

**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, December 22, 2010 at 7:00pm.**

**PRESENT:** Mayor M. Connie Castañeda, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli, Treasurer Mary Beth Lovejoy, Police Chief Daniel P. Varrenti, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Deputy Fire Chief Michael J. Henry, Village Attorney Michael P. Leone, Esq.

**EXCUSED:**

**ALSO PRESENT:** Jim & Joan Hamlin, Peter & Susan Smith, Bernie & Karen LoBracco, Tom Mangan, David Markham, Mark Kristansen, Jonathan Keck, Brian Winant, Joy Levandowski, Clarkson Town Board member Christa Filipowicz, Clarkson Town Board member Patrick Didas, Hanny Heyen, Margay Blackman, Tony Perry, Norm Giancursio, Kevin McCarthy, Valerie Ciciotti, Harry Snyder, Kristina Gabalski, Pam Ketchum, Josephine Matela, John Bush, Assistant Fire Chief Don Marenus, Lucas VanDervort, Byron Green, Mary Jo Nayman, Rachael Blair, Bill Andrews, Sri ram Bakshi, John Duthoy, Brian Smith, Nate Coons, Day Somerfeldt, Lizzy Snyder, David Rice

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

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

**GUESTS:**

- Bill Andrews, Historic Preservation Board Chair – 1) annual CLG (Certified Local Government) report - The Village is a Certified Local Government (CLG) and is required to submit a report of its activities annually. The report for 10/1/09 – 9/30/10 has been submitted. Highlights include 5 structures being designated as historic landmarks, a windshield survey with Robert Englert of possible neighborhoods for designation, nomination of the Alumni House to the State and National Registers (accomplished), second façade improvement program for the downtown historic commercial district, master plan for Clinton Street revitalization. Plans for next year include nomination of the A.D. Oliver Middle School to the State and National Registers, nomination for the First Baptist Church. With Village Board support they have applied for a CLG grant regarding the feasibility of upper floor space being converted into loft apartments in the downtown historic commercial district. 2) Walking tour brochure that was published in 2000 and republished in 2005 are almost out. A third edition will be published and financed by advertisements of area businesses and service clubs. This will mean adding a panel and map for the ads. There will be no cost to the Village. Since the Village cannot solicit advertising, the GBDC is handling the financial end of it. Not a single business asked so far has turned down the opportunity. A student is doing the layout as community service.

Mayor Castañeda thanked B. Andrews for all of his hard work and dedication to the Village in so many different capacities. Trustee Hunsinger said he met with B. Andrews on the walking tour brochure and had reported on it at a Village Board meeting a while back. He said he is glad to see the project come to fruition.

**PUBLIC COMMENT:**

- Tom Mangan of Utica Street – reported that he just attended the Town of Sweden's public hearing regarding switching to Monroe Ambulance. He said it was packed and that 9 Town of Sweden residents spoke out against the switch and 1 spoke out somewhat in favor of it due to having attended the Village Board's special meeting on December 20<sup>th</sup>.

- Pam Ketchum of Park Avenue – reported that she also attended the Town of Sweden's public hearing regarding switching to Monroe Ambulance. She said no facts or presentation were made other than what was written up in the Town of Sweden's newsletter. She encouraged the Village Board to be creative and come up with a way to save Brockport Ambulance service. This change impacts the Town and the Village. The person that doesn't have insurance coverage may be reluctant to call for help for fear of receiving a big bill.

- Joan Hamlin of Park Avenue – said T. Mangan was probably speaking of her as being the one who spoke at the hearing. She said she did, indeed, attend the Village Board's special meeting on December 20<sup>th</sup>. It was open to the public. She said you cannot say the current Village Board members are at fault for the financial situation the Village is in. It happened over a long time and over several Boards. However, the current Board was elected and is responsible to get the Village out of the financial mess it is in. It appears the Towns of Sweden and Clarkson finally got the Village's attention, but probably too little, too late. The Village will likely not be able to continue ambulance service without the Towns and will need to sell its 3 ambulances and equipment. J. Hamlin expressed dismay that Trustee Hannan called the 2 Towns "rat bastards" in the December 20<sup>th</sup> special meeting. This was in the open, not in executive session. That is inexcusable and unforgiveable. J. Hamlin said all some

Village Board members are looking at are ways to raise revenues by creating fees and increasing taxes. What they should be looking at is cutting services. Taxpayers can't give any more in taxes or fees. J. Hamlin said T. Mangan brought up how much the Town keeps of Village money through the Court and that after tonight we'd have a Village Court. She expressed concern of some of the statements T. Mangan made.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**CERTIFICATES OR PROCLAMATIONS:**

- o Certificate of Appreciation – Scott Smith – Fire Chief 2009 & 2010 – Mayor Castañeda shared that Chief Smith was unable to attend this evening. His certificate would be presented at the swearing in ceremony of new officers January 4<sup>th</sup> at 7pm at the Fire Exempts. She encouraged Village Board members to attend.

Certificate of Appreciation  
Presented to  
Scott Smith  
In recognition for  
Volunteer service to the  
Village of Brockport  
As Fire Chief for the  
Brockport Fire Department  
For the years 2009 & 2010.  
With gratitude from your community.

- o Certificate of Appreciation – Lucas VanDervort – EMS Chief 2008 & 2009 & 2010 – Mayor Castañeda presented the certificate to L. VanDervort.

Certificate of Appreciation  
Presented to  
Lucas VanDervort  
In recognition for  
Volunteer service to the  
Village of Brockport  
As EMS Chief for the  
Brockport Fire Department  
For the years 2008 & 2009 & 2010.  
With gratitude from your community.

**CONSENSUS ITEMS:**

- **APPROVAL OF MINUTES:** 12/8, 12/13, 12/20

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, carried 5/0 that the minutes of the December 8, 2010 meeting be approved as written.

→ Mayor Castañeda moved, Trustee Blair seconded, Trustee Hunsinger abstained due to absence, carried 4/0/1 that the minutes of the December 13, 2010 meeting be approved as written.

→ Mayor Castañeda moved, Trustee Blair seconded, Deputy Mayor Kuhn abstained due to absence, carried 4/0/1 that the minutes of the December 20, 2010 meeting be approved as amended.

- **APPROVAL OF BILLS TO BE PAID**

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

A/P Clearing Account

|                                       | <u>Date Paid</u> | <u>Amount</u>            |
|---------------------------------------|------------------|--------------------------|
| FUND (A): <u>General</u>              | 12/22/10         | \$76,145.47              |
| FUND (F): <u>Water</u>                | 12/22/10         | \$36,263.03              |
| FUND (H): <u>Capital</u>              | 12/22/10         | \$8,358.21               |
| FUND (T): <u>(Trust &amp; Agency)</u> | -                | -                        |
|                                       |                  | \$120,766.71 grand total |

**CLERK & TREASURER REPORTS:**

- Clerk
- Treasurer
  - Budget Transfers Amendments –

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

| Account Number | From: Description | Account Number | To: Description        | Amount:    |
|----------------|-------------------|----------------|------------------------|------------|
|                |                   | A1325.4070     | Copier exp             | \$3,695.00 |
|                |                   | A3120.4065     | Office Equipment Lease | \$2,112.88 |
|                |                   | A3410.4250     | Office/Computer        | \$695.00   |
|                |                   | A2770.0000     |                        | \$736.12   |

Purpose: amend budget for the receipt of buyout payment from Usherwood Office Technology for the return of copiers replaced by our new agreement. Total amount of payment \$7,239.00.

→ Deputy Mayor Kuhn moved, Trustee Hunsinger seconded to authorize the following budget transfers / amendments.

| Account Number | From: Description | Account Number | To: Description | Amount:     |
|----------------|-------------------|----------------|-----------------|-------------|
|                |                   | 1990.4000      | Contingency     | \$21,883.18 |

Purpose: per request of Trustee Hunsinger at board meeting of 12/8/10

Note: this does not protect the cash from being spent along with other general fund cash

**Discussion:**

Trustee Hunsinger said he would prefer to move the monies over at the end of the fiscal year.

Treasurer Lovejoy said the Village signed a settlement agreement with the Towns which requires them to transfer \$35,000 to the fire equipment reserve. It was not in the 2010-2011 budget. The \$21,883.18 was unexpected so you now have some resources to do so.

Trustee Hunsinger said he would like to leave it open if there is something more pressing.

Mayor Castañeda said by putting this money to contingency, it does not safeguard the funds.

**Upon roll call vote:**

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

Motion carried 4/1.

→ Mayor Castañeda moved, Trustee Blair seconded to move \$35,000 from operating cash to fire truck replacement reserves pursuant to the Village’s agreement with the Towns of Sweden and Clarkson.

**Discussion:**

Trustee Blair said there is no budget / transfer amendment prepared for such.

Trustee Hunsinger said this is not on the agenda.

Treasurer Lovejoy clarified that a budget / transfer amendment does not move funds from one cash account to another cash account. They would be removing funds from operating cash to a reserve cash account so that the cash doesn’t get spent.

Trustee Blair suggested she write it up for consideration at the next meeting.

**Upon roll call vote:**

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

Motion defeated 3/2.

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○ Treasurer's Report – Treasurer Lovejoy presented a power point presentation (Attached at the end of the minutes in entirety.) Also posted on the website.

Trustee Blair said the overtime information is definitely needed.  
Treasurer Lovejoy said she can present such from monthly payroll reports.

Deputy Mayor Kuhn said he understands there are issues with technology.  
Treasurer Lovejoy said the departments do not have access to the Village's accounting system, but should. Clerk Morelli concurred, as long as it is "read only".

○ Financials for period ending 11/30/10 – Treasurer Lovejoy referred to the financials for General Fund and Water Fund for period ending 11/30/10. They were distributed to the Board and Department Heads and will be posted on the website.

○ Cash Flow report for fiscal year ending 5/31/11 using realized data through 11/30/10 – Treasurer Lovejoy referred to the quarterly cash flow report. They were distributed to the Board and Department Heads and will be posted on the website.

Trustee Blair said he likes the new format for the quarterly cash flow report.  
Treasurer Lovejoy said it is the same format she used previously.

**DEPARTMENT REPORTS:**

Mayor Castañeda said in light of the length of this agenda, she respectfully requests that Department Heads keep their reports as brief as possible.

