designated for payment of the regular water bill, then a penalty of 10% shall be added to the sewer rental fee.

and owing as provided in this article may be included as part of the Village tax levy, accounted for and collected pursuant to Article 14 of the Village Law of the State of New York and/or may be collected pursuant to the provisions of Article 14-F of the General Municipal Law of the State of New York.

§42-10(e). Effective date.

This Article is effective immediately beginning with the fiscal year which commences June 1, 2011, and will be included with the regular water bills issued by the Village of Brockport beginning June 1, 2011.

Deputy Clerk-Treasurer Johnson read the legal notice of public hearing which was published in Suburban News, posted on the Village website and posted at Village Hall.

**VILLAGE OF BROCKPORT
Notice of Public Hearing**

Please take notice that the **7:00pm Wednesday, April 27, 2011** meeting of the Board of Trustees of the Village of Brockport will be at the **A.D. Oliver Middle School Auditorium** 40 Allen Street Brockport, NY 14420 and will include a **Public Hearing on the following proposed Local Law:**

**A LOCAL LAW MODIFYING CHAPTER 42 OF THE CODE OF THE VILLAGE OF BROCKPORT
TITLED "SEWERS" –
by the addition of Article I-A - sewer rental fee.**

The text of these proposed Village Code changes is on file in the Office of the Village Clerk and may be inspected during normal business hours. It is also posted to the Village website www.brockportny.org. All interested parties will be given the opportunity to be heard.

Mayor Castañeda thanked Trustee Hannan and invited the public to comment. She asked that prepared statements be submitted to the Clerk after reading them for insertion into the minutes.

- **Margay Blackman, Park Ave, Brockport** (read the following statement and submitted for the record): "Brockport had a village sewer usage fee that was cancelled in 2006 and we need it back. Had we had kept it; it would have brought in \$900,000 in revenue over the last 5 years.

We don't need a sewer fee just because we are facing a 16.5% tax levy, although it would certainly help lower that tax levy by several percentage points; we need it because the fee would go to maintain our sewer infrastructure and pay into the sewer maintenance and equipment reserves. We need it because the way we currently pay for our sewers—based on the assessed value of our properties—is not equitably distributed.

Some of the heaviest sewer users, tax exempt properties, pay nothing at all toward the maintenance of our sewers. These include, among others, Lakeside Hospital, the Middle School, and Lifetime Assistance. Multiple unit rental properties also put a heavy strain on the system. My two-person household used 45,000 gallons of water in 2010. I can easily point to at least 5 rental properties assessed for considerably less than my property that used 153,000 to 190,500 gallons, three and a half to four times the amount of water that my household used. Properties like these are putting far more wear and tear on the sewer system than my household, but I'm paying more for it. Not fair.

Landlords complain that rising costs and new fees make it difficult to maintain their businesses. My daughter and son-in-law live in Providence Rhode Island where they rent. You think Brockport has financial challenges, Providence this year is facing a 33% increase in the tax levy. It is customary for Providence rental leases to include a clause that the landlord retains the right to raise the rent if the tax levy goes up. Their lease is not up until August but their rent just went up \$50 a month. A struggle for them, but fair enough, it's written in their lease. Brockport landlords are smart enough to pass some or all of the rising costs and taxes on to their tenants. That's just how business works.

The sewer fee has been erroneously labeled a tax; it is not. More than sixty percent of property owners in the village would benefit financially from this fee, including a number of rental properties that use less water than my household. That means that the sewer fee they would pay would be less than what they currently pay for sewer maintenance in their village taxes.

As it now stands, the majority of the home owners in this village are seeing their tax dollars flushed

down the toilets of the big landlords and the tax exempt property owners. This is not fair, and we need to change it”.

MINUTES OF VILLAGE BOARD MEETING HELD April 27, 2011 continued.....page 4

- **Thomas Mangan, 194 Utica Street, Brockport** (read the following statement and submitted for the record): “Good evening. My name is Thomas Mangan. I live at 194 Utica Street in Brockport and I am in favor of the Sewer User Fee.

I’d like to mention three things to you tonight.

First:

I want to thank all the members of the Board for the way you followed the letter and the spirit of the law when you scheduled this public hearing.

You even delayed the hearing so the village attorney could make sure that all the “I’s” were dotted and all the “T’s” were crossed in the proposal.

Chris Martin published two Letters to the Editor, one in the D&C the other in the Suburban News, where he accused you of disregarding the Open Meetings Law.

But Chris Martin was wrong, and he owes each of you an apology.

Second:

Tonight some people will step up to the microphone and tell you that the Sewer Fee is just another tax, but that claim is false.

In **Watergate II Apartments v Buffalo Sewer Authority** the New York State Court of Appeals ruled that sewer user fees bear a direct relationship to the services and benefits actually rendered to users and thus they are properly regarded as fees (or rents) rather than taxes.

That ruling was made 33 years ago in 1978, and it has been the legal standard in New York ever since. So anyone who calls the sewer fee a tax is dead wrong, and they know it.

Third:

Currently, the cost of maintaining the Village’s sewer system is funded entirely by property taxes, which are based on property assessments.

But there is absolutely no relationship between the assessed value of a house and the stress placed on the sewer system by the residents of that property.

For example, the house immediately behind mine at 15 Maxon Street used to be a single-family house. But Fred Webster bought it from Gary Zimmer when Gary’s father died, and he converted it into student housing.

Sweden’s Tax Assessor, Tony Eaffaldano, has said that he will not increase the assessments of rental properties in Brockport because the rental properties are not well maintained.

That is the case at 15 Maxon Street. Fred Webster has never put a drop of paint on that house and it is an eyesore.

So the rental house is only assessed at 86% of the value of my single-family home next door.

But Fred Webster’s rental property puts 212% more water into the sewer system than my single-family house next door does.

That situation repeats itself over and over again throughout the village.

So, all the single family homeowners in Brockport wind up subsidizing the landlords’ profit making businesses.

