

**Regular meeting of the Board of Trustees of the Village of Brockport was held in the Village Hall Conference Room 49 State Street Brockport, New York, September 11, 2012 at 7:55pm. (Board attended the 7pm September 11<sup>th</sup> vigil ceremony at the firefighters monument.)**

**PRESENT:** Mayor M. Connie Castañeda, Trustee William G. Andrews, Trustee Margaret B. Blackman, Trustee Kent R. Blair, Trustee Carol L. Hannan, Clerk Leslie A. Morelli

**ALSO PRESENT:** Joe Cario, Dan Donovan, Linda Ketchum, Joan Hamlin, Sriram Bakshi, Brian Winant, Karen LoBracco, Norm Giancursio, Fred Webster, Kristina Gabalski

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

**MOMENT OF SILENCE:** to honor those that serve our Country, enforce our laws, & respond to emergencies and for all those who lost their lives on this horrific day 11 years ago

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

**PUBLIC COMMENT:**

- Joe Cario of Roc City Sammich – Peddling & Soliciting Application – concession cart – Clerk Morelli introduced Joe Cario of Roc City Sammich. He made application when she was on vacation last week for approval to have a concession cart on private property. She had e-mailed him yesterday suggesting he provide more information and plan to attend the next meeting. He did not get the email. He provided application, fee, insurance certificate, photo of cart, references, Monroe County Department of Public Health permit, driver’s license, everything needed and more and wishes to present his application under Public Comment. If the Board needs to table decision to the next meeting he is willing to return.

J. Cario shared that he runs Roc City Sammich and has locations elsewhere including at the Rochester Public Market. He has worked out a one year lease with the owner of the parking lot between Rocco’s and Ameriprise on Clinton Street for use of 4-6 parking spots. He basically serves 1 item – sandwiches – served 7 different ways. He will not be providing a product that can be obtained by local merchants with a storefront. He is as green as can be and provides recycling bin and garbage can & takes all with him. He uses wax paper and cardboard, cans of pop and bottles of water. He runs on propane and battery. He plays no music. His hours are proposed as 8pm to 2am. He will not stay open past the time the bars close. He plans to start with Thursdays through Saturdays and if it goes well will expand to include Sundays through Wednesdays.

Trustee Hannan asked if he wished to be year round or just during fair weather.

J. Cario said year round. He does not plan to cater to just the SUNY students, but the community at large, particularly those already in the downtown area frequenting bars, concerts, etc.

Trustee Blair said the owner of Rocco’s on Clinton Street appeared before the Board last April with an idea for a hot dog cart. He did not yet have a cart or a real plan. He proposed staying open until 4am. It was denied. The Board couldn’t support that application and hours.

Trustee Blackman said there is concern of noise and loitering and asked if he would be willing to modify his hours if determined to be necessary.

J. Cario said he fully understands and knows that although it is in the business district that there are a few residences across the street. He said he would not encourage noise or loitering. He would cease by 2am – maybe even 1:30am. He has a former Marine friend who often accompanies him and serves as security.

Trustee Blair said in July, at a meeting he could not attend, the Board granted a permit to an applicant for a taco stand on private property just north of the canal. It has yet to open.

Mayor Castañeda said that applicant provided the information requested of him in June so the Board could make a decision in July. It has come to her attention that the applicant has delayed opening.

J. Cario summarized that he has an established business, the cart, a lease agreement to use private, not Village property, and a willingness to modify hours. He wants to be a part of the Village and brings a quality product. In reviewing the meeting minutes related to the Rocco’s application and the Taco application, it sounded like the Rocco’s application was simply premature and not yet established. He does not wish there to be any ill will as his location will be right next to Rocco’s.

Trustee Blair asked when he would be ready to start.

J. Cario said this weekend.

Mayor Castañeda suggested granting a 6 month permit to start instead of a one year permit.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that a 6-month permit to 3/11/13 be approved.

Clerk Morelli asked J. Cario to provide a check for \$250, the 6-month permit fee, and returned his check for \$500, the 1-year permit fee. Should he wish to extend after that, he would make application to her in January for consideration at a February Board meeting.

**CONSENSUS ITEMS:**

• **APPROVAL OF MINUTES:** Clerk Morelli shared that the 8/28 minutes have yet to be typed since Village Hall was closed 8/31 & 9/3 & she was on vacation 9/4-9/7. She will have them ready for the next meeting.