- Building / Zoning / Code Enforcement
  -
- Police
  - Recent investigations of interest – Chief Varrenti referred to the "exposing" investigation. An individual was arrested who also faces burglary charges as far away as Auburn. Chief Varrenti referred to the bow and arrow in a residential window investigation. An individual was arrested. The particular residence was not targeted intentionally.
  - Holidays – Chief Varrenti thanked Mayor Castañeda for the poinsettia plant and plate of cookies, Trustee Hannan for the jam, Trustee Hannan, Blair, Hunsinger for the holiday swag. He wished all a Merry Christmas and a Happy New Year. He also wished resident David Markham a Happy Birthday on Christmas.
  - Financial Reports - Chief Varrenti commented that some folks think they have expertise in contracts and there are a lot of rumors in the community. He said Treasurer Lovejoy is correct when she says that no other employees in the Village get the same holiday pay as the Stetson Club. However, the Stetson Club gets the same as other law enforcement agencies in Monroe County. It would have been expensive for the Village to go to binding arbitration had a contract not been settled. Had that been the case, there certainly would not have been a 2% pay decrease this year followed by flat next year when others in law enforcement are getting 2 to 4% increases over the next 3 years. Chief Varrenti said the Stetson Club gets what many others in law enforcement get, but they have given up what no others in law enforcement would have.
  - Overtime - Chief Varrenti said getting the overtime figures from the Treasurer on a monthly basis would be very helpful. He cautioned that since the Village's fiscal year runs 6/1 – 5/31, but Towns, County and Police reports run on calendar year, his figures may differ a bit. In 2010 they spent 3,634 hours in overtime for a total of \$181,700. He contends that had the department been properly staffed, the overtime figure would have been only \$24,750. However, the numbers were worse 10 years ago, even at much lower salaries.

○ Public Works

- CDBG – DPW Superintendent Donahue shared that he will be attending the steering committee meeting on January 12<sup>th</sup> regarding CDBG applications. He hopes to secure some funds for infrastructure work.

○ Fire / Ambulance / Dispatch

- Report – Deputy Chief Henry shared the following report.

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Calls of significance:

- On Saturday November 27<sup>th</sup> around 6 pm we responded for a trailer fire on West Ridge Road near County Line Road. Upon arrival we had multiple trailers on fire. Chief Smith declared working fire and this was a “surround and drown” the moment he arrived which proved to be a good course of action with the additional questions concerning the contents of the building from the Sheriff’s Office. This was an extended incident and the fire was ruled suspicious. 2 members treated and released from Lakeside.
- On Wednesday December 1<sup>st</sup>, we also went to Morton for the large barn fire (farm complex) on Redman Road in the Town of Hamlin. Which was another extended event, we sent Ladder-231 to the scene to use the aerial waterway, Pumper-2325 to fill tankers, and Van-2317 was used to shuttle firemen. We also sent the Fire Police later in the incident to help with traffic control. The county placed a Ladder truck from Chili at Brockport to help cover this side of the county.
- On Saturday December 11<sup>th</sup> we responded for an MVA on 4<sup>th</sup> Section Road which looked routine for that area, but was upgrade to adding R-238 to the assignment when our Dispatcher saw more information on the MDT’s. This became a very serious accident with 4 people trapped upon arrival, unfortunately one was a DOA. Getting the Rescue on the road quickly was a real help, this was a good job by all as we the 3 patients out of the vehicles within 9 minutes of arrival. We had Mercy Flight, Clarendon, Holley, Monroe and Spencerport Ambulance on-scene with us.
- On Friday 11/26 during the afternoon we received a call for a female with difficulty breathing on West Avenue in the Village, first units on scene was our Duty Officer and the PD. They reported a Medical 500, meaning cardiac arrest and started CPR. Our day crew was unavailable transporting a patient to the city and we were able to put a volunteer basic crew and the closest ALS was GVA in Greece. Lucas Vandervort (our EMS Chief) was on duty with the Brockport PD and did the ALS workup on scene in the extraordinary circumstances with the ALS supplies from the ambulance.
- At recent call on Frazier St. on 12/15 two Brockport Police Officers were already on scene rendering EMS care and shoveling the snow off of sidewalk to make a clear path for the gurney and the EMS crew. They, along with providing EMS care, also did the lifting for us (assisted by the Medic 42 crew). The upstairs bathroom door needed to be removed and several steps negotiated in order to get the back boarded patient outside to the gurney. The BPD and Medic 42 crew repositioned the ambulance and transferred the patient into our waiting ambulance. The community slept peacefully while the BPD was out in the dark, cold winter elements going above and beyond their daily duties. (And our crew greatly appreciated the lift assistance, etc). EMT Sherry Keck and EMT Rebecca Staudt

Notes:

- On 12/28 we will be switching over to the new Line Officer Line up and I want to first thank Past Chief Scott Smith for helping with a very smooth transition as his term as our Chief comes to an end.
- New Chief and Officer Swearing in Ceremony is Tuesday January 4<sup>th</sup> at the Exempts Club on West Avenue at 7 PM.
- I also want to welcome aboard Assistant Chief Mike LaDue and welcome back EMS Battalion Chief Jim Toole to the Chiefs Office.
- We completed a successful EMT Class in Brockport with 4 members passing on the rapid scoring and a few others awaiting their test results. In January we will begin a Basic EMT Core Content Refresher Course.

• **PERSONNEL**

○ Accept slate of Officers per Fire Department Elections –  
Per Deputy Chief Henry, the following is the slate of officers. More will be coming in January.

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 via roll call to accept the slate of Officers per the Fire Department Elections as follows:

Fire Chief                      Michael Henry

Deputy Chief Don Marenus  
Assistant Chief Michael LaDue  
EMS Battalion Chief James Toole

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Ambulance Corps:

Captain Susan Mohney  
Lieutenant Cody Dean

Captains:

Captain Kyle Boyst  
Captain James Juby  
Captain Kenneth Smith Jr.

Lieutenants:

Lieutenant Skip Dorgan  
Lieutenant Joe Indelicato  
Lieutenant Christopher Mros  
Lieutenant Steve Ray  
Lieutenant Tim Russell  
Lieutenant Andy Young

Fire Police:

Captain Paul Drake  
Lieutenant James Ford

- Terminations
  - Resignations –
    - Paul Braman – part time Dispatcher -

→ Motion by Mayor Castañeda, seconded by Trustee Hunsinger, carried 5/0 via roll call to accept with regrets the resignation of Paul Braman as part time Dispatcher.

- William Newbould – full time DPW laborer -

→ Motion by Mayor Castañeda, seconded by Trustee Hunsinger, carried 5/0 via roll call to accept with regrets the resignation of William Newbould as full time DPW laborer effective January 5, 2011.

- Retirements - none
- Terminations - none
- Vacancies – none
- Appointments - none
- Volunteer Drops/Addds
  - Fire / Ambulance –

→ Motion by Trustee Blair, seconded by Trustee Hunsinger, carried 5/0 to approve the following membership changes: Sherry Keck add to fire and ambulance, Robin Waller add to fire and ambulance, Megan Moynihan add to ambulance only; Drops: Robert Wood, Diane Wood; Exempt Certificate: Kyle Rombaut.

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

**OLD BUSINESS:**

○ Approve & authorize Mayor to execute amended URMC Strong EAP contract – Clerk Morelli suggested the Board delete this agenda item as she believes the contract recently executed is correct. She will confirm this with URMC.

○ Set public hearing to consider accepting dedication of Havenwood Meadows Section 3 Phase 1 (aka McCormick Place Section 1) -

→ Motion by Mayor Castañeda, seconded by Deputy Mayor Kuhn, carried 5/0 via roll call to call for a public hearing January 12<sup>th</sup> as follows:

VILLAGE OF BROCKPORT  
Notice of Public Hearing

Please take notice that the Board of Trustees of the Village of Brockport will hold a Public Hearing beginning at 7:00pm on Wednesday, January 12, 2011 in the Conference Room of the Village Hall, 49 State Street, Brockport, New York to consider acceptance of an offer of dedication of the streets laid out in a subdivision map entitled Havenwood Meadows Section III Phase I (also known as McCormick **MINUTES OF VILLAGE BOARD MEETING HELD December 22, 2010 continued.....page 7**

Place) and recorded in the Monroe County Clerk's Office on July 3, 2002 in Liber 312 Maps at page 89. Said public hearing will also consider acceptance of an offer of dedication to the easterly 105 feet of Candlewick Drive.

All interested parties will be given the opportunity to be heard.

**NEW BUSINESS:**

o Authorization to hire 1 part time police officer – Robert Hagen III – Mayor Castañeda asked Chief Varrenti to review his hiring request rationale that he provided the Board.

Rationale:

Some years ago former Mayor Wexler negotiated a provision in the contract that allows part time officers to work in place of full time officers on Sunday, Monday, and Tuesday. This concession cost the village money and we aren't taking advantage of it. Furthermore during the months of September, October, April and May I require three officers to work the night shift. Anyone who has ridden with the officers knows why I require this staffing level. Since we only have one part time officer and his hours are limited because he's out of town a lot we have been paying large amounts of overtime to cover openings that could be paid to a part time officer.

As such we have been searching for a new, young part time candidate and we believe we have found one. His name is Robert Hagen III and he's presently paying his own way through the first segment of the academy. In order to enter the second segment he has to be employed by a law enforcement agency. Pending the Village Boards approval I have drafted a conditional offer of employment to include but not be limited to the following:

I Robert W. Hagen III agree to the following terms and conditions of employment with the Village of Brockport Police Department.

1. I agree to start the Erie Community College Phase II Police Academy on January 10th, 2011 and successfully complete all training by February 25th, 2011.
2. I agree to pay any and all registration costs as well as provide the necessary (Grays) uniform and shoes as required by the ECC academy.
3. The Brockport Police Department will provide all leather gear, Glock Mod 22 .40 cal pistol, all necessary ammunition, Collar Brass and Shoulder Patch.
4. I agree to be paid at minimum wage while I attend the ECC Academy until such time I obtain certification or graduate from the ECC Academy.
5. Upon certification or graduation from the ECC academy, I will then be subject to the Stetson Club contract concerning part-time wages.

I would therefore ask the village board to hire Robert W. Hagen III in accordance with this Conditional Offer of employment and in turn reduce overtime.

o Authorization to re-hire Ralph Gleason as a part time police officer – Mayor Castañeda asked Chief Varrenti to review his hiring request rationale that he provided the Board.

Chief Varrenti said re-hiring R. Gleason as a part time police officer costs absolutely nothing. We still have all his uniforms and equipment. This coupled with the hiring of a new part time officer should begin to reduce overtime.

o Authorize to advertise for full time DPW laborer to fill vacancy – Mayor Castañeda asked DPW Superintendent to review his hiring request rational that he provided the Board.