That’s wrong.

To eliminate this discrimination against single-family home owners, I support the change to a sewer user fee to pay for the sewer system”.

- **Harley Perry, 14 Meadowview Drive, Brockport** (read the following statement and submitted for the record): “Good evening Village Board and Ladies and Gentlemen. I am Harley Perry and reside at 14 Meadowview Drive – member of the Ad Hoc Sewer Committee.

First let me say that not any one group or body in the Village had an influence on our study of the sewer fee. We had information for the whole state of New York and the fees they charge.

MINUTES OF VILLAGE BOARD MEETING HELD April 27, 2011 continued.....page 5

The village of Holley, Hilton, Spencerport and Bergen all have sewer fees. The majority of municipalities in New York have a sewer fee.

46,000 gallons of water is the median usage for a household in Brockport. About \$1.20 fee for 1,000 gallons of water used is about \$55.00 per year per household.

The current budget has \$15,000 to fund sewer maintenance.

We have sewer lines that are 100 years old and brick manholes that are leaking storm water into the sewer system overloading the system. We have over 300 brick manholes in the village that need rebuilding now.

The sewer line on East Avenue that goes to the sewer plant location is falling in and needs to be replaced at an estimated cost of \$750,000. There have been times that the DPW has to pump out the manhole on the south side of East Avenue to prevent sewers from backing up to the houses.

The last time a sewer fee was imposed there was not a controversy, but when two people came to a Board meeting and complained, the fee was dropped. They may have gained a short term benefit, but all taxpayers have now had to pay higher taxes to cover sewer maintenance and replacement. If that fee had stayed in effect, the over one million dollar bond issued to fix the Main Street sewer line would have been much less.

I understand that there are some property owners who are threatening to sue the Village of Brockport if this fee is instituted! Isn't it time that all property owners should work for the good of the Village of Brockport? Thank you."

- **Andrea Perry, 14 Meadowview Drive, Brockport** (read the following statement and submitted for the record): "Good evening Board members, Ladies and Gentlemen. My name is Andrea Perry and I reside at 14 Meadowview Drive.

I am in favor of the proposed sewer fee. I know that it will require that all persons using the village sewers pay for the sewer system maintenance and repair and rebuilding. This is an equitable fee."

- **Linda Ketchum, 87 Erie Street, Brockport** (read the following statement and submitted for the record): "The sewer fee makes sense to me. I'm for it. Anyone who uses the sewer system would have to pay. It's only fair. Otherwise single-family home owners are subsidizing the big users.

Furthermore, any board member against saving village taxpayers money should step down, and let someone who wants to keep our village replace them."

- **Robert Welch, President's Village, Brockport** stated he is against the proposed fee, he knows the sewer is in bad shape, but are there other methods to pay for replacement. He has fixed income renters and he keeps increasing their rent, it is hard to increase their rent. He doesn't have many college students as renters. He submitted a petition signed by President Village residents and other surrounding residents. He doesn't disagree the sewer needs to be fixed, but not to raise the rent.
- **Eduardo Galan, Brockport** stated he doesn't have all the information, but he is an accountant and would like to see the financial statements to see what could be taken out rather than impose a new fee. Mr. Galan would be willing to study the numbers for free. He would like to see the whole budget and agrees the sewer does need to be replaced. The Village needs a plan for the next five years, not to just get a bond to borrow money. Brockport is losing a lot of businesses.
- **Leonard Natiello, 19 Gordon Street, Brockport** stated he understands the argument for the proposed sewer fee and how things break down. However, we pay three to four times the water rated other communities pay. So, where is all that money going? Other villages may have sewer fees, but their water rates are lower.
- **Ken Rombaut, West Avenue, Brockport** stated the village isn't lowering my village tax, I can't write off the \$100 of as a tax; it is just extra fee of \$100. I use water for my lawn; this doesn't go back into the sewer. Will there be another fee for the Smith Street Bridge? The village hasn't been putting away money for this maintenance, not the right way to do it, has to be done; other things need to be cut in the budget. You are driving some residents away.

- **Rhett King, Adams Street, Brockport** (was asked by the Deputy Village Clerk to submit his statement and Mr. King declined). Mr. King stated the Village's water rate is almost double that of most Monroe county municipalities and is the highest water rate in Monroe County. Brockport's tax **MINUTES OF VILLAGE BOARD MEETING HELD April 27, 2011 continued.....page 6**

rate has nearly doubled in the last decade and village residents have lost public services during this time. The proposed sewer fee will hurt churches, veterans and the hospital.

- **Josephine Matela, Brockport** (read the following statement and submitted for the record): "This sewer fee proposed in 2004 and rescinded by the board of trustees in office in 2006 cheated the taxpayers thousands of dollars in revenue in the last six years. Every municipality in the county has a sewer fee, but just as we were the last village to go to the 911 emergency systems we will be the last in the county to enact a sewer fee. Be fair and do the right thing. Enact the sewer fee."
- **Susan Smith, 54 South Street, Brockport** (read the following statement and submitted for the record): "Members of the village board of Brockport, I implore you to say YES to the sewer fee. It is the only fair way. It is not a difficult concept to grasp. The sewer fee is NOT a tax. It is based on usage. Like our water bill or our electric bill, it is a fee based on how much water we use.

How could anyone be opposed to a fee - based on usage? Our current system is a tax. No matter how much goes down my drain, it does not affect the taxes I pay. Those that are against the sewer fee want everyone else keep to paying their way for them. Essentially, the big sewer users are putting the little sewer users' money down their drains.

I do not have money to put down someone else's drain. My husband and I own our own building for our business in the village of Brockport. We own and occupy our own home in the village of Brockport. We are Brockport taxpayers. However, we are not associated with the group that identified themselves as "Brockport Taxpayers" in the misleading ad that was printed in the Suburban News this week. The ad was full of scare tactics and threats. "Staying at home means you approve" the ad declared. I did not stay at home. I came here tonight so you could identify me and hear me say **I approve of the sewer fee.**

With a sewer fee, everybody pays. No more free rides on the backs of the taxpayers.