• **APPROVAL OF BILLS TO BE PAID**

Mayor Castañeda referred to an A/P error she notified the Board about earlier today. The payment for \$3,480 to Special Counsel Lunn has been voided as that amount is what is left on his retainer, not what is owed to him. Mayor Castañeda said in reviewing Attorney Lunn’s accounting of his retainer, she noticed he billed for time prior to the July 19<sup>th</sup> Board appointment. The Village should not be obligated for those hours. Either Attorney Lunn credits the Village back those hours or whoever asked him to meet with Attorney Aloï prior to July 19<sup>th</sup> should cover that expense.

Trustee Hannan said she would look into the matter.

→ Trustee Blair moved, Trustee Blackman seconded, carried 5/0 that the bills be allowed and paid upon audit with the exception of the error noted above.

**A/P Clearing Account**

	<u>Abstract Date</u>	<u>Amount</u>
FUND (A): <u>General</u>	9/10/12	\$65,593.90 minus \$3,480.00
FUND (F): <u>Water</u>	9/10/12	\$55,357.52
FUND (G): <u>Sewer</u>	9/10/12	\$100.00
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust &amp; Agency)</u>	-	-
		\$117,571.42 grand total

**CLERK REPORT:**

- Clerk – Leslie Ann Morelli
  - Request of Genesee Valley Penny Saver – Clerk Morelli referred to the written request forwarded earlier today to the Board. Colleen Farley, regional Sales Director was unable to attend the meeting.

→ Trustee Blair moved, Trustee Blackman seconded, carried 5/0 to approve the request of Genesee Valley Penny Saver to place their mascot horse “Reader’s Choice” and cart in one parking space in front of their location at 15 Main Street from October 1<sup>st</sup> through the BCSD Homecoming Parade the evening of October 5<sup>th</sup>.

○ Planning Board Schedule Change - Clerk Morelli shared that she has learned the Planning Board plans to change its meeting night from Tuesday back to Monday beginning 9/17. It was changed to Tuesday a couple of years ago due to a member’s work schedule. That member is no longer on the board. The amended meeting schedule would be as follows. Notice of the 9/17 meeting has been published. Notice of the overall Planning Board meeting schedule will be published.

**\*Amended 9/11/12 re Planning Board**

**Village of Brockport Meetings**  
**August 2012 – August 2013**

**Village Board Meetings**

Meetings begin at 7pm and are held at Village Hall

**2<sup>nd</sup> & 4<sup>th</sup> Tuesday** of each month unless otherwise noted

Submittal Deadline: Wednesday by Noon prior to meeting date  
**MINUTES OF VILLAGE BOARD MEETING HELD September 11, 2012 continued.....page 3**

August 14, 2012	January 8, 2013
August 28, 2012	January 22, 2013
September 11, 2012	February 12, 2013
September 25, 2012	February 26, 2013
October 9, 2012	March 12, 2013
October 23, 2012	March 26, 2013
November 13, 2012	April 9, 2013 ( <i>includes budget hearing at Middle School LGI</i> )
November 27, 2012	April 23, 2013
December 11, 2012	May 14, 2013
December 25, 2012 - <u>NONE</u> due to holiday	May 28, 2013
	June 11, 2013
	June 25, 2013
	July 9, 2013 ( <i>includes swearing in</i> )
	July 23, 2013 ( <i>includes organizational component</i> )
	August 13, 2013
	August 27, 2013

Plus the following work sessions the **1<sup>st</sup> Tuesday** of the following months:

August 7, 2012	January 1, 2013 – <u>NONE</u> due to holiday
September 4, 2012	February 5, 2013
October 2, 2012	March 5, 2013
November 6, 2012	April 2, 2013
December 4, 2012	May 7, 2013
	June 4, 2013
	July 2, 2013 - <u>NONE</u> due to holiday
	August 6, 2013

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### **Planning Board Meetings**

Meetings begin at 7pm and are held at Village Hall

Starting w/ 9/17 meeting - **2<sup>nd</sup> Monday** of each month unless otherwise noted (only upon application)

Submittal Deadline: Monday by Noon at least 2 weeks prior to meeting date

August 21, 2012	January 14, 2013
September 17, 2012	February 11, 2013
October 15, 2012 – due to 10/8 holiday	March 11, 2013
November 19, 2012 – due to 11/12 holiday	April 8, 2013
December 10, 2012	May 13, 2013
	June 10, 2013
	July 8, 2013
	August 12, 2013