I received formal written notice today from one of my Laborers (Bill Newbould) that he is resigning effective January 4<sup>th</sup>. He has been talking for a few months now that he was thinking about resigning and moving to Texas. He just completed 17 years with us and is an exceptional worker and equipment

operator. He will definitely be missed by this Department and myself. This position was budgeted for the entire year as no one knew he would be leaving this budget year. Therefore at Wednesday December 22<sup>nd</sup> board meeting I will be asking for the board to except his resignation with regrets. I would also in a separate motion ask that the board allow me to advertise for a laborer to fill this position. The current annual salary of the outgoing Laborer is \$49,774.40. A starting laborer would begin at \$24,876.80. As you can plainly see it would be a \$24,897.60 savings annually. We also would be saving another \$1,530

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in longevity payments. Given the fact that winter has settled upon us we need to get the advertisement out there and conduct our interviews within the time frame spelled out in the CSEA contract. I would hope that the you the board agrees with me 100 %. I would hope to be able to bring a name forward for consideration during a meeting in January. I welcome any questions or concerns from the board regarding this matter.

→ Motion by Trustee Hunsinger, seconded by Trustee Blair to hire Robert Hagen III as a part time police officer and to re-hire Ralph Gleason as a part time police officer.

Discussion:

Mayor Castañeda said she recommends the Board put all hiring on hold until there is a resolution to the ambulance revenues matter.

Trustee Blair said the hiring of 2 part time police officers makes sense as it would cut overtime costs.

Deputy Mayor Kuhn asked what kind of re-training would be required for R. Gleason.

Chief Varrenti said a one or two day re-training would be all it would take. He can virtually hit the ground running.

Mayor Castañeda said in the past there were problems with part time officers not being able to put in enough hours. R. Gleason's resignation was accepted some months ago because his schedule did not allow for him putting in hours. She asked if his schedule has changed. Chief Varrenti said R. Gleason is fully aware of the hours required and has indicated he can meet that requirement.

Upon roll call vote:

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

Motion carried 4/1.

→ Motion by Trustee Hunsinger, seconded by Trustee Blair to authorize advertising for a full time DPW laborer.

Discussion:

Deputy Mayor Kuhn said the position is already in the budget and will be saving money as a new hire makes significantly less. DPW Superintendent Donahue said that is correct. The savings would be almost \$25,000 in the first year. Treasurer Lovejoy said W. Newbould worked the first half of the year, so the savings would be half.

Trustee Blair asked what this position does. DPW Superintendent Donahue said he is an equipment operator, snow plow operator, etc. If the position is not filled, there will be an impact on the snow plow rotation and impact on the roads since they work with limited staff.

Mayor Castañeda said when she hears we're "saving money"; we could save even more money if the position were not filled at this point.

Upon roll call vote:

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

Motion carried 4/1.

- Village wide hiring freeze – Mayor Castaneda suggested the Board consider a Village

wide hiring freeze.

→ Motion by Mayor Castañeda, seconded by Deputy Mayor Kuhn to enact a Village wide hiring freeze effective immediately.

Discussion:

Trustee Blair said this was not on the agenda.

Trustee Blair said hiring should be taken on a case by case basis. He would be reluctant to enact a blanket hiring freeze since some positions must exist.

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Trustee Hunsinger said he wouldn't want to put the Village in that position. Hiring should definitely be on a case by case basis. There have been positions that have gone unfilled.

Upon roll call vote:

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

Motion defeated 4/1.

- Set 2011 Ambulance rates for Med Ex Billing –

→ Motion by Mayor Castañeda, seconded by Trustee Hunsinger, carried 5/0 via roll call to table setting 2011 ambulance rates. They will remain at 2010 levels until further notice.

- Authorization to create Ad-Hoc Committee to review Water Department –

→ Motion by Trustee Hannan, seconded by Trustee Blair to create an Ad-Hoc Committee to study the Village continuing to provide water.

Trustee Hannan shared that serving on the Ad-Hoc Committee to investigate the feasibility of a sewer user fee was eye opening and research sometimes related to water. She believes it is time to take a step back and look at the water department – the equipment and personnel costs and needs, the fact that water meters are towards the end of their accurate lifespan, and whether or not going with Monroe County Water Authority (MCWA) makes sense at this time. She said the Village water currently makes a profit, but how it is spent is complex. It is time to look at the options. In the end, the Board could decide to continue as is. It could decide that it's time to upgrade technology as there are more efficient ways through technology of collecting and entering meter reads.

Trustee Hunsinger said a couple of months ago he suggested reviewing and discussing the Capital Improvement Plan (CIP). For one reason or another, the Board didn't really get to it. The Water Department ties into the CIP as the water system has a lot to do with equipment needed. He said he would be happy to lend his help to an Ad-Hoc Committee if needed.

Mayor Castañeda reminded the Board that the Village created a debt with the Main Street Water Main and Sanitary Sewer upgrade project. This debt remains whether there is a water department or not. She said it seems the Village would be better off continuing to receive revenue to offset some of this debt rather to incur the entire debt via the tax levy.

Trustee Hannan said according to an MCWA official, there is no hard and fast rule to them accepting a debt when you consolidate water departments with them. They take it on a case by case basis. Only 40% of that debt is attributable to the water. The other 60% is attributable to the sanitary sewer. She said she believes it is worth looking at and crunching the numbers to see what makes the most sense.

Treasurer Lovejoy commented that it is not only about water lines, as it has become a significant problem in the dissolution of the Village of Seneca Falls. There are no hard and fast rules of the NYS OSC – no case law. An injunction is being considered there. There needs to be a first decision then a challenge can be made.

Deputy Mayor Kuhn said it certainly seems to be a complex issue, but one worth looking at.

Upon roll call vote:

|                   |     |
|-------------------|-----|
| Trustee Blair     | yes |
| Trustee Hannan    | yes |
| Trustee Hunsinger | yes |

Deputy Mayor Kuhn   yes  
Mayor Castañeda    yes

Motion carried 5/0.

Members of the Ad-Hoc Committee to include: Trustee Hannan, Trustee Hunsinger, DPW Superintendent Donahue.

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**VILLAGE BOARD REPORTS:**

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

- Mayor M. Connie Castañeda
  - Ambulance – Mayor Castañeda referred to having received a letter from the Towns of Sweden and Clarkson dated December 9. The Towns intend to have Monroe Ambulance be first responder for their ambulance calls. The Village Board held special meetings on December 13 and 20 and have been working toward a solution. A proposal was sent to the Towns which garnered the following response from Clarkson Supervisor Kimball which Mayor Castañeda read into the record.

I have forwarded the Village's proposal to the Clarkson Board for their review. We have been trying to resolve this issue for well for over a year and you ask for answer in a little over 24 hours. I don't believe we will be able to comment before your deadline of 7PM tonight.

During contract negotiations, I requested the current year's surplus be deposited into a capital reserve fund for the replacement of ambulances and was told no. In early November I requested written confirmation of the Village's position on the budgeted \$150,000 surplus for 3<sup>rd</sup> party billing in the Village's current fiscal year. The written response from the Mayor was that the surplus was considered to be general fund revenues and would be used as such. Now the Board appears to be reversing its position. Given the pass performance of the Board, i.e. voting to pay back the Fire Contract overages and then two weeks later reversing the vote, requiring the Towns to bring a legal action, once again attempting to close the dispatchers office after including the cost in the current contract, how can we be assured you will not do the same with this proposal?

Additionally, the attached proposal does not address several outstanding issues:

1. The designation of surplus funds does appear to be retroactive to the being of the current fiscal year.
2. The towns have made repeated requests that the \$640,000 surplus from 3<sup>rd</sup> party billing that was accumulated from inception be credited to the Fire and Ambulance service.
3. The Village has received a large refund for worker's compensation premiums for the Monroe County co-op group. During contract negotiations, it was presented that over 50% of the Village's premiums were as a result of coverage for Fire and Ambulance. Therefore 50% should be credited to those accounts.

The total of all these is a staggering amount of nearly \$900,000 or closely approaching **1 million dollars.** The Village will need to address all these issues for me to consider continuing our relationship.

Paul Kimball, Supervisor Town of Clarkson

Mayor Castañeda said she forwarded to the Board the information presented in a conference call to her, Treasurer Lovejoy and Deputy Clerk-Treasurer Johnson with Mike Kupferman who is an attorney for the NYS OSC office. Trustee Blair forwarded the message to Village Attorney Leone who responded even though it was outside the scope of services in his contract as Village Attorney. She said she wished to read an excerpt of an e-mail from Village Attorney Leone.

Village Attorney Leone advised the Mayor not to proceed, as the information that he provided the Board is attorney/client privilege. Only the Village Board can waive that privilege. One person, the Mayor or a Trustee, cannot individually waive privilege. If she wished to read it in public the Board would have to vote to waive the attorney/client privilege. He does not recommend doing so as that would then waive on anything related to the matter.

Mayor Castañeda said the point she is trying to make is that the Village Attorney has pointed out that it is best for the Board to give him direction on how to deal with the Mayor. She is confused as to how a Trustee can contact the Village Attorney and get a response, but as Mayor she requires Board approval.

She expressed frustration with her hands being tied.

Mayor Castañeda referred to a 1992 opinion NYS OSC 92-40. If the Towns do contract with Monroe Ambulance the Treasurer indicates a \$60,000 shortfall this fiscal year and recommended immediate budget cuts. She projects a \$130,000 revenue reduction next fiscal year. The Board needs to make some difficult decisions and cut expenses everywhere it can.

**MINUTES OF VILLAGE BOARD MEETING HELD December 22, 2010 continued.....page 11**

- Library - Mayor Castañeda reported that the proper hiring process has taken place and beginning January 2<sup>nd</sup> the Library Director will be Kathleen Phillips and the Librarian I will be Jeffrey Davignon. The Director hiring was a non-competitive promotion passed by the Civil Service Commission. The Librarian I is a contingent permanent appointment to the competitive position.

- Fire District - Mayor Castañeda reported that she and Deputy Fire Chief Henry attended a meeting with Sweden and Clarkson representatives where discussion of forming a Fire District took place. It is clear that the Towns are pursuing the formation of a Fire District, with or without the Village's participation. At the special Village Board meeting held December 13<sup>th</sup>, the Board voted to accept the invitation of the Towns and attend a public information meeting on the process of forming a Fire District Tuesday, January 18 at 7:30pm at the Middle School. The meeting is open to the public, but is not a public hearing. There will be no public comment. A public hearing will be held at a later date in the process.

- Mayors Association - Mayor Castañeda reported that she attended the recent Mayor's Association dinner meeting. Discussion included the proposed Tax Cap and the need for mandate relief. Many Mayors fear that no mandate relief will result in serious financial implications for the Villages.

