

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, September 9, 2009 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Vice Mayor/Trustee Kelly A. Smith, Trustee Kent R. Blair, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli

EXCUSED: Treasurer Gina M. Tojek, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Village Attorney Michael Leone, Fire Chief Scott Smith

ALSO PRESENT: Pam Krahe, Dave Moore, Bernie LoBracco, Joan Hamlin, Ray & Jackie Morris, Fred Webster, Norm Giancursio

CALL TO ORDER: 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."

APPROVAL OF MINUTES OF PREVIOUS MEETING: Mayor Castañeda called for any additions or corrections to the minutes of the last meeting.

➔ Trustee Hunsinger moved, unanimously carried 5/0 that the minutes of the meeting held August 17, 2009, be approved as written.

Clerk Morelli thanked Building/Codes Clerk Krahe for subbing for her at the August 17th meeting.

➔ Trustee Blair moved, unanimously carried 5/0 that the minutes of the meeting held August 24, 2009, be approved as written.

AUDIT – PAY BILLS:

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

	<u>Date Paid</u>	<u>Beg. Ck #</u>	<u>End Ck #</u>	<u>Amount</u>
FUND (A):				
<u>General</u>	08/21/09	179340	179340	\$627.19
	09/01/09	179343	179347	\$41,090.15
	09/10/09	179368	179423	\$59,683.34
				\$101,400.68 Total General
<u>Reserves</u>	09/10/09	179424	179431	\$12,313.49
				\$12,313.49 Total Reserves
<u>Fire</u>	08/21/09	179341	179341	\$472.55
	09/10/09	179348	179367	\$56,486.87
	09/10/09	179432	179434	\$13,942.00
				\$70,901.42 Total Fire
<u>Ambulance</u>	08/21/09	1644	1644	\$364.27
	09/10/09	1646	1654	\$6,755.15
	09/10/09	1655	1655	void
				\$7,119.42 Total Ambulance
FUND (F):				
<u>Water</u>	08/21/09	2379	2379	\$35.44
	09/01/09	2380	2384	\$6,517.21
	09/01/09	2385	2390	void
	09/10/09	2391	2403	\$8,254.96
				\$15,807.61 Total Water
FUND (H):				
<u>Capital</u>	No expenditures			\$ -
				\$207,542.62 Grand Total

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT: None

GUESTS: None

DEPARTMENT REPORTS: (All Department Heads are in attendance the 2nd meeting of each month)

- A. PUBLIC WORKS – Superintendent Harry G. Donahue (excused)
 - B. POLICE DEPARTMENT – Chief Daniel P. Varrenti (excused)
 - C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff (excused)
 - D. FIRE / AMBULANCE / DISPATCH - Chief Scott Smith (excused)
 - 1. Membership Drops & Adds – On behalf of Chief Smith, Clerk Morelli asked the Board to consider approving the following drops: none; the following adds: Albert Bailey to fire and ambulance, Joel Mamon to fire and ambulance, Diane Wood Hartmann to ambulance; the following exempt certificates: Amy Lloyd, Robert Wood.
- Trustee Blair moved, unanimously carried 5/0 to approve the previously mentioned drops, adds and exempt certificates.
- E. TREASURER – Gina M. Tojek (excused)
 - F. CLERK - Leslie A. Morelli
 - G. VILLAGE MANAGER – (vacant)
 - H. ECONOMIC DEVELOPMENT COORDINATOR – (vacant)
 - I. VILLAGE ATTORNEY – Michael Leone, Esq. of Harris, Chesworth, O'Brien, Leone, et al. (excused)

VILLAGE BOARD REPORTS:

- A. Mayor M. Connie Castañeda
 - 1. Accept & authorize Mayor to sign CDBG façade improvement project agreement -

Trustee Hunsinger asked if there is a listing of the Main Street properties participating in this round of funding. Clerk Morelli said she would obtain such listing from the Historic Preservation Board.

→ Trustee Hunsinger moved, unanimously carried 5/0:

RESOLVED:

WHEREAS, the COUNTY OF MONROE has awarded the VILLAGE OF BROCKPORT a Community Development Block Grant in the amount of \$40,000 for the purpose of providing subsidies to property owners in the historic commercial district of the Village for work to improve building facades in that district in accordance with historic preservation requirements; and

WHEREAS, the purposes of this program are to make the district a more attractive destination for travelers on the Erie Canal and other tourists and visitors, to benefit the small businesses that occupy the structures, and to provide more attractive and comfortable residences for the low/moderate income tenants who occupy the upper floors of the buildings; and

WHEREAS, the COUNTY OF MONROE requires that the Board of Trustees of the VILLAGE OF BROCKPORT pass a resolution to accept the CDBG award and to authorize the Mayor to sign a COMMUNITY DEVELOPMENT CONSTRUCTION AGREEMENT between the VILLAGE and the COUNTY;

