

Special 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, July 19, 2012 at 3:00pm.

PRESENT: Mayor Maria Connie Castañeda, Trustee William G. Andrews, Trustee Margaret B. Blackman, Trustee Carol L. Hannan, Clerk Leslie Ann Morelli, Police Chief Daniel P. Varrenti

ABSENT: Trustee Kent R. Blair

ALSO PRESENT: Frank A. Aloï, Esq., Robert J. Lunn, Esq., Jim & Joan Hamlin, Fred Webster

- **CALL TO ORDER / PLEDGE:**

Mayor Castañeda called the meeting to order and led the Pledge of Allegiance.

Board delayed starting the meeting a few minutes to see if Trustee Blair would be able to make it.

Clerk Morelli shared that the special meeting was called for July 17th by Trustee Hannan. Notice was forwarded to Suburban News, was posted on the Village website and posted on the Village Hall front door.

- **EXECUTIVE SESSION:**

Trustee Hannan recommended the meeting for the Trustees to discuss in Executive Session pending civil/criminal matters regarding Mayor Castañeda with special counsel Frank Aloï and the hiring of a special prosecutor for civil matters pending in the Town of Ogden Court.

Mayor Castañeda called for a motion to enter Executive Session.

→ At 3:08pm, Trustee Hannan moved, Trustee Blackman seconded, Mayor Castañeda abstained (recused herself), carried 3/0/1 that the Trustees of the Village of Brockport enter into executive session to discuss pending civil/criminal matters regarding Mayor Castañeda with special counsel Frank Aloï and the hiring of a special prosecutor for civil matters pending in the Town of Ogden Court.

4:03pm – Mayor Castañeda called for a motion to come out of Executive Session.

→ At 4:03pm, Trustee Blackman moved, Trustee Hannan seconded, carried 3/0/1 that the Trustees of the Village of Brockport re-enter the regular meeting.

Mayor Castañeda said the record should reflect that Attorney Frank A. Aloï, Attorney Robert J. Lunn, and Police

Chief Daniel P. Varrenti were in the Executive Session with the Trustees. This should have been included in the motion to go into Executive Session.

→ Trustee Hannan moved, Trustee Blackman seconded, for the Village of Brockport to engage Robert J. Lunn, Esq., as Special Prosecutor for the Village of Brockport, to prosecute the pending civil zoning and building violations case against Mayor Castañeda in the Town Court of the Town of Ogden.

The terms of Attorney Lunn's retainer are as follows:

1. The Village will pay Attorney Lunn, a \$5,000 retainer;
2. Attorney Lunn will bill his time for services against that retainer at the rate of \$200/hour, which rate will apply to both out of court and in court time;
3. Attorney Lunn will send the Village his time accountings every 30 days which will show the application of the retainer funds for his services;
4. At such time as the retainer is used up, the Village has the option to renew or cancel Attorney Lunn's services.
5. The Village understands that if it elects to cancel Attorney Lunn's engagement when the first retainer (or any successive retainer) is exhausted, that Attorney Lunn will be free to advise the Town of Ogden Court (or any other Court involved with the subject prosecution), that his services have been terminated, and that he no longer represents the Village of Brockport in regard to the prosecution (notwithstanding that the prosecution may not at that point have been completed);
6. The Village will reimburse Attorney Lunn for all customary disbursements he incurs in discharging his services;
7. This engagement as Special Prosecutor will be terminable by either party at any time; in the event of termination, based on Attorney Lunn's time accountings, the Village will determine whether his time billings exceed the retainer balance; if so, the Village will pay him that balance; if Attorney Lunn's time billings are less than the remaining retainer funds, he will refund the retainer balance over and above the amount of his time billings to the Village.

VOTE BY ROLL CALL AND RECORD

VILLAGE OF BROCKPORT

Trustee William G. Andrews	Voting yes
Trustee Margaret B. Blackman	Voting yes
Trustee Kent R. Blair	absent
Trustee Carol L. Hannan	Voting yes
Mayor Maria Connie Castaneda	abstain / recuse

Adopted 3/0/1

Mayor Castañeda said the Court matter is in the hands of the District Attorney and the Notice of Claim against the Village is in the hands of an Attorney assigned by the Village’s Insurance. She said she does not believe there was a need for this action.

Attorney Lunn introduced himself to the Mayor and asked if he may clarify. There are three matters. The criminal prosecution, the code enforcement prosecution and the civil claim (Notice of Claim filed against the Village). He said he has been retained regarding the code enforcement prosecution, which would customarily be handled by the Municipal Attorney.

→ Trustee Hannan moved, Trustee Blackman seconded, to adopt the following resolution:

Resolution

That any and all matters concerning the pending criminal and civil prosecutions instituted by the Village of Brockport and/or the People of the State of New York, against Mayor Castañeda in the Town Court of the Town of Ogden, including without limitation all pre-trial discovery requests and issues, be handled by the duly retained and/or appointed Counsel for each party in and through the Court system of the Town of Ogden, as is required by the provisions of the NYS Criminal Procedure Law, and/or the NYS Penal Law, or other laws of NYS, as they may apply.

VOTE BY ROLL CALL AND RECORD

VILLAGE OF BROCKPORT

Trustee William G. Andrews	Voting yes
Trustee Margaret B. Blackman	Voting yes
Trustee Kent R. Blair	absent
Trustee Carol L. Hannan	Voting yes
Mayor Maria Connie Castaneda	abstain / recuse

Adopted 3/0/1

• ADJOURNMENT

4:12pm – Mayor Castañeda called for a motion to adjourn.

→ At 4:12pm, Trustee Blackman moved, Trustee Hannan seconded, carried 4/0 to adjourn.

Leslie Ann Morelli
Village Clerk