- Finances - Mayor Castañeda said the financial implications of the potential loss of ambulance revenues, the proposed tax cap, the likely formation of a Fire District, along with information previously shared by Treasurer Lovejoy bring her back to the realization that the Village needs to cut expenses now and continue to cut in the 2011-12 budget development process. She said she does not know how to make it any clearer to the Board and residents. She cannot do this alone. In order for the Village to continue, it is necessary to provide quality services in a cost efficient manner.

- Relocation of Building/Zoning Code Enforcement from Village Hall to Police Department - Mayor Castañeda referred to Trustee Hunsinger's motion of 12/8 to relocate the Building Inspector/Code Enforcement Officer from Village Hall to the Police Department. She has yet to receive information on how this will truly improve the services, what needs to be done to accomplish the move and creation of office space, and where the money is coming from to do so. She has many concerns with this "relocation" including but not limited to not spending monies needed for other purposes.

→ Motion by Mayor Castañeda, seconded by Deputy Mayor Kuhn to rescind the motion made 12/8 to relocate the Building Inspector/Code Enforcement Office from Village Hall to the Police Department.

Discussion: none

Call to question:

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

Motion defeated 3/2.

- Happy Holidays – Mayor Castañeda wished Happy Holidays to all and encouraged everyone to support the local merchants.

- Trustee / Deputy Mayor Daniel P. Kuhn
  - Committee on Cost Reduction and Consolidation of Services – Deputy Mayor Kuhn shared that this committee will be meeting soon and that with the implications of the loss of Sweden and Clarkson as ambulance customers, cost cutting will be even more important. He expressed concern over being at a 7% tax increase due to retirement costs and health care costs or 14% with the loss of ambulance revenue – that’s before the budget process even begins. That equates to needing a \$200,000 cut to the budget. It will be difficult and painful. The committee will do its best to come up with some recommendations.
  - I.T. - Deputy Mayor Kuhn thanked Treasurer Lovejoy for taking on the involved task of looking at Village I.T. He said he had done so elsewhere and it can be rather complicated.
  - Treasurer - Deputy Mayor Kuhn said there seems to be a movement afoot to get rid of Mary Beth Lovejoy as Treasurer. Her appointment is up for renewal in July. He said in his short time working with her he has found her to tell it like it is. She doesn’t care about special interests. If you ask a question, you get the answer. Sometimes she tells you what you want to hear and sometimes she doesn’t. That’s just how it is. We don’t always hear the answers we want.

**MINUTES OF VILLAGE BOARD MEETING HELD December 22, 2010 continued.....page 12**

- Trustee Kent R. Blair
  - Ambulance – Trustee Blair referred to Deputy Chief Henry and several ambulance personnel in the audience this evening having left when their pagers went off. They were headed to a motor vehicle accident on Fourth Section Road with 3 people trapped. Whether it’s part time paid ambulance staff or volunteer ambulance and fire personnel; this is what they do day and night. He said he is a realist and knows that if the Village ambulance loses the Towns of Sweden and Clarkson, the Village will not be able to maintain ambulance on its own. There won’t be a need for EMT’s, Paramedics, Dispatchers, 3 ambulances, or a fly car.
  - Report of Ad-Hoc committee investigating feasibility of code enforcement points & penalties – Trustee Blair and Code Enforcement Officer Zarnstorff presented the report of the committee that included resident Valerie Ciciotti. He thanked Treasurer Lovejoy for allowing use of her personal equipment and for operating it for the presentation.

(Attached at the end of the minutes in entirety.) Also posted to website.

- Trustee Carol L. Hannan
  - Apology – Trustee Hannan said many have heard that she had a serious meltdown at the special Board meeting held December 20. She had come out of a sick bed, wasn’t herself, and made some inappropriate remarks. She apologizes most heartedly for a remark made in public session and has personally apologized to Mayor Castañeda for remarks during and after the executive session.

Mayor Castañeda said while she accepts the apology, she wants it noted for the record that the behavior of some of the Trustees directly towards her has created a hostile work environment. She will not allow it to continue.

- Status of concept of per-diem snow plow drivers – Trustee Hannan suggested discussing this in executive session. Mayor Castaneda said the matter does not qualify as one of the reasons to go to executive session. Trustee Hannan said she received some feedback from DPW Superintendent Donahue and Clerk Morelli as to some issues with hiring per-diem snow plow drivers including Union contract issues of taking work from full time employees, the Federal Motor Carriers Act regarding CDL license rules and regulations, and insurance issues. She said nothing is simple.

Mayor Castañeda read an excerpt from a Governing article entitled “The Pros and Cons of Privatizing Government Functions”:

“In theory, the idea of contracting public services to private companies to cut costs makes sense. If someone is willing to fix streets or put out fires for less money, that should be a plus for a government’s bottom line. Many state and local governments have identified hundreds of millions of dollars in savings by hiring outside contractors – or a neighboring city’s services – to handle tasks like trash collection, pothole repair, and water and wastewater treatment.

But according to analysts, outsourcing is by no means a perfect solution. Some agencies don’t have

the metrics in place to prove in advance that outsourcing a service will save money. Problems from poorly conceived contracts can create cost increases that surpass the costs of in-house services, and if there's shoddy contract oversight, a government is vulnerable to corruption and profiteering. The privatization of public services can erode accountability and transparency, and drive governments deeper into debt. "Governments at all levels are just desperate to balance their budgets, and they're grasping at privatization as a panacea." Says Susan Duerksen, director of communications for In the Public Interest, a project that examines privatization and contracting. "But there's evidence that it often is a very bad deal with hidden costs and consequences when you turn over public service to a for profit company."

"The report took careful note of another key factor. The states most successful in privatization created a permanent, centralized entity to manage and oversee the operation, from project analysis and vendor selection to contracting and procurement. For governments that forego due diligence, choose ill-equipped contractors and fail to monitor progress, however, outsourcing deals can turn into costly disasters."

- Report of Ad-hoc committee investigating the feasibility of a sewer user fee – Trustee Hannan reminded that she has continuously updated the Board on the progress of the committee and that she distributed and reviewed the committee's summary report at the last meeting. She has been ill for the last 2 weeks, but will soon provide Clerk Morelli with the full report to distribute to the Board. This will include more detail as well as sewer fees charged by other municipalities. After the Board reviews the research and recommendations, they can vote on whether to hold a public hearing to consider establishing a sewer user fee.

#### **MINUTES OF VILLAGE BOARD MEETING HELD December 22, 2010 continued.....page 13**

- Trustee Scott W. Hunsinger

- I.T. & Phones – Trustee Hunsinger referred to the analysis being done by Christopher Zelak of Synnova Solutions, the I.T. vendor for Village Hall and DPW. He is doing some analysis of the Fire Department and Police Department. He inquired if he is being paid by the hour or by contract for this work. Treasurer Lovejoy said she has yet to see any charges yet. He recognizes the Village's situation and limitations.

Deputy Mayor Kuhn said the referral he provided for phone review is at no cost. The vendor gets paid a commission if the Village buys cell phones or changes plans. Treasurer Lovejoy said Deputy Fire Chief Henry learned that the Village has a new Verizon Wireless representative. He has scheduled a meeting with the new representative.

- Relocation of Building/Zoning Code Enforcement from Village Hall to Police Department and under the direction of the Mayor to that of the Police Chief -

→ Trustee Hunsinger moved, Trustee Blair seconded to have Village Attorney Leone at a cost not to exceed \$500 look into the relocation of the Building Inspector / Code Enforcement Officer from Village Hall to the Police Department – from under the direction of the Mayor to that of the Police Chief.

Discussion:

Trustee Hunsinger commented that Clerk Morelli has already done some research with Civil Service and NYCOM that she can share with the Village Attorney if that hasn't already been done.

Deputy Mayor Kuhn said part of the research gleaned that it may require a public hearing and/or a referendum.

Mayor Castañeda said the first time it was presented was by Trustee Hunsinger at the November work session and then the next night by Trustee Blair at the November meeting in which they shared that they and Chief Varrenti met with the Gates Police Chief as to putting Code Enforcement under the direction and supervision of the Police Chief. She said she had Clerk Morelli contact NYCOM. That response stated several things including that they are not aware of any Village in the State where one department head supervises another and that the position is supervised by the Mayor and any transfer of the authority to supervise this position would diminish the power of the Mayor and would require the passage of a local law which would be subject to a referendum. Municipal Home Rule Law, §23(2)(f).

Mayor Castañeda said she believes it unwise to spend money on legal fees to look for a loophole to take power away from the Mayor. She said if the Police Chief were to supervise the Building Inspector/Code Enforcement Officer, Scott Zarnstorff would no longer be considered a Department Head. She said this is nothing more than Trustees Blair, Hannan, Hunsinger trying to take power away from her as Mayor. She said if need be, she'll get her own attorney.

Village Attorney Leone said the Board has the power over the monies and the physical plan. He will look at the supervision issue if that is the wish of the Board.

Trustee Hunsinger said this is a matter of safety and quality of life. It is not about taking power away from the Mayor. He said Police Chief Varrenti probably doesn't really want to take this on, but is willing to do so.

Trustee Blair concurred and said the Mayor would still be in charge since she supervises the Police Chief.

Call to Question:

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

Motion passed 3/2.

Trustee Hunsinger said he hopes that the Police Chief, Code Enforcement Officer and DPW Superintendent can meet to work on the relocation plan. He said he would be willing to help if needed.

Mayor Castañeda said she would have hoped that would have all been figured out prior to approving it.

**MINUTES OF VILLAGE BOARD MEETING HELD December 22, 2010 continued.....page 14**

▪ Report of Ad-hoc committee investigating feasibility of Village Court – Trustee Hunsinger presented the report of the committee that included Police Chief Varrenti and resident Susan Smith. He thanked all who assisted with gathering volumes of information on the topic. He said the committee meets again next Tuesday. He suggested feedback be emailed to his attention. Also posted to website.

Report from the Ad Hoc Committee on the Feasibility of a Village Court

Committee members: Scott W. Hunsinger (Trustee), Chief Daniel P. Varrenti, Susan J. Smith

Introduction:

The committee met on a regular basis from September 21<sup>st</sup> 2010 to December 21<sup>st</sup> 2010. The committee discussed and analyzed the data on cost, revenues and Judicial Procedures from, but not limited to, New York State, Monroe County, The Brockport Police Department, and The Sweden Town Court.

The unanimous decision of the committee upon a full and comprehensive analysis of the data is that the formation of a village court for the Village of Brockport is feasible.