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### **Zoning Board of Appeals Meetings**

Meetings begin at 7pm and are held at Village Hall

**1<sup>st</sup> Thursday** of each month (only upon application)

Submittal Deadline: Tuesday by Noon at least 3 weeks prior to meeting date

August 2, 2012	January 3, 2013
September 6, 2012	February 7, 2013
October 4, 2012	March 7, 2013
November 1, 2012	April 4, 2013
December 6, 2012	May 2, 2013
	June 6, 2013
	July 4, 2013 – <u>NONE</u> due to holiday
	August 1, 2013

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### **Historic Preservation Board Meetings**

Meetings begin at 7:15pm and are held at Village Hall

**3<sup>rd</sup> Thursday** of each month unless otherwise noted (as needed)

August 16, 2012	January 17, 2013
September 20, 2012	February 21, 2013
October 18, 2012	March 21, 2013
November 15, 2012	April 18, 2013
December 20, 2012	May 16, 2013
	June 20, 2013
	July 18, 2013
	August 15, 2013

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### **Other Boards and Committees:**

Meeting schedules and locations vary

Seymour Library Board, Tree Board, Code Review Committee, Walk Bike Brockport Action Group, Parks Committee, Welcome Center

Management Committee, Emily L. Knapp Museum & Library of Local History Committee, Ethics Board

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• **PERSONNEL ITEMS:**

- Appoint Welcome Center Greeter – Mike Waldock

→ Trustee Andrews moved, Trustee Blair seconded, carried 5/0 to appoint Mike Waldock as a Welcome Center Greeter.

- RFP re Grant Writer – several responses received – to be forwarded to VB for review

**VILLAGE BOARD REPORTS:**

- Mayor M. Connie Castañeda

- General Code – Mayor Castañeda said at the 9/4 work session the Board discussed the 8/28 presentation of LoriAnn Shura from General Code regarding code revitalization and e-code 360. She has been invited to attend the 10/2 work session for further discussion and to also provide information on their software for building/zoning/code enforcement as Scott and Pam are not particularly happy with the current Checklist software in use the last several years.

- SUNY Homecoming - Mayor Castañeda said she will be attending the parade this Saturday.

- Hickock Brain Injury Center - Mayor Castañeda shared that there will be an open house on 9/20 from 12-6pm at 36 Erie Street (formerly Flash's).

- Trustee William G. Andrews

Trustee Andrews said his items were all briefly discussed at the 9/4 work session. He now proposes action on them.

- Historic Commercial District – upper lofts feasibility – tax abatement component –

→ Trustee Andrews moved, Trustee Blair seconded, carried 5/0 authorizing the Historic Preservation Board to submit application to COMIDA for participating properties in the upper lofts feasibility project at a cost of \$350.

Mayor Castañeda suggested Trustee Andrews touch base with Village Attorney Leni about contacting Judy Seil from COMIDA. Trustee Andrews said he is in hopes Attorney Leni will help him with the application. Mayor Castañeda reminded Trustee Andrews that the Board authorized Attorney Leni to draft a Local Law regarding the local tax abatement component of the project. COMIDA is another matter.

Trustee Blair questioned what line the \$350 application fee would come from. Trustee Andrews was unsure and will contact Treasurer Hendricks to see where it could be taken from. He does not think there are funds under Historic Preservation Board. Mayor Castañeda said in the future this should be figured out prior to bringing it for Board action. Trustee Andrews said he is still learning.

- Main Street Billboard –

→ Trustee Andrews moved, Trustee Hannan seconded, carried 5/0 to engage Don Riling of Signs Following to replace the panel with lettering on the billboard with the Village message near the railroad underpass at a cost not to exceed \$200.

Trustee Blair questioned what line the \$200 cost would come from. Trustee Andrews was unsure and will contact Treasurer Hendricks to see where it could be taken from. Mayor Castañeda said in the future this should be figured out prior to bringing it for Board action. Trustee Andrews said he is still learning.