Say YES to the sewer fee."

- **Resident of Utica Street, Brockport** stated she owns property in the state of Washington State, city of Rochester, and Town of Greece and they have sewer fees. She pays a sewer tax included in her real estate taxes and water fees. We are just getting caught up like all other places. Everybody should pay their fair share – she supports the sewer fee.
- **Ed Kucmerowski, 54 Quarry Street, Brockport** stated he came here with mixed ideas, but found out he isn't a sewer user because he doesn't put anything into the sewer. He would like to know how the sewer fee money will be used. What is the plan to show where the money is going? Will it reduce our taxes? You will also need to include a maintenance fund.
- **Valerie Cicioitti, 104 East Avenue, Brockport** read the following statement and submitted for the record: "I am in favor of the Sewer Fee. The following is taken directly from the NYSDEC website.

Model Sewer Use Law – Developed by the New York State Department of Environmental Conservation, as an aid for those wishing to develop or revise their local laws – 1994 Revision. Introduction: This Model Sewer Use Law is intended to aid municipalities in developing or modifying their local sewer use laws. Most municipalities have enacted sewer use codes but many of these are now several years old. For various reasons, a municipality may need to examine its code and make revisions. Some reasons to make this examination are:
The municipality is seeking a State Revolving Fund grant, is required to institute a pretreatment program, needs to revise its user charge/sewer rent system, needs to upgrade its construction standards for new sewers and appurtenances, needs to upgrade its enforcement and penalty provisions, and for other reasons.

Section 1201- Normal Sewage Service Charges

All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge proportional to the liquid volume of waste so deposited, which charge shall be collected as a sewer rent.

Section 1205 – Measurement of Flow

The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the city, village or town Water Department.

MINUTES OF VILLAGE BOARD MEETING HELD April 27, 2011 continued.....page 7

There are some in our village that would like the community to believe that the current method of paying for sewer service by property assessment through our taxes is fair. When in fact NYSDEC clearly states that sewer service is to be computed by the volume of flow based upon metered water consumption as shown on our meter readings. As a community and as individuals we need to stop believing half truths and out of context statements that are made by some. As a community and as individuals we need to base our stand on this matter on fact. I encourage our trustees to lead the way in our community and do the same, vote yes to the Sewer Fee based on the facts from the NSDEC.”

- **Bernie LoBracco, 48 Adams Street Brockport**, (read the following statement and submitted for the record): “The choice for this Board is to decide how to raise approximately \$153K for the village either through property taxes or a sewer fee. The \$153K includes the debt service for sewer work plus some reserves. I am here to request that the Village Board reinstate a sewer fee for the Village of Brockport.

First, let me say that having a sewer fee is not controversial. Why even our friends in Spencerport have a sewer fee. I understand that the fee will be approximately \$1.20 per thousand gallons of water used. Median water usage is 46,700 gallons equating to an annual fee of \$56.04. Our friends in Spencerport charge the following: \$158.73 for sewer hook-up plus \$2.50 per thousand gallons. Since the average user in Spencerport uses 52,000 gallons. The total fee for the average user is: $\$158.73 + (52)(\$2.50) = \$158.73 + \$130 = 288.73$. This means that the effective cost is $\$288.73/52 = \5.55 per thousand gallons which is over 4.5 times that of the proposed sewer fee in Brockport.

So how does this affect taxpayers in Brockport? Each Brockport taxpayer should do the following calculation: Divide the assessed value of your home by the number of gallons of water you use annually. If that ratio is greater than 1.5, you most likely will benefit from paying through a sewer fee rather than through the property tax. Statistical analysis indicates that about 2/3 of Village property owners will pay less through a sewer fee than through a property tax increase.

Thank you,”

- **Kevin McCarthy, 104 East Avenue, Brockport**, stated he is a village resident and a landlord. The water use for rental unit is double than his home. I think the fee is fair, pay for what you use. Thank you to Carol Hannan for doing the study.

Discussion:

Trustee Kuhn stated: in a perfect world, he would be more in favor of the fee, problem with the fee is it isn't a tax, doesn't impact their tax deduction or STAR. Some people, such as “snowbirds”, who can afford to maintain two homes and residents with higher assessed homes, will pay less in sewer tax. Residential housing tenants will pay more; families with children (like myself) will pay more. Churches will have to pay – I personally do not think this is fair.

Trustee Blair stated the sewer fee will impact the tax levy going into this budget.

Mayor Castañeda stated she isn't in favor of the sewer tax, this will hurt homeowners.

→ Trustee Blair moved, Trustee Hunsinger seconded, unanimously carried to close the public hearing at 8:05 pm.

→ Trustee Hannan moved, Trustee Hunsinger seconded, unanimously carried, to enter executive session for the purpose of discussing contract negotiations.

No action taken.

→ Trustee Hannan moved, Trustee Hunsinger seconded, unanimously carried, to leave executive session and return to open session at 8:40 pm.

PUBLIC INFORMATION MEETINGS: None

GUESTS:

- Marc Marcello – 58 Main Restaurant & Party House – request noise ordinance exemption for

4/30 event

Trustee Hunsinger moved, Trustee Hannan seconded to grant the requested exemption from the noise ordinance for 58 Main Restaurant & Party House from 4:00 – 9:00pm on April 30, 2011.

MINUTES OF VILLAGE BOARD MEETING HELD April 27, 2011 continued.....page 8

Discussion: Chief Varrenti asked how many people will be attending, Mr. Marcello stated up to 200 people. Chief Varrenti responded he had no objection to the event.