Findings:

1. Outside of the suburban counties of New York City, few local criminal court systems are more lucrative than Monroe County's (NYS Comptroller's Justice Fund Court Report).
2. In 2009 Monroe County's village and town courts collected \$9.9 million, a \$600,000 increase from 2008 (Democrat and Chronicle April 8, 2010).
3. In 2009, Greece collected \$1.9 million. Gates collected \$1.2 million. Brighton collected \$804,657, Webster \$700,093, Irondequoit \$667,946, and Henrietta \$633,356.
4. Brockport is the only municipality in Monroe County that has their own police department but no local criminal court within its respective jurisdiction.
5. The Brockport Village Court, like all local criminal courts, will handle vehicle and traffic matters, small claims, evictions, civil matters, and criminal matters mainly involving violations and misdemeanors.

6. Municipalities nationwide have been relying more and more on local courts and grants to raise revenues (Democrat and Chronicle April 8, 2010).
7. According to the New York State Comptroller's Office fines involving village law go directly to the municipality. From 2002 – 2009 the Brockport Police Department issued 12,951 traffic tickets. The majority of the revenue from the fines went to New York State, Monroe County and the Town of Sweden.
8. The Brockport Village Court will be initially located at 49 State Street.
9. If the Village Board wishes to move forward with the creation of a Village Court, the first step would be the creation of the position of Village Justice.

Mayor Castañeda asked Village Attorney Leone if in essence Village taxpayers would be paying twice – for a Town Court and a Village Court since a Town has to provide a court, but a Village does not.

Village Attorney Leone concurred that the Village does not have to have a Court. It would need to determine what the offset would be. What additional revenues could the Village collect? What would the expenses be? He does not know offhand, but could find out.

Mayor Castañeda questioned where the start up monies would come from while waiting to generate revenues through fines.

**MINUTES OF VILLAGE BOARD MEETING HELD December 22, 2010 continued.....page 15**

- Authorization to hire special counsel – Trustee Hunsinger read the following prepared statement:

“Based on information, that may or may not be true, that has been forwarded to me by individuals that have requested anonymity, but are personally known to me, and upon personal knowledge of possible action(s) and/or inaction(s), relative to Mayor Castañeda, I'd like to make the following motion:

To hire a special counsel, specifically John Parrinello, to investigate any possible inappropriate action(s) and or inaction(s) of Mayor Castañeda since being elected to the Village Board, as both a Trustee, and/or Mayor, and determine if any possible action(s) or inactions(s) should be referred to the State Attorney General and/or any other appropriate governmental entity for appropriate action. That said fees for this investigation shall not exceed \$5,000 unless specifically authorized by this Board.”

→ Trustee Hunsinger moved, Trustee Blair seconded, Trustees Hunsinger, Blair, Hannan in favor, Deputy Mayor Kuhn and Mayor Castañeda opposed, carried 3/2.

Deputy Mayor Kuhn asked if when the three Trustees are done with their witch hunt against Mayor Castañeda if they would be putting a stake in front of his house.

Mayor Castañeda said she would be contacting the NYS Attorney General's office and her own attorney. She said the three Trustees should be careful of what they start.

**EXECUTIVE SESSION:**

→ At 9:25pm, Deputy Mayor Kuhn moved, Trustee Hannan seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into executive session to discuss a personnel matter involving attorney/client privilege and potential litigation regarding the ambulance.

→ At 10:20pm, Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 that the Board of Trustees re-enter the regular meeting.

**ADJOURNMENT:**

→ At 10:20pm, Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 that the meeting be adjourned.

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Leslie Ann Morelli, Village Clerk

# Treasurer's Report

Presented by  
Mary Beth Lovejoy, Treasurer  
December 22, 2010

I would like to start by saying I am more than willing to accept responsibility and criticism when the issues actually are a result of my actions but there have been many statements made that are not a direct result of my actions and are being stated as if they are.

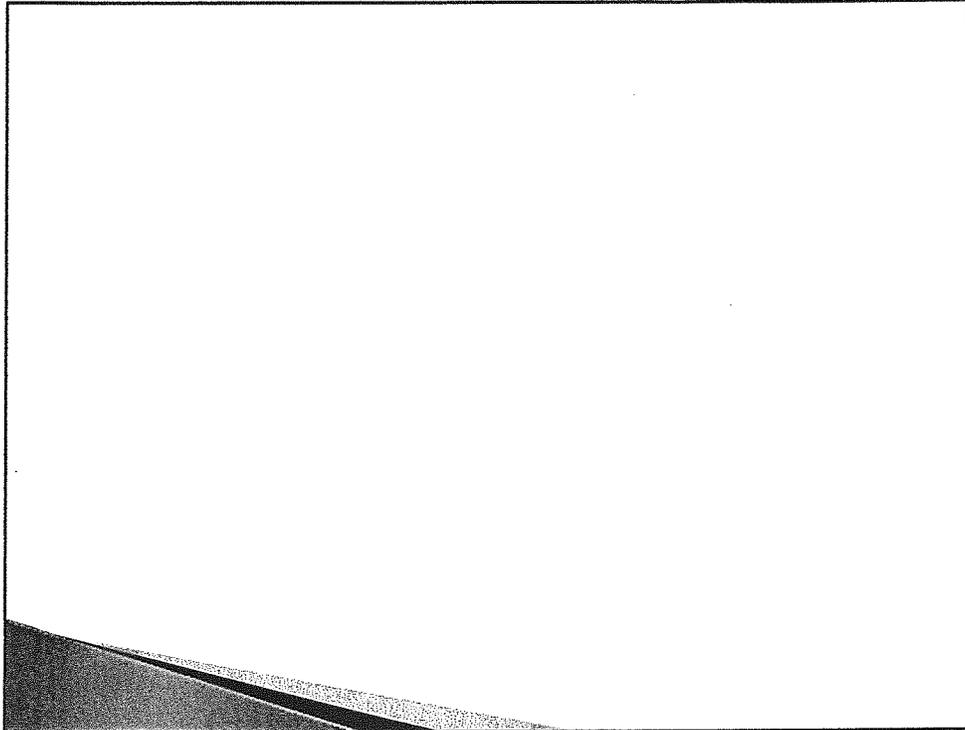
## Response to Emails, Discussions at Board Meetings and Misinformation in various “press”

- ▶ Hired to do payroll and accounts payable
- ▶ Unprofessional Budget compared to Village of Spencerport and in general
- ▶ This is the 21st Century and all you have to do to create a searchable PDF file from a spreadsheet is select Print from the File menu, then select Adobe PDF as the Printer.
- ▶ Financial reports are inaccurate

I was hired as the treasurer of the Village of Brockport. Those duties according to the Village website include responsibility for maintaining custody of all Village funds and keeping accounts of all Village receipts and expenditures.

In addition, the Treasurer serves as the Budget Officer, Purchasing Agent, Grants Administrator and Chief Accountant for the Seymour Tri-Municipal Library. The Chief Accountant for the Seymour Tri-Municipal Library has been handled by the deputy treasurer and not the treasurer. When the deputy treasurer left for employment elsewhere, I offered to process payroll and accounts payable while the Village found someone else and while systems were reviewed to streamline the process. It was not until after four months had passed that I insisted that the Village hire someone to do the payroll and accounts payable activities and that Seymour Library be handled by one of the other municipalities in an effort to reduce the Village workload, as the agreement says it will.

A statement was made in an email that Brockport is a complete mess compared to Spencerport's. I couldn't agree more. But the differences are not a result of the work done by anyone in the Village Offices. They are a result of the technology available to the employees of the Village Hall. Our financial software is not integrated which means that certain functions need to be handled manually (payroll is an example) or a “batch process” needs to be done (cash receipts is an example).



We do not have access to a color printer so our work is always in black and white and quite frankly graphs do not work in black and white. I would like to point out that any power point presentation I have done has been professional and in color.

The documents are just scanned paper documents as our financial package is not sophisticated enough to present them as searchable. This is the only way the Village Clerk has been able to present these documents which I will point out were never even shared in the past.

Our financial reports are as accurate as the data presented to the finance office. I have continued to inform the Board that invoices do not get turned in timely by some departments and because until recently, all departments were allowed to order whenever they needed something without a purchase order, there was no way for the finance department to have any real handle on what had been spent. Just today learned of a bill for the fire department that has been being sent to Kari Olson's email...which has been discontinued and the vendor never contacted the Village Office regarding payment...

Our financial reports are suppose to reflect our budget document which DOES NOT have the detail lines for personnel nor the contractual codes. (share the document with the board if necessary) The payroll lines were addressed first, that was a discussion with the board and authorized by the board to change, along with appropriate budget amendment and transfer documentation necessary to change on our accounting software were presented and authorized...when discussed I indicated that we should use our payroll system to track our payroll accurately. The Board was informed that the payroll information was available whenever they wanted/needed it and they just needed to ask, to date no one has asked for the information.

I would like to request that in the future prior to jumping to conclusions based on inaccurate information, a call be made to at least contact me or the Village Clerk to find out why things have been done as they are. The employees of the Village Hall have not been the ones to ignore the finances of the Village, nor are they the ones who have not kept up with technology. They are doing the best that can be done with what they have.

## Police Department Payroll Breakdown

|                               |         |
|-------------------------------|---------|
| Police Department - 3120.1000 | 537,326 |
| Regular Pay                   | 432,566 |
| Overtime                      | 69,089  |
| Shift Differential            | 4,078   |
| Holiday                       | 6,423   |
| Longevity                     | 8,750   |
| Education                     | 1,749   |
| Laundry                       | 3,000   |
| Ins buyout                    | 3,000   |
| Comp time                     | 8,671   |

I have heard and read concerns regarding the police department payroll breakdown...the slide delineates between the various payroll codes – thru last payroll in November

The expenditures to date for the police department represent 49.7% of the amount budgeted for personnel costs...since we are one half way thru our year as of November 30<sup>th</sup>, it could be concluded that the budget is right on target

Police department overtime budget provided by the Chief is \$100,000 which includes comp time

Any grants received by the department which include payroll expenditures have been presented as budget amendments to the board

True understanding of what contributes to police overtime....

- ▶ Shift Scheduling is not the only thing that contributes to police overtime...Holiday pay is a factor as well
- ▶ It is typical that Village employees receive payment for holiday whether they work them or not
- ▶ If they do work a holiday, they typically would get paid time and one half
- ▶ This is different for the members of the Stetson Club and our Police Chief

- ▶ The members of the Stetson Club and our Police Chief receive a holiday pay stipend which pays them for thirteen holidays within their contract year
- ▶ They also receive pay for the holiday when it occurs—that means that these individuals receive double time for NOT working the holiday
- ▶ If they work the holiday, they may earn as much as triple time and a half for the day, depending on the shift and schedule—does not include shift differential

They receive their rate times eight hours for each of the thirteen identified holidays. They receive this payment in a lump sum once a year, first payroll in December, except the Chief who receives his stipends in November.