- Liaison positions –

→ Trustee Andrews moved, Trustee Blackman seconded, Mayor Castañeda opposed, carried 4/1 to amend the listing of Board Liaisons to Departments/Areas/Boards/Committees to add liaison to GBDC and Brockport Community Museum as follows:

**VILLAGE OF BROCKPORT  
BOARD LIAISONS  
TO DEPARTMENTS / AREAS / BOARDS / COMMITTEES**

**AUGUST 2012 – JUNE 2013**

**Amended 9/11/12**

**MINUTES OF VILLAGE BOARD MEETING HELD September 11, 2012 continued.....page 5**

Personnel / Human Resources	Mayor Castañeda
Budget & Finance	Mayor Castañeda
Intergovernmental Relations	Mayor Castañeda
Department of Public Works	Trustee Blackman
Police Department	Trustee Blair & Hannan
Building / Zoning / Code Enforcement	Trustee Hannan & Blackman
Planning Board	Trustee Blair
Zoning Board of Appeals	Trustee Hannan
Historic Preservation Board	Trustee Andrews
Seymour Library Board	Trustee Hannan
Tree Board	Trustee Blackman
Code Review Committee	Trustee Hannan
Parks Committee	Trustee Blair
Emily L. Knapp Museum & Library of Local History	Trustee Hannan
Ad Hoc Committee on Housing	Trustee Hannan
Farmers Market	Trustee Blackman
Walk Bike Brockport Action Group	Trustee Blackman
Welcome Center Management Committee	Trustee Andrews
Workers Comp Program (Alternate for Treasurer and Clerk)	Trustee Hannan
BISCO (Brockport Integrated Service Clubs Organization)	Trustee Hannan
SUNY College at Brockport	Trustee Blackman
BMA (Brockport Merchants Association)	Trustee Hannan & Blackman
Brockport Community Museum	Trustee Andrews
GBDC (Greater Brockport Development Corporation)	Trustee Andrews

Trustee Blackman said at next year's organizational meeting she would be inclined to better consolidate/combine some of the liaison positions.

Mayor Castañeda said she does not feel it is necessary to have liaisons to non-Village entities such as GBDC. The liaison listing seems to be growing instead of consolidating.

Trustee Blair said if that is the case that would go for BISCO, SUNY, BMA, Brockport Community Museum as well.

Trustee Andrews said the distribution of liaison assignments is uneven. He will not be overburdened to take on 2 more as he had few compared to some. He is competent and able to handle.

- Welcome Center security measures –

→ Trustee Andrews moved, Trustee Blair seconded, carried 5/0 to accept the estimate of Patriot Management, LLC to install a complete video surveillance system to include a digital video recorder & 5 cameras at a cost not to exceed \$1,900 and Marks Electric, Inc. to install 3 flood lights with motion sensors at the Welcome Center/canal path at a cost not to exceed \$587.76 to come from the Asset Forfeiture Account. (Chief Varrenti was amenable with this at the 8/28 meeting.)

- Trustee Margaret B. Blackman
  - Trustee Blackman read the following prepared report:

1. Ride along with Brockport Police—Something I think is important for elected officials to do in order to understand what goes on in the core of our village late at night and the issues the BPD faces. I accompanied Officer VanDervort from 10pm to midnight when his shift ended and then Sergeant Philippy from midnight to 3:20pm when I called it a night.

Here are the numbers from my rides:

- Parking violations: 2
- Open container tickets: 3
- Open container warnings: 1

Littering: 1  
Disorderly conduct 1  
Noise Ordinance 1  
Disorderly House 1  
DWI and going wrong way on one way street 1

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We responded to several calls to residences for loud parties, one of which on Gordon Street was for underage drinking

152 Holley where a noise ordinance ticket was issued more than 40 people were dispersed from the house. There were other calls to residence for same that the other officers on duty took.

52 Erie Street, a male tenant ticketed for disorderly house; 109 people were dispersed from the house. The police officer took photos of code violations for the trash they left in their wake.

Several underage college students were stopped who were intoxicated. THERE IS NO LAW IN NYS AGAINST PUBLIC INTOXICATION.

I was struck by several things: 1) roving groups of students ranging in size from 4 to 30 or more on Utica, Perry, Holley, Erie, Monroe, and Main Streets; a flash mob mentality 2) a number of students, underage, who were stopped and questioned, intoxicated who were underage and live on campus (Police note that having sophomores live on campus has had no impact on what they encounter on village streets; they don't stay on campus but are drawn to downtown) 3) an escalation in late night vandalism—on Park Avenue, bottles being thrown into the street at 4am and picked up by my neighbor, and equally disturbing, the splintering and total destruction of two trees, planted last spring, on Park avenue sometime between 4am and 7:30am.

If you think this is a job that could be easily handled by the sheriff's dept, think again. It was nonstop for all three police officers on duty Saturday night and it's an indication that we need even more cooperation and collaboration with the college about student behavior off campus.