Call to Question:

- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger yes
- Deputy Mayor Kuhn yes
- Mayor Castañeda yes

Carried 5/0

PUBLIC COMMENT:

- o Tom Mangan commented on the deadlines given by the Town relating to the proposed fire district. He also commented on the Village Board working on the proposed budget.
- o Eric May apologized to Trustee Hannan, the Board, and Chief Varrenti for his actions and words at a previous Board meeting. Mr. May also provided information on the upcoming “Brock the Port” event.
- o Bernie LoBracco, 48 Adams Street, Brockport (read the following statement and submitted for the record): “Representatives of Clarkson, Sweden and the Village have been meeting privately to discuss the possible formation of a Fire District. There is a “gentleman’s agreement” not to divulge the outcome of these meetings to the public until a decision is made to go forward.

Sweden and Clarkson are probably using the same old argument: “we already paid for it so Brockport should hand over the equipment and buildings for \$1”. However, we know that since the contracts are only service contracts, no court would rule that they have already paid their share. Clarkson and Sweden could have formed a Fire District long ago instead of contracting with Brockport. They chose not to do this.

Therefore, don’t cave in to their bullying tactics. They are hoping you’ll cave in and that will be a win for them. I’m sure if Village residents knew what is going on they would not want to give up the Fire Department’s assets for \$1. Let them go ahead on their Fire District - they will have to explain to their residents why taxes are going up to pay for a Fire District. They will also have to apply to the state and indicate that they don’t own any equipment. Think about this quote by a village resident “The towns can’t pull off a fire district without the Village any more than the Village can maintain a fire department without the towns.” Thank you.

CERTIFICATES OR PROCLAMATIONS:

- o CROP Walk 5/1 proclamation & annual procession permit

PROCLAMATION

WHEREAS, on Sunday afternoon, May 1st many area residents will “Walk With the World” in the 29th Annual CROP WALK in Brockport; and

WHEREAS, this is done to help provide seeds, tools, water resources, vocational and literacy training and other self-help skills needed overseas through Church World Service; and

WHEREAS; women, men and children throughout the world must walk long distances every day to get water, food and shelter in order to survive; and

WHEREAS; twenty-five percent of CROP WALK funds raised will assist hungry people right in our own area through the Brockport Food Shelf; and

WHEREAS; there have been 28 walks between 1983 and 2010, which have raised the total of \$217,865 of which \$54,466.25 (25%) has stayed in Brockport; and

WHEREAS; there continues to be a growing number of people who need assistance at our local food

pantry and a need for education regarding poverty and hunger in the world;

NOW, THEREFORE, I, Maria Connie Castañeda, Mayor of the Village of Brockport do hereby proclaim May 1st, 2011 to be CROP WALK Day in the Village of Brockport and encourage all our citizens to ‘Walk With the World’ by walking, sponsoring a walker or making a gift to ‘CROP.’
IN WITNESS WHEREOF, I do hereby set my hand, and cause the Corporate Seal of the Village of Brockport to be affixed this 27th day of April, in the year 2011.

MINUTES OF VILLAGE BOARD MEETING HELD April 27, 2011 continued.....page 9

→ Trustee Hunsinger moved, Trustee Kuhn seconded to grant the procession permit.

Discussion: Art Appleby stated over the past 27 years, money has been raised and awareness of world hunger has been increased. Twenty-five percent of the funds collected remain in our community.

Call to Question:

Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	yes

Carried 5/0

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES:** 3/23, 4/12, 4/13, 4/15

→ Trustee Hunsinger moved, Trustee Blair seconded, that the minutes of the March 23, 2011 regular meeting be approved as written.

Call to Question:

Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	yes

Carried 5/0

→ Trustee Hunsinger moved, Trustee Hannan seconded, that the minutes of the April 12, 2011 work session be approved as written.

Call to Question:

Trustee Blair	Abstain – not present at the April 12, 2011 work session
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	yes

Carried 4 yes, 1 abstain

→ Trustee Hannan moved, Trustee Hunsinger seconded, that the minutes of the April 13, 2011 regular meeting be approved as written.

Call to Question:

Trustee Blair	Abstain – not present at the April 13, 2011 regular meeting
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	yes

Carried 4 yes, 1 abstain

→ Trustee Hunsinger moved, Trustee Ha, that the minutes of the April 15, 2011 special meeting be approved as written.

Call to Question:

Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes

Deputy Mayor Kuhn Abstain – not present at the April 15, 2011 special meeting
Mayor Castañeda Abstain – not present at the April 15, 2011 special meeting

Carried 3 yes, 2 abstain

MINUTES OF VILLAGE BOARD MEETING HELD April 27, 2011 continued.....page 10

○ **APPROVAL OF BILLS TO BE PAID**

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

A/P Clearing Account

	<u>Abstract Date</u>	<u>Amount</u>
FUND (A): <u>General</u>	4/27/11	\$33,623.52
	4/28/11	\$16,747.50
FUND (F): <u>Water</u>	4/20/11	\$46,558.96
	4/27/11	\$4,698.72
FUND (H): <u>Capital</u>	4/27/11	\$78.26
FUND (T): <u>(Trust & Agency)</u>	-	
		\$101,706.96 grand total

Mayor Castañeda reminded the Board they are approving bills to be paid without reviewing and approving the vouchers.

CLERK & TREASURER REPORTS:

A. Clerk (excused)

- Sidewalk café permit applications
 - Main Street Pizza
 - Mythos Café

→ Trustee Kuhn moved, Trustee Hannan seconded, to grant the sidewalk café permits through October 31st as requested.

Discussion: None.

Call to Question:

Trustee Blair yes
Trustee Hannan yes
Trustee Hunsinger yes
Deputy Mayor Kuhn yes
Mayor Castañeda yes

Carried 5/0

- Door to door hawking & peddling applications
 - Just Energy
 - Gateway Energy

→ Trustee Hunsinger moved, Trustee Hannan seconded to grant the hawking & peddling applications from May 1st to October 31st as requested.

Discussion: Trustee Blair requested the company representatives wear identification badges and walk in the street rather than residents' lawns.