I must conclude by saying that there is nothing illegal about these payments, nor are they new with the recent contracts. They were negotiated.

But when discussing the cost of the police department payroll, it is important to understand there are a number of benefits within the contracts that affect payroll differently than other village employees

## Reports for the Board

Reports currently provided

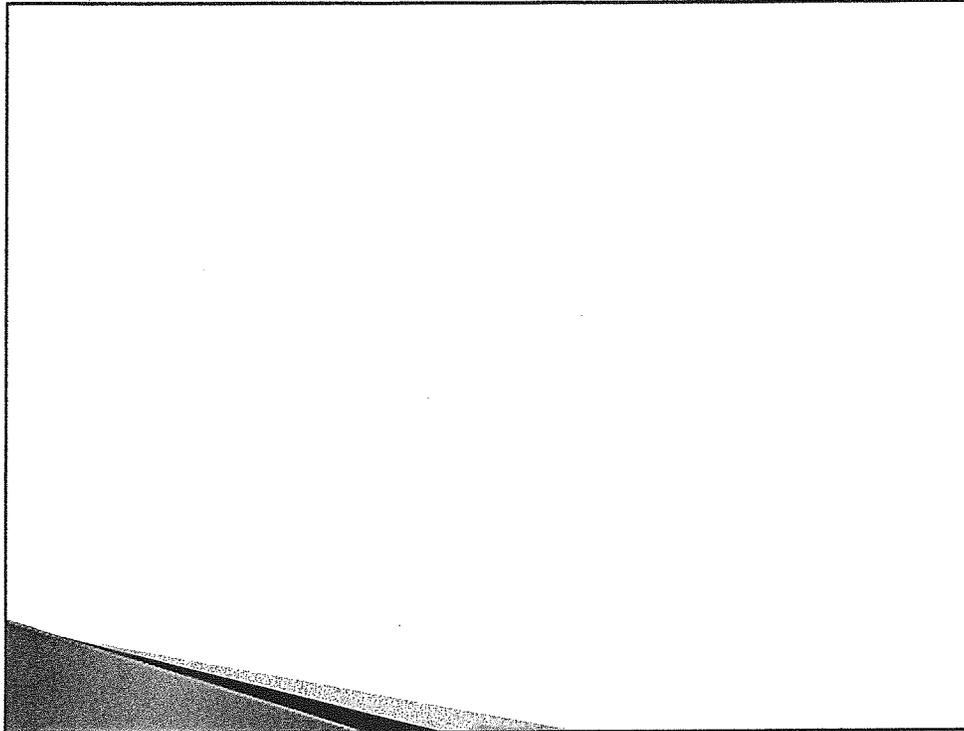
Monthly statements of Revenue and Expenditures

Quarterly Cash Flow Statements

Additional Reports needed?

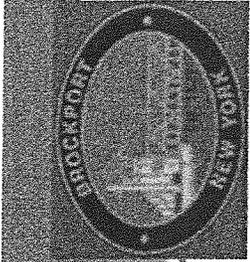
At the meeting on December 8<sup>th</sup> it was stated that I was to present complete financial information that shows each and every budget line on a bi-weekly basis. That is what I have been trying to do...trying to make our financial reports match our budget documentation. Again share that our budget document does not include detail lines for either personnel or contractual.

Financial reports are typically presented in a monthly and or quarterly fashion because there is an actual accounting function that takes place at the end of a month and/or quarter. Cash balances are reconciled with the bank, monthly journal entries such as posting payroll to the accounting system (our systems are not integrated so this has to be done manually), interest is posted, all bills for the period have been entered....etc.



Comments made by Trustee Hunsinger that the board has difficulty getting the financials it wants, he is concerned about upcoming budget presentations. I will point out that the budget preparation is not integrated with the financial software. It is done as a stand alone with linked spreadsheets created by someone at sometime...my presentations at budget time last year – a budget I did not develop, majority prepared prior to my becoming involved with the Village- were done with power point using my own equipment both computer and projector- and received positive feedback by the board members at that time. You should expect nothing less this year.

Someone needs to sit with me and discuss what they are looking for as I clearly do not understand...it is not fair to me or any employee that public discussion take place without the employee present, minutes are prepared by the clerk and presented to the board for approval two weeks later...which is when I have been able to learn the details of the discussions...but during that time no one holding the discussion has made any effort to communicate with me to discuss what they want to have done...I would appreciate the courtesy of that discussion



# Nuisance Property Points Penalty

Providing a local law with a mechanism for identifying problem properties which substantially and seriously interfere with the interest of the public in the quality of life, economic impacts, public health, safety and welfare.

Presentation presented by:

Code Enforcement officer – Scott Zarnstorff

Village resident and committee member – Valerie Cicotti

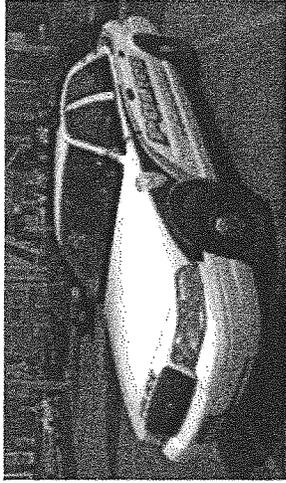
Village Trustee – Kent R. Blair

Lets begin our proposal!

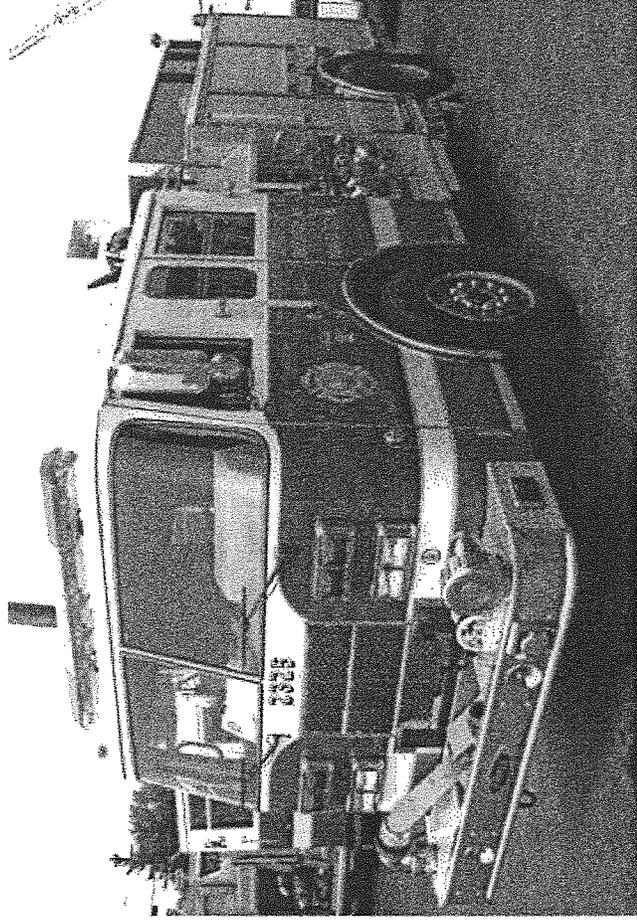


**Our research lead us to focus on**

**SAFETY and QUALITY of LIFE**



The Brockport Police Department will play a vital role in this proposal.



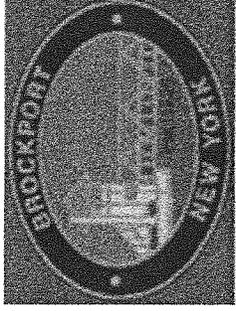
The Brockport Fire Department will continue to play a vital role in the safety of the community and will enhance their role in this proposal.



# The heart of it!

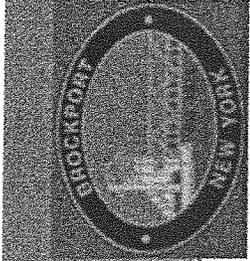


**Code Enforcement Staff**  
CEO Scott C. Zarnstorff  
Assistant CEO Laurence C. Vaughan  
Code Office Clerk Pamela Krahe

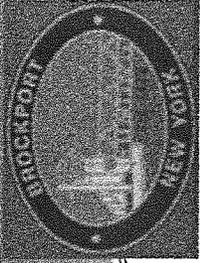


## Code Enforcement office

The Codes office is in the process of being restructured to better serve the community. The Codes personnel of the Village of Brockport will strive for and be provided with increased abilities.



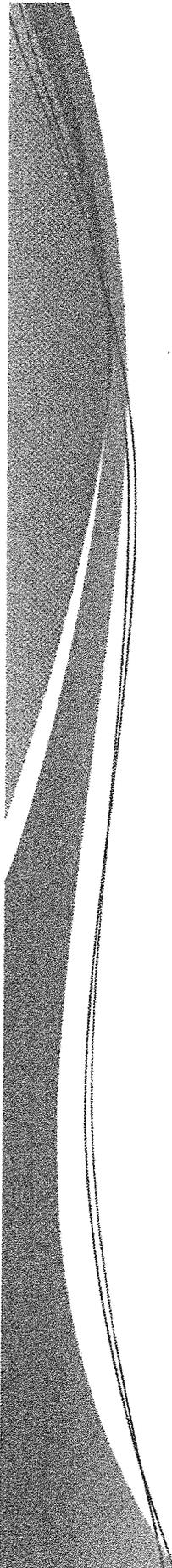
1. Creation of a Nuisance Property Points and Penalties Local Law(see handout)
2. Consideration for structuring a Restorative Justice system to further augment the proposed Village Court.
3. Continuation of inter-agency sting operations to curb underage drinking, uncontrolled college house parties and overcrowding, as well as local establishments for compliance with ABC regulations.
4. The College at Brockport Office of Student Affairs code of conduct disciplinary measures for student actions within the Village of Brockport.
5. Standing meetings between Village of Brockport / College at Brockport Campus Community Relations.



6. BSG Student Affairs and service clubs with greater transparency and community involvement.
7. Code Enforcement / Police Department collaboration; what does this mean?
8. Code Enforcement office / Fire Department collaboration; Firefighter involvement with periodic home safety reviews and public educational measure.
9. Creation of neighborhood watch programs, build on current SPARTAC membership and the implementation of a TIP line.
10. Create a standing meeting of appropriate Village Departments and personnel to periodically review problem properties and make recommendations and adjustments when needed.



- 11. Create a standing meeting of Village officials and appropriate Village Departments with rental and buissness property owners.
- 12. Create a periodic communications with other College communities to benchmark best practices.