2. Canal Corporation Inspection Tour—On September 5th Brian Stratton, director of the canal corporation came to the village on his annual inspection tour on the barge, Grand Erie. This is the second time in a year that they have come to town with none of the board members being notified, though they say they notify all the villages of their schedule. I just happened to catch them as they were about to depart for Spencerport and we exchanged business cards. Mr. Stratton invited me to ride the barge when they continued their inspection tour on September 12, from Fairport. So, trustee Hannan and I will be joining the Director tomorrow on that tour. We will be meeting with the Mayor of Lyons and some of the village trustees for lunch. This communication problem won't happen again, if only because Mr. Stratton has our email and phone contacts and knows that three trustees are ready to meet with him whenever he comes to Brockport.

3. Finally, re the damaged trees. These were paid for by donations in 2011. We do not currently have a shade tree purchase budget, but I think this is a case where the village can and should replace these trees since they are not covered by our insurance. I move that the board allocate a maximum of \$400 to replace the two destroyed trees on Park Avenue.

→ Trustee Blackman moved, Trustee Blair seconded, to allocate a maximum of \$400 to replace the two destroyed trees on Park Avenue.

Discussion:

Trustee Hannan said the \$200 she recently donated that went into the Trust fund for trees could be utilized.

Mayor Castañeda asked Trustee Blackman if she had spoken to DPW Spt. Donahue or Treasurer Hendricks yet as to where the \$400 could come from or if moved from one line to another if something else would have to be sacrificed. Trustee Blackman said she had not but would be happy to.

Tabled.

Trustee Andrews shared that he recently conversed with Jean McKay of the Erie Canalway National Trail who indicated she received the Village's letter and met with Parks and Trails NY folks and that Brockport will be included as a lunch stop next year. Brockport will also be pointed out in a brochure they will be publishing.

Mayor Castañeda said neither she nor DPW Spt. Donahue received notice from NYSCC about the 9/5 inspection tour. They did receive notice last year of such and she had planned to attend but it got rescheduled. She said she tries very hard to pass along information to the Trustees and this was not an intentional oversight.

- Trustee Kent R. Blair

- Comment on Trustee Blackman's ride along – Trustee Blair referred to the ride along reported by Trustee Blackman. He said he can only imagine the disaster at 52 Erie Street had the party not been broken up and a fire broke out. If there is only one way in and out this could be **MINUTES OF VILLAGE BOARD MEETING HELD September 11, 2012 continued.....page 7**

horrendous.

- MVA involving police car – Trustee Blair mentioned that one of the police cars was severely damaged in a 9/1 incident at a citizen's fault. It may be totaled. This was the newest car with the highest replacement cost. Ford Crown Victoria's are no longer made. If it is deemed totaled, the equipment and components will have to be replaced as well. He said he e-mailed an idea to Treasurer Hendricks that if a new car has to be ordered, to go ahead and order the other one that was put off until next fiscal year. It was put off due to the model change timing. A couple of police cars have mechanical issues. He said he'd like to see what's available in vehicle/equipment reserves and what insurance will cover. There may be a deal if we buy 2 instead of 1.

Clerk Morelli said once she receives the Police report she will proceed with filing an insurance claim.

Trustee Blair referred to a recent mechanical issue of a police car smoking, not on fire, near the Mayor's neighborhood. Fire trucks responded to reports of smoke.

- Trustee Carol L. Hannan

- BMA – Trustee Hannan said she will represent Brockport Merchants Association at the 9/14 official opening of SERC on the SUNY campus. She will pass out the new BMA brochures and encourage patronizing the downtown historic commercial district.

- Police ride along - Trustee Hannan said she also believes in the importance of Village Board members doing an occasional ride along with Brockport Police. She will be doing so this weekend.

- Vacant, abandoned, neglected properties - Trustee Hannan said she has started to work with Building/Codes Officer Zarnstorff on identifying such properties and potential efforts to get them remediated.

- GBDC - Trustee Hannan said she has an agreement in principle with Greater Brockport Development Corporation about efforts to remediate vacant, abandoned, neglected properties and will have more on this in the future.

- Ad Hoc Committee on Housing - Trustee Hannan said they continue to search for a property viable for Habitat for Humanity to take on.

**ADJOURNMENT:**

→ At 8:45pm, Trustee Blair moved, Trustee Blackman seconded, carried 5/0 that the meeting be adjourned.

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Leslie Ann Morelli, Village Clerk