Call to Question:

Trustee Blair yes
Trustee Hannan yes
Trustee Hunsinger no
Deputy Mayor Kuhn Abstain – conflict of interest
Mayor Castañeda yes

Carried 3 yes, 1 abstain, 1 no

- 2011 Events Schedule completed – thanks again to volunteer Norm Frisch for formatting into poster

B. Treasurer

- Update on debt service re Main Street water & sewer project – Treasurer Lovejoy reported we have received our rating and will be receiving bids for the bond on April 28, 2011.
- Update on budget process to date
Removing paid lunch break for non-union employees – employees will be receiving an unpaid 30 minute lunch break and will be paid for 37.5 hours per week.

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

→ Trustee Hunsinger moved, Trustee Hannan seconded, to approve removing paid lunch breaks for non-union employees. All full-time non-union employees will be paid for 37.5 hours per week instead of 40 hours per week beginning June 1, 2011.

Discussion: None.

Call to Question:

- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger yes
- Deputy Mayor Kuhn yes
- Mayor Castañeda yes

Carried 5/0

Minimum Staffing Proposal presented by Stetson Club –

→ Trustee Hunsinger moved, Trustee Hannan seconded, to accept the minimum staffing proposal and authorize the Mayor to sign the Memorandum of Understanding.

Discussion: Trustees Blair and Hannan thanked the Stetson Club. Chief Varrenti stated if staffing is lowered to one person during the day, there will be ramifications and calls may be responded on a priority basis. Non emergency calls will have to wait.

Mayor Castañeda stated the proposal was presented only to the Board liaisons and not the entire Board of Trustees.

Call to Question:

- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger yes
- Deputy Mayor Kuhn yes
- Mayor Castañeda yes

Carried 5/0

Reduction in Carryover Vacation time – Treasurer Lovejoy stated more information is needed from each bargaining unit before action can be taken.

Elimination of Summer Help – Board action is not required for seasonal DPW laborers.

Elimination of 2 part-time clerks –this includes a part-time clerk in the Police Department and a part-time clerk in the Village office.

→ Trustee Kuhn moved, Trustee Hannan seconded, to eliminate two part-time clerk positions effective May 31, 2011 for the part-time Police Department clerk and June 30, 2011 for the part-time Village Office clerk.

Discussion: Chief Varrenti stated that eliminating the part-time clerk position at the Police Department means the one full-time clerk will be by herself and will not have a back-up person.

Call to Question:

- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger yes
- Deputy Mayor Kuhn yes
- Mayor Castañeda yes

Carried 5/0

- o Adopt final budget by 5/1 – Treasurer Lovejoy presented the final budget which reflects a 6.76% increase in the tax levy.

→ Trustee Kuhn moved, Trustee Hunsinger seconded, to approve the Water Fund budget for fiscal year June 1, 2011 – May 31, 2012.

Discussion: Mayor Castañeda thanked the treasurer for an excellent job in preparing the budget.

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

Call to Question:

Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	yes

Carried 5/0

→ Trustee Kuhn moved, Trustee Hunsinger seconded, to approve the General Fund budget for fiscal year June 1, 2011 – May 31, 2012.

Discussion: Mayor Castañeda stated she will vote no because she does not think this is the best budget that we can have for the village. 6.76% may be good in a good economy but it is not in a bad economy. This tax increase rate is too much for our senior citizens, low income people and village residents. We have one of the lowest average incomes in the county. Any kind of tax increase in this bad economy is not palatable. One way for the village’s financial distress to be alleviated is to eliminate duplication of services and consolidate wherever possible, It is what other village’s are doing.

Trustee Hunsinger stated since the vote last June, the Board needed to do things, find ways to reduce expenses, ways to increase revenue. Ad hoc committees were formed, public hearings were held. The proposed budget started at an 18% increase and is now under 6%. This was achieved through the collaborative efforts of the Board, department heads, and input from the community at countless meetings. We need a village manager/treasurer to give direction to the trustees and provide an administrative oversight plan for the future.

Trustee Hannan stated cost savings such as radio read meters will be implemented soon. There hasn’t been time to install the meters. She will diligently look at other cost savings measures.

Trustee Blair noted where we are now and where we were a year ago. We made some cuts and the Village is on the way to getting re-established.

Trustee Kuhn agrees a village manager/treasurer position is needed. Thank you to Treasurer Lovejoy on her efforts in the budget preparation.

Call to Question:

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

Carried 3/2

- o Financials for period ending 3/31/11 – Treasurer Lovejoy submitted the Financial Reports for the period ending March 31, 2011.
- o GASB #45 Compliance – Treasurer Lovejoy gave an update on the status of the Village complying to the GASB #45 regulations. The Village is still not in full compliance. She requested approval to contract services with the Burke Group to provide actuarial services to comply by May 31, 2011.

→ Trustee Kuhn moved, Trustee Hunsinger seconded, to accept the Burke Group’s proposal to provide actuarial services and authorize the Mayor to sign the contract in the amount of \$3,325..

Call to Question:

- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger yes
- Deputy Mayor Kuhn yes
- Mayor Castañeda yes

Carried 5/0

- UNYMWCP (Workers Compensation Consortium) - Treasurer Lovejoy attended the March 30, 2011 meeting and suggested the treasurer attend future meetings as they are mostly financial in nature. She also reported the Village received a surplus refund check in the amount of \$112,173 from the UNYMWCP. This surplus check represents periods 2004

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

through 2010. Treasurer Lovejoy recommended creating a reserve for Worker’s Compensation and funding with this surplus check.

→ Trustee Hunsinger moved, Trustee Kuhn seconded, to create a Worker’s Compensation reserve and fund with the surplus check in the amount of \$112,173.

Call to Question:

- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger yes
- Deputy Mayor Kuhn yes
- Mayor Castañeda yes

Carried 5/0

- Treasurer Lovejoy asked for clarification on an inquiry she received from Diana Kruger concerning the rental payment for the Capen Hose. Ms. Lovejoy found an unsigned rental contract from 2010. The Trustees directed Ms. Lovejoy to disregard the contract as it was prepared by the Village, rather than the Capen Hose (the owner).