# Where do we go from here?

Place this presentation and the Nuisance Property Points Penalty local law on the village website

Continue with research and present periodically

Implement suggestions that seem logical and beneficial

Collect feedback from the community

Thank you

DEC 21 2010  
DRAFT

Chapter 57

Public Nuisance

[HISTORY: Adopted by the Board of Trustees of the Village of Brockport 00-00-2008

GENERAL REFERENCES

Building Construction Code — See Ch. 10.  
Building construction administration — See Ch. 11.  
Electrical inspection — See Ch. 17.  
Fire prevention — See Ch. 19.  
Flood Damage Prevention – See Ch. 20.  
Garbage and refuse — See Ch. 21.  
Land subdivision regulations — See Ch. 26.  
Stormwater - See Ch. 27.  
Local law hearings – See Ch. 28.  
Sewers – See Ch. 47.  
Zoning — See Ch. 58.  
Code Enforcement — See Ch. 59.  
Uniform Code State of New York

ARTICLE I

§ 57-1 **Title; purpose; notice; exemptions, definitions.**

A. This code shall be known as the “Public Nuisance Code” for Dwellings, Buildings, Multiple Dwellings, Dwelling units, Premises, Structures and Equipment and is herein referred to as the “Public Nuisance Code” or “this code.”

B. **Purpose;** The Village Board of the Village of Brockport finds that public nuisances sometimes exist in the Village of Brockport in the operation of establishments across a wide range of businesses and private residences and the use of property in violation of NYS penal laws and NYS and local codes relating to the use and occupancy of property, the rental of property, the disturbance, destruction, and interference with the normal and customary amenities of residential ownership, use, and occupancy of property; and further relating (without limitation) to controlled substances, dangerous drugs, prostitution, stolen property and illegal use or possession of weapons, the defacement of private property, and other disturbances, as well as other provisions of state and local law (including without limitation the NYS Property Maintenance and Building Codes, the NYS Fire Code, the NYS Mechanical Code, the Village of Brockport Building Code, Land Use and Zoning Codes), all of which would substantially and seriously interfere with the interest of the public in the quality of life and total community environment, and commerce in the Village, the amenities of residential living, property values and the public health, safety and welfare. The Village Board

further finds that the occurrence of such activities and violations is detrimental to the health, safety and welfare of the citizens of the Village of Brockport, and to the businesses thereof and visitors thereto. It is the purpose of this chapter to create a system to impose sanctions and penalties for public nuisances, as defined in this chapter, and to permit the powers created herein to be exercised either in conjunction with, or apart from, the powers contained in other laws without prejudice to the use of procedures and remedies available under such. The Village Board further finds that the recommendations of sanctions and penalties imposed pursuant to this Chapter constitute an additional and appropriate method of law enforcement in response to the proliferation of the above-described public nuisances. Specifically, and without limitation, the sanctions and penalties imposed hereunder (both monetary - cumulative and otherwise, and injunctive) are in addition to, and are not limited by other NYS and Village of Brockport monetary - cumulative and otherwise, and injunctive, sanctions and penalties. All sanctions and penalties are deemed cumulative, and none are dependent or conditioned upon any other sanctions or penalties under state or local law; these sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the Village of Brockport and to promote the general welfare.

C. **Matters covered;** Fixing the responsibilities of owners, operators and occupants of dwellings, buildings and multiple dwellings, dwelling units, rental units, premises and structures, providing for administration, enforcement and penalties.

D. **Notice;** Where the Code of the Village of Brockport states that a person suspected of unlawful conduct be given “notice” of the conduct, and an opportunity to cure, discontinue, correct, or remediate that unlawful conduct, such “notice” shall not be deemed a prerequisite or necessary, or a pre-condition to any enforcement proceeding under the Code of the Village of Brockport, but rather shall be an optional and preliminary step in enforcement, entirely within the discretion of the Code Enforcement Officer of the Village of Brockport; the election and/or decision of the Code Enforcement of the Village of Brockport to afford a person suspected of unlawful conduct “notice” and an opportunity to cure, discontinue, correct or remediate that unlawful conduct before enforcement proceedings, shall be final and not subject to review or reversal in any enforcement proceeding thereafter commenced by the Village of Brockport concerning any such unlawful conduct.

E. **Exemptions;** This chapter shall not apply to any buildings owned and operated for public purposes by:

- (1) The United States, a state, a possession of the United States, or any political subdivision of any of the foregoing; or
- (2) A school organized and operated exclusively for educational purposes, as long as no part of the net earnings inures to the benefit of any private shareholder or individual.

§ 57-2 **Definitions;** Definitions and use of words of the code cited herein shall be in reference with Chapter 58 Section 58-2 and Chapter 36 Section 36-1 D. For the purposes of this chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise. However, the singular may be interpreted to include the plural, the feminine interpreted to include the masculine, and vice versa.

CHIEF – The Chief of Police of the Village of Brockport, or his or her designee.

CEO – The Code Enforcement Officer of the Village of Brockport, or his or her designee.

INCIDENT – An event, circumstance or activity causing the execution of an enforcement action in response to a violation of the law (at which a single violation, or multiple violations, of the acts prohibited by this chapter occurs).

MAYOR – The Mayor of the Village of Brockport.

MORTGAGEE – The person or entity that is listed as the mortgagee on any unsatisfied or otherwise open mortgage on the premises recorded in the office of the Monroe County Clerk.

OWNER – The person or entity in whose name the premises affected by an Order, issued in accordance with this Chapter, is recorded as the owner in the office of the Monroe County Clerk.

The Owner of a residential rental property is the party deemed responsible for compliance with the legal requirements of these amendments. Owners are persons with record title of residential rental properties by deed conveyance, gift, devise, court order, or otherwise (including without limitation by non record-title instruments of conveyance and transfer, including without limitation installment lease purchase option agreements, installment land contracts, wrap-around contracts with deed transfer upon fulfillment of conditions stated). A “person” is defined for purposes of this definition to include living persons, or entities with the jural identity of a person, i.e., corporations, partnerships, LLCs, etc.) Date of Ownership is the recording date for deeds of conveyance, gift deeds, devise deeds (executor’s or administrator’s deeds), the date of making and/or filing court orders transferring title, and the date of execution of non record title instruments of conveyance, as indicated. Where an instrument of conveyance is unrecorded, the grantor (seller), prior record-title owner, is deemed the owner for purposes of these amendments unless or until the deed is recorded, at which time, the grantee (buyer) will be deemed the record-title owner. Intra-family transfers are not record dates, and this includes not only transfers to family members but also transfers to entities that are created for family use, tax planning, etc., i.e., trusts, corporations, LLCs, etc. The initial acquisition of a property by family member or by an entity controlled by the family, whether by conveyance, gift, devise, etc., is the record date.

PREMISES – The building, place or property whereon a public nuisance is being conducted or exists or which is the source of the same.

**PRESUMPTION OF OWNERSHIP** – The owner of the property affected by orders of the CEO, Chief of Police of the Village of Brockport, shall be presumed to be the person in whose name title to the property (real estate) is recorded in the office of the Monroe County Clerk.

**PUBLIC NUISANCE** – A public nuisance shall be deemed to exist whenever, through violations of any of the following provisions resulting from separate incidents occurring at or predicated at events, circumstances or activities occurring on the premises, 12 or more points are accumulated within a period of six (6) months, or 18 or more points are accumulated within a period of twelve (12) months, in accordance with the following point system as set forth below in the **ASSESSMENT** provision.

**RESIDENTIAL RENTAL PROPERTY** - - Residential Rental Properties are:

- (1) single family houses (one dwelling unit with living, kitchen, sanitary and sleeping facilities), rented by absentee owners to tenants by verbal contract or written contract (lease) for agreed terms, and rentals, and subject to agreed possessory conditions,
- (2) multiples, also so rented by absentee owners to tenants with two or more dwelling units, each with living, kitchen, sanitary and sleeping facilities, including doubles, triples, fours, or more,
- (3) apartment houses, with each apartment being a dwelling unit so rented by absentee owners to tenants, with living, kitchen, sanitary and sleeping facilities,
- (4) boarding houses and rooming houses with multiple sleeping rooms (up to 30 in number) serviced by common sanitary facilities. [For purposes of these amendments, each sleeping room in a Boardinghouse, Furnished-Room House, and Rooming House is not deemed a dwelling unit as defined above]. The definition of Residential Rental Properties supplements the existing Village of Brockport Code definitions for Apartment House, Boardinghouse, Furnished Room House, Rooming House, Dwelling (Multiple), Dwelling (Two Family), Dwelling Unit, and Unit (Single-Family Dwelling).

§ 57-3 **Assessment of Points;** Where more than one incident occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation. Unless specifically valued by category hereinafter, the following point values shall be assigned:

- A. All felonies involving violence against the person shall be assessed a point value of 10 points;
- B. All felonies against property shall be assessed a point value of 6 points;
- C. All misdemeanors against the person shall be assessed a point value of 5 points;
- D. All misdemeanors against property shall be assessed a point value of 4 points;

- E. All offenses shall be assessed a point violations of 3 points, unless hereinafter assessed a different value;
- F. The following violations shall be assessed a point value of 8 points:
- (1) Article 265 of the Penal Law, Firearms and Other Dangerous Weapons;
  - (2) Sections 260.20 and 260.21 of the Penal Law, unlawfully dealing with a child;
  - (3) Article 263 of the Penal Law, Sexual Performance by a Child;
- G. The following violations shall be assigned a point value of 6 points:
- (1) Article 220 of the Penal Law, Controlled Substance Offenses (possession with intent to sell);
  - (2) Article 225 of the Penal Law, Gambling Offenses;
  - (3) Section 230.00 of the Penal Law, Prostitution Offenses;
  - (4) Sections 165.40, 165.45, 165.50, 165.52 and 165.54 of the Penal Law, criminal possession of stolen property;
- H. The following violations shall be assigned a point value of 5 points:
- (1) Alcoholic Beverage Control Law, all enforcement provisions of said law;
  - (2) Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law, or of any cigarette or tobacco productions in violation of Article 20 of the Tax Law;
  - (3) Article 178 of the Penal Law, Criminal Diversion of Prescription Medications and Prescriptions;
  - (4) Article 221 of the Penal Law, Offenses involving Marijuana;
  - (5) Article 158 of the Penal Law, Welfare Fraud;
  - (6) Any provision of NYS or local law regarding suffering or permitting the premises to become disorderly, including suffering or permitting fighting or lewdness, or spectator or gambling activities involving animal cruelty, exhibitions or fights;
  - (7) Article 126 of the New York State Agriculture and Markets Law, Animals;