DEPARTMENT REPORTS:

- Building / Zoning / Code Enforcement
 - Scott Zarnstorff reported moving the Building/Zoning and Code Enforcement office to One Clinton Street has been completed. Some village residents have expressed concern with accessibility.
- Police:
 - Chief Varrenti stated for the record, the Police Department has only one full-time clerk who does a number of jobs. By eliminating a part-time clerk, there will be no back up. This part-time clerk is not a luxury, but a necessity. Also, with one officer working days, we will see what the impact will be. Brock the Port – we will work with the college and increase patrols in the village. This Saturday, residents can bring their unused prescription medications and they will be properly disposed (sponsored by the DEA). During the installation of new sidewalks, the Police department will “relax” street parking requirements – please utilize side street parking. The Police Department will start enforcing code enforcement by asking residents to voluntarily comply. If this doesn’t succeed, they will issue tickets. The Police Department will collaborate with the Code Enforcement Officer. Chief Varrenti stated he did not ask to be the Code Enforcement Officer’s supervisor.
- Public Works
 - Coleman Creek crossing weekend closure – DPW Superintendent Donahue reported NYSDOT is requesting permission to close Route 19 at the Coleman Creek (Coleman Creek Road) crossing from 8:00 pm June 3 through 8:00 pm June 5, and from 8:00 pm June 17 through 8:00 pm June 19 (Liberty Street), in order to install new culverts.

→Trustee Blair moved, Trustee Hunsinger seconded to grant NYSDOT permission to close Route 19 at the Coleman Creek (Coleman Creek Road) crossing from 8:00 pm June 3 through 8:00 pm June 5, and from 8:00 pm June 17 through 8:00 pm June 19 (Liberty Street), in order to install new culverts.

Discussion:

Call to Question:

Trustee Blair yes
Trustee Hannan yes
Trustee Hunsinger yes
Deputy Mayor Kuhn yes
Mayor Castañeda yes

Carried 5/0

- Fire / Ambulance / Dispatch
 - Status – creation of ambulance as separate entity – No action taken.

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

- Fire Chief's Report - Assistant Chief Michael LaDue shared the following report:
Calls to Date (8 AM): Fire: 401 EMS: 276 Total: 677
- Chief Henry is out of town for his day job.
- Deputy Chief Marenus is attending the Monroe County Executive Chiefs Meeting

EMS Update:

- Both the Region and the State are looking for the village's determination on transferring of the ambulance apparatus and equipment to the new entity before moving forward.

Calls of significance since the last Meeting:

- None

Notes:

- Door on Station 4 is broken and waiting for a part should be done by the weekend.
- P234 will be moved if construction will inhibit us getting it out.
- Emergency Phone outside of HQ has been repaired
- Fire Alarm System will be repaired, PO in the system.
- Have submitted information on a door security system using FOB's
- Chief Henry was requested to provide a presentation to the Monroe County Chiefs Organization on the 63 Main Street Fire.

○ **PERSONNEL**

- Terminations
 - Resignations –
 - Debra Cody as Seymour Library Board member

→ Trustee Kuhn moved, Trustee Blair seconded, carried 5/0 to accept with regrets the resignation of Debra Cody as Seymour Library Board member.

A vacancy notice regarding the completion of the term to December 31, 2013 will be published.

- Retirements – none
- Terminations – none
- Appointments – none
- Vacancies –
 - Vendor re Grants Services – letters will be sent to the two finalists informing them the Village cannot commit to grant services at this time.
 - Village Manager/Treasurer – the posting for this open position will be forthcoming.
- Volunteer Drops/Addds
 - Fire / Ambulance –

→ Trustee Kuhn moved, Trustee Hannan seconded, carried 5/0 to approve the following membership

changes: Drops: Timothy Smith, Jacob Moore, Lindsay McFarlane, Todd Balmer, and Michael Mitchell, Adds: Trevor Brudz to Explorer Post and Brandon Marshall to fire only membership.

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

OLD BUSINESS:

○ Elimination of part time dispatcher positions effective 5/31 – decision then notice to employees -

→ Trustee Blair moved, Trustee Kuhn seconded to eliminate all part time dispatcher positions effective 5/31/11 and direct Village Clerk to send appropriate notice to those employees.

Discussion:

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

Call to Question:

- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger yes
- Deputy Mayor Kuhn yes
- Mayor Castañeda yes

Carried 5/0

○ Proposed Local Law – amend Village Code Chapter 59 Code Enforcement – decision – if it is to go to referendum - the Deputy Village Clerk read the following:

Village of Brockport, Notice of Completion of SEQR Review

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act (SEQR), pursuant to Article 8 of the State of New York Environmental Conservation Law.

The lead agency has determined that the proposed action described below **WILL NOT** have a significant effect on the environment.

Title of Action: Transfer of Code Enforcement to Brockport Police Department

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action:

WHEREAS, the Village of Brockport has determined in the interest of cost-effectiveness and efficiencies that the supervision and administration of code enforcement is best served by the Code Enforcement Officer and Code Enforcement Inspector directly reporting to and being supervised by the Chief of Police; and

WHEREAS, a review under SEQR has been undertaken and as the single involved agency the Village is the lead agency pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law; and

WHEREAS, the Village of Brockport in accordance with Section 617.7 (a) – (d) has evaluated the proposed action for determination of significance; and

WHEREAS, the proposed action has been reviewed in all relevant aspects and determined to have no significant adverse impact on the environment; and

WHEREAS, the reasonably related long term, short term, direct, indirect and cumulative impacts of the project have been considered in the determination of non-significance; and

THEREFORE, be it resolved, the Village Board by resolution has adopted the Transfer of Code Enforcement to Brockport Police Department, which specifically identified the proposed action as

desirable.

The above resolution was made by Trustee Hunsinger and seconded by Trustee Blair at a meeting of Brockport Village Board, held on April 27, 2011. Following discussion on the resolution, the following roll call vote was recorded.

Call to Question:

Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	yes

Carried 5/0

The Deputy Village Clerk read the following:

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

**ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF BROCKPORT
LOCAL LAW NUMBER TBA**

WHEREAS, a resolution was duly adopted by the Village Board for a public hearing to be held by said Village Board on April 13, 2011 at 7:00PM at the Brockport Middle School Auditorium to hear all interested parties on a proposed Local Law to modify Section 59 of the Village Code; and

WHEREAS, notice of said public hearing was duly advertised in the Suburban News, the official newspaper of the Village, on April 3, 2011, and posted on the Village website, and Village Clerk's signboard on April 1, 2011; and

WHEREAS, said public hearing was duly held at the Middle School Auditorium at 7:00PM on April 13, 2011, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act (SEQR), pursuant to Article 8 of the State of New York Environmental Conservation Law it has been determined by the Village Board of the Village of Brockport that adoption of said proposed local law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

WHEREAS, the Monroe County Department of Planning recommended "local matter" of the proposed local law on April 11, 2011, pursuant to section 239-m of the General Municipal Law; and

WHEREAS, the Village Board of the Village of Brockport, after due deliberation, finds it in the best interest of said Village of Brockport to adopt said local law;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Brockport hereby adopts said local law number 2 entitled A LOCAL LAW MODIFYING CHAPTER 59 OF THE CODE OF THE VILLAGE OF BROCKPORT TITLED "CODE ENFORCEMENT", a copy of which is attached hereto and made a part of this resolution; and

BE IT FURTHER RESOLVED, that pursuant to Chapter 23 of the New York State Home Rule Law that a mandatory referendum be scheduled on this local law on Tuesday, June 18, 2011 from 12:00 pm noon to 9:00 pm at the Village Hall;

BE IT FURTHER RESOLVED, that that Village Clerk be and is hereby directed to enter said local law in the minutes of this meeting and in the Local Law Book of the Village of Brockport, and if after passing by mandatory referendum, to give due notice of the adoption of said Local Law to the New York Secretary of State.

Discussion:

Trustee Blair stated couldn't attend the meeting on April 13, 2011, as he was away on a business trip. He stated a lot of thought went into the Points and Penalties. With all the enforcing Mr. Zarnstorff has to do, this creates a consolidation of two offices.

Mayor Castañeda stated this is purely a political move.

The foregoing resolution was duly put to a vote which resulted as follows

Mayor Castaneda	No
Village Trustee Blair	Yes
Village Trustee Hannan	Yes
Village Trustee Hunsinger	Yes
Village Trustee Kuhn	No

Carried 3/2

o Proposed Local Law – amend Village Code Chapter 42 Sewers – decision – if it is to impact final budget – the Deputy Village Clerk read the following:

Village of Brockport, Notice of Completion of SEQR Review

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act (SEQR), pursuant to Article 8 of the State of New York Environmental Conservation Law.

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

The lead agency has determined that the proposed action described below **WILL NOT** have a significant effect on the environment.

Title of Action: Establishment of Sewer Rental Fee

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action:

WHEREAS, the Village of Brockport has determined in the interest of cost fairness and financial budget concerns that the institution of a sewer rental fee, based upon water consumption, is in the best interest of the Village;

WHEREAS, a review under SEQR has been undertaken and as the single involved agency the Village is the lead agency pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law; and

WHEREAS, the Village of Brockport in accordance with Section 617.7 (a) – (d) has evaluated the proposed action for determination of significance; and

WHEREAS, the proposed action has been reviewed in all relevant aspects and determined to have no significant adverse impact on the environment; and

WHEREAS, the reasonably related long term, short term, direct, indirect and cumulative impacts of the project have been considered in the determination of non-significance; and

THEREFORE, be it resolved, the Village Board by resolution has adopted the Establishment of a Sewer Rental Fee, which specifically identified the proposed action as desirable.

The above resolution was made by Trustee Hannan, and seconded by Trustee Hunsinger at a meeting of Brockport Village Board, held on April 27, 2011. Following discussion on the resolution, the following roll call vote was recorded.

Call to Question:

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

Carried 3/2

The Deputy Village Clerk read the following:

**ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF BROCKPORT
LOCAL LAW NUMBER 1 – 2011**

WHEREAS, a resolution was duly adopted by the Village Board for a public hearing to be held by said Village Board on April 27, 2011 at 7:00PM at the Brockport Middle School Auditorium to hear all interested parties on a proposed Local Law to modify Section 42 of the Village Code, by the addition of Article I-A therein entitled Sewer Rental Fee; and

WHEREAS, notice of said public hearing was duly advertised in the Suburban News, the official newspaper of the Village, on April 17, 2011, and posted on the Village website, Village Clerk's signboard on April 15, 2011; and

WHEREAS, said public hearing was duly held at the Middle School Auditorium at 7:00PM on April 27, 2011, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act (SEQR), pursuant to Article 8 of the State of New York Environmental Conservation Law it has been determined by the Village Board of the Village of Brockport that adoption of said proposed local law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

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

WHEREAS, the Monroe County Department of Planning recommended "local matter" of the proposed local law on April 26, 2011, pursuant to section 239-m of the General Municipal Law; and

WHEREAS, the Village Board of the Village of Brockport, after due deliberation, finds it in the best interest of said Village of Brockport to adopt said local law;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Brockport hereby adopts said local law number 1 entitled A LOCAL LAW MODIFYING CHAPTER 42 OF THE CODE OF THE VILLAGE OF BROCKPORT TITLED "SEWERS", a copy of which is attached hereto and made a part of this resolution; and

BE IT FURTHER RESOLVED, that that Village Clerk be and is hereby directed to enter said local law in the minutes of this meeting and in the Local Law Book of the Village of Brockport, and to give due notice of the adoption of said Local Law to the New York Secretary of State.