- (8) Section 175.10 Penal Law, falsifying business records;
- (9) Sections 170.65 and 170.70 of the Penal Law, forgery of or illegal possession of a vehicle identification number;
- (10) Section 147 of the Social Services Law, Food Stamp Program fraud;
- (11) The provisions of the NYS General Business Law prohibiting “head shops”;

I. The following violations shall be assessed a point value of 4 points:

(1) NYS Fire Prevention and Uniform Building Code, section 382 of Executive Law, and 19 NYCRR Part 444.3(b), construction without a building permit;

(2) NYS Property Maintenance, Uniform Building, and Fire Codes, as follows:

- a. Section 108 (NYS Prop. Maintenance Code) - - Unsafe Structures and Equipment
- b. Section 302 (NYS Prop. Maintenance Code) - - Exterior Property Areas (Sanitation, Grading and Drainage, Sidewalks and driveways, weeds, pests, etc.)
- c. Section 303 (NYS Prop. Maintenance Code) - - Exterior Structure (protective treatment, structural, Roofs and drainage, stairways, porches, balconies, Handrails and guards, etc.
- d. Section 304 (NYS Prop. Maintenance Code) - - Interior Structure (interior surfaces, stairs, handrails and guards, etc.)
- e. Section 305 (NYS Prop. Maintenance Code) - - Rubbish and garbage.
- f. Section 404.4 to 404.7 (NYS Prop. Maintenance Code) - - Overcrowding (bedroom requirements). [applicability to student housing]
- g. Section 504 (NYS Prop. Maintenance Code) - - Plumbing systems and fixtures.
- h. Section 702 (NYS Prop. Maintenance Code) - - Means of Egress.
- i. Section 704 (NYS Prop. Maintenance Code) - - Fire Protection Systems (smoke alarms).

(3) Village of Brockport Code Provisions as follows:

Section 55-3 of Village of Brockport Code prohibiting unreasonable noise causing public inconvenience, annoyance, alarm/risk/disturbing normal sensitivities; Disturbances of the Peace; Violation of a stop work or cease and desist order; Violation of residential rental property registration requirements; Owners of all residential rental properties as defined in this Chapter required to file annual residential rental property registration statements, as set forth in Sections \_\_\_\_\_; Violation of operating permit requirements; Sections \_\_\_\_\_ of this code require Operating

Permits for conducting the activities or using the categories of buildings listed below:

- a. Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3), or 2703.1.1(4) in the publication entitled "Fire Codes of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
- b. Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- c. Use of pyrotechnic devices in assembly occupancies;
- d. Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- e. Buildings whose use or occupancy classification may pose a substantial hazard to public safety, as determined by resolution adopted by the Village Board of the Village of Brockport, including without limitation residential rental properties; Violation of Certificate of Occupancy requirements:
  - (i) Section 36-10 A of the Brockport Minimum Housing and Bldgs. Code - "prior to transfer of title to a new owner or execution and recording of a mortgage or upon said building becoming vacant, no two-family dwelling, mixed occupancy containing two or more families, boardinghouse, rooming house, furnished-room house, tourist home, apartment house, multiple dwelling or any other type of rental property, including single-family homes, shall be occupied, in whole or in part, until the issuance of a current certificate of occupancy by the Building Inspector, certifying that said dwelling substantially conforms to the requirements of this code, the Building Code, the Multiple Residence Law, if applicable, the Zoning Ordinance and all other applicable laws. . . ."
  - (ii) Section 58-24 B - "No land shall be occupied and no building or structure previously existing or hereafter erected, altered or extended, or upon transfer of title to a new owner, shall be used or changed in use until a certificate of occupancy is issued by the Building Inspector. A certificate of occupancy shall not be required for transfer of title to a new owner of a single-family dwelling. The Building Inspector shall issue a certificate of occupancy in the same classification as previously issued unless otherwise directed by the Planning Board."
  - (iii) 36-10 G (1) - Certificates of Occupancy are good for 3 years and must thereafter be renewed. "If the dwelling is found to be in violation of any applicable law, ordinance or rule, he (building inspector) shall notify any other department, bureau or division of the village enforcing that law, ordinance or rule, requesting its inspection of the building, and shall cause a notice and order to be sent to the registered owners of the building in the manner provided for the

issuance of notices and orders by the Building Department: (a) informing them of outstanding violations of laws, ordinances and rules and specifying the law, ordinance or rule involved. (b) directing them to correct the violations as provided by law within a time specified therein.”

- (iv) Section 36-10 G (2) provides that “Thereafter, the subject building shall not be occupied or used unless a temporary certificate of occupancy is procured pursuant to Subsection C above.” Subsection C provides that “upon request of the owner or his certified agent, the Building Inspector may, in his discretion, issue a temporary certificate of occupancy, provided that there is full compliance with the Zoning Ordinance and that such temporary use or occupancy would not in any way jeopardize life or property.”
- (v) Section 36-10 G (4) - the existence of a valid C/O does not prevent the Building Inspector and the Fire Chief to inspect the building for correction of any violations of provisions of the laws, ordinances or rules which they enforce.
- (vi) 36-10 G (5) - an existing C/O becomes void if violations of the Code, Zoning Ordinance, or any other applicable laws, ordinances, or rules are discovered that affect the structure’s substantial compliance with the applicable law. In such case, continued use and occupancy of the building is forbidden unless a temporary C/O is obtained. Violation of Occupancy Requirements and Prohibitions:
- (vii) Section 58-2 of Village of Brockport Code - - Occupancy by more than three unrelated persons - - “Definitions” “Family” A. Includes: (1) One (1), two (2) or three (3) persons occupying a dwelling unit; or (2) Four (4) or more persons occupying a dwelling and living together as a traditional family or the functional equivalent of a traditional family”, and B., and C (1) through (4); note, as defined in the Code, a dwelling unit, can be an apartment;
- (viii) Section 58-8 A (2) of Village of Brockport Code - - “No building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, moved, altered or placed unless in conformity with the regulations for the district in which it is located and until a permit therefore shall have been issued in accordance with the provisions of this ordinance.”

(4) Section 404.4.1 of NYS Property Maintenance Code: bedrooms for single occupancy shall be minimum of 70 sq. ft; bedrooms for double occupancy shall be minimum of 120 sq. ft.

(5) Zoning Use District Violations:

- a. Section 58-9 A (1) - (8) - - operating a commercial business in a residential use district.
- b. Any use not permitted in a Zoning District.

(6) Subdivision and Site Design and Approval (including parking):

- a. Section 26-10 - Planning Board-subdivision design concept- approvals; cluster zoning
- b. Section 58-8 A 1 “Site Plan and building approval by the Planning Board is required for all land use and/or development within the Village of Brockport, except for one-family dwellings not part of a subdivision . . . .”
- c. Section 58-22 B. and C. “Offstreet parking requirements”, Planning Board site approval, and penalties; Section 58-22 B. (2) (e) “The Planning Board shall determine the parking requirements for a use which is not specified herein. The applicant shall provide any information deemed necessary by the Planning Board to determine the required parking spaces.”

(7) Building and Construction Condition Violations: Section 58-35.5 - - exterior deterioration of property so as to become “blight” on community;

- a. Foundations, porches, decks, steps, stairs and walls
- b. Vent attachments
- c. Exterior balconies, porches, roof areas, landings, stairs, fire escapes/banisters/railings
- d. Permanent signs and billboards/public view / good repair / deterioration / electrical / supports Discontinuance of business / 30 days
- e. Exterior walls/good repair/excessive weathering/deterioration/clean, neat appearance
- f. Awnings, marquees, accompanying structural members/good repair/excessive weathering/deterioration
- g. Vacant buildings/sealed/secured/hazard to adjoining property or public/rodents/vermin
- h. Exterior walls, doors, windows, chimneys/water tight/dry rot/deterioration
- i. Exposed surfaces/ broken glass/shingles/loose shutters / railings / peeling paint / deterioration / excessive deterioration
- j. Roof drains, overflow pipes, air conditioning drains/safe and operable/lawns / debris / trash

(8) Violations involving Non-Conforming Uses:

- a. Section 58-20 A of the Village of Brockport Zoning Code, subd. (1) “any nonconforming use existing at the time of the enactment of the Zoning Code may be continued, and, upon application to and approval by the Zoning Board of Appeals, the Zoning Board of Appeals may direct the Building Inspector to issue a certificate of occupancy extending said non conforming use within the premises as prescribed by the Zoning Board of Appeals to conform as nearly as practical to the requirements for the district in which the building, structure or use is situated

- b. 58-24 C of the Village of Brockport Zoning Code, “A nonconforming use shall not be extended unless a certificate of occupancy has been issued by the Building Inspector and approved by the Board of Appeals.
  - c. Section 58-20 A (5) of the Village of Brockport Zoning Code provides that “Whenever a nonconforming use has been discontinued for a period of nine (9) months, such nonconforming use shall not thereafter be reestablished, and future use shall be in conformity with the provisions of this ordinance.”
- J. The following violations shall be assessed a point value of 3 points:
- (1) Section 36-12 Village of Brockport Code - “Inspection of rental property” (mandating inspections where violations suspected);
  - (2) Section 58-35.11 of the Village of Brockport Code - failure to cooperate and provide access to premises in violation to permit the Code Enforcement officer to make inspections to verify violations and/or compliance with the village code provisions;
- K. The following violations shall be assessed a point value of 2 points:
- (1) Section 58-35.6 of Village of Brockport Code:
    - a. Drainage surface/subsurface water/stagnant ponds/ gutters/ culverts/ roofing/catch basins
    - b. Fences/safe condition
    - c. Steps/walks/driveways/parking spaces/safe passage/holes/fill
    - d. Yards/vacant lots/clean and free of hazards/rodents/debris/exterior excavations covered
    - d. Dead trees, weeds, grass, stumps, overgrowth
    - f. Unregistered vehicles on premises; operating business to store vehicles
  - (2) Sections 6-1 thru 6.5 concerning berms, fences, hedges, and screen plantings, of Village of Brockport Code Section 58-16-1 A, filling low-lying areas of land in the Village of Brockport without applying for and receiving a permit for such filling;
  - (3) Environmental violations;
  - (4) House number violations.

**§ 57-4 Lack of Knowledge not a Defense.**

The lack of knowledge of acquiescence or participation in or responsibility for a public nuisance on the part of the owners, lessors, lessees, mortgagees and all those persons in possession or having charge of the property as agent or otherwise, or having any interest

in the property, real or personal used in conducting or maintaining the public nuisance, shall not be a defense by such owners, lessor, lessees, mortgagees, and such other persons.

*Administrative Sections to be added in future draft.*

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