The foregoing resolution was duly put to a vote which resulted as follows

Mayor Castaneda	No
Village Trustee Blair	Yes
Village Trustee Hannan	Yes
Village Trustee Hunsinger	Yes
Village Trustee Kuhn	No

Carried 3/2

- o Proposed Fire District – adoption of various resolutions and update -

→ Trustee Blair moved, Trustee Kuhn seconded to meet with the Sweden and Clarkson Town Boards at the Sweden Town Hall, 18 State Street, Brockport, NY 14420 on Tuesday, May 10, 2011 at 6pm for the purpose of discussion regarding the establishment of a joint fire district encompassing the Village of Brockport, Town of Sweden and Town of Clarkson.

Discussion:

Trustee Blair clarified that the intermunicipal meeting is to call for a public hearing. Each of the Towns and Village will endorse a proposal.

Call to Question:

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

Carried 3/2

NEW BUSINESS:

- o Public Safety Communications Tower – proposed amendment to lease agreement with County –

→ Trustee Kuhn moved, Trustee Hunsinger seconded to approve and authorize the Mayor to execute the amendment to the lease agreement with Monroe County regarding the Public Safety Communications Tower.

Discussion:

Thank you to DPW Superintendent Donahue for his efforts.

Call to Question:

- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger yes
- Deputy Mayor Kuhn yes
- Mayor Castañeda yes

Carried 5/0

- o Farmers Market – accept sponsorship, reappointing Managers, amend rules & regulations. Tabled because information has not been submitted for review and approval.

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

VILLAGE BOARD REPORTS:

- o Mayor M. Connie Castañeda
 - Village has received Community Development Block Grant in the amount of \$41,750 for the College Street water replacement project.
 - Received a letter from Tree City USA, Arbor Day is this Friday, April 29.
- o Trustee / Deputy Mayor Daniel P. Kuhn
 - No report.
- o Trustee Kent R. Blair
 - Easy to find the negatives, this happens in the village. People upset with 16% increase left before the budget presentation, so they do not know the end result. People rally for negative things, but aren't here for the positive. Village is on the right track. I would like to recognize Treasurer Lovejoy for her good work.
- o Trustee Carol L. Hannan
 - Attended the grand opening of a new photography business on Main Street.
- o Trustee Scott W. Hunsinger
 - On May 14 – 15, from 1 to 5 pm, Brockport will be celebrating New York Heritage Weekend. Bill Andrews will be giving a history walk. There will be an Arbor Day event this Friday, April 29. Last year, Trustee Hunsinger rode with Chief Varrenti during the Brock the Port event, he enjoyed the experience. Thank you to Treasurer Lovejoy for her efforts.

ADJOURNMENT:

→ At 10:15 pm, Trustee Blair moved, Trustee Hannan seconded, carried 5/0 that the meeting be adjourned.

Pauline Johnson, Deputy Clerk-Treasurer

**Submitted
by
Harry Donahue, Department
of Public Works
Superintendent
Harley Perry, Former Village
Board Trustee, Board of Water
Commissioners
Carol Hannan, Trustee**

Current Status

- Aging sewer system
- Needs repair
- Needs to be maintained and updated
- Need to plan for the future
- Debt repayment i.e. sewer reconstruction
- Need to establish a funding source

Current funding

- Funded by property taxes
- Out of district pay as they go
- Tax exempt properties use the system

Rationale for sewer rental rates

- ▣ Other municipalities use sewer rentals to fund sewers i.e. Holley, Bergen, Spencerport, Hilton, Webster, Canandaigua and Churchville, Fairport and East Rochester.
- ▣ Fairness
- ▣ Conservation of resources

Rates of other municipalities

- ▣ Spencerport- \$2.80 per 1000 gal. plus flat fee of \$156.00 per unit
- ▣ Canandaigua- 2011 proposed- \$3.40 per 1000 gal.
- ▣ Churchville- \$31.00 per month, per unit for residential
- ▣ Bergen-residential \$45.00 per quarter plus 0-15k per gallons of water \$75.00 per unit per quarter. 15k 001 to 40k gal. \$90 per unit per quarter, 40k+ is \$100 per unit per quarter.

Fairness

- ▣ Wear and tear on sewer systems is directly related to the amount of water used.
- ▣ No relationship between property taxes and stress placed on system.
- ▣ The single occupant of a highly assessed home for example, may pay more in taxes to support the sewer system than the owner of a property assessed lower but occupied by a larger number of residences.
- ▣ Tax exempt properties do not pay anything

Assessment methods

- ❑ Flat fee-fee per user
- ❑ Equivalent Dwelling Units(EDU's)-is based on single family residential units.
- ❑ Water consumption-per thousand gallons of water
- ❑ Water consumption per thousand gallons and flat fee i.e. Spencerport

Recommendations

- ❑ Need for short and long term repair
- ❑ Need to plan for funding in a more equitable way
- ❑ Need for long term planning with goals

Allocation of funds

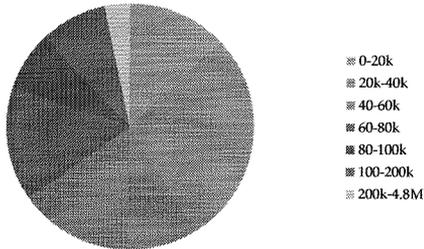
- ❑ Debt service
- ❑ Reserve
- ❑ Maintenance
- ❑ Equipment reserve
- ❑ One time Bond Administration fee(Main Street Reconstruction Project)

Conclusion

- ❑ A sewer user rental fee, based solely on water consumption for operational expenses and debt services(Main Street Sewer and Water Project)
- ❑ A reserve fund for capital improvements
- ❑ A reserve fund for equipment
- ❑ A timeline and plan of immediate and long term system improvements(Chatfield Engineer)

Brockport Water Users subject to Proposed Sewer Use Fee
July 1, 2009 to June 30, 2010 use in gallons

Customers and their water usage



Water usage subject to proposed sewer fee

- ❑ 1730 Customers use 134 million gallons

Median usage: 46,000 gallons(half of customers use less, half use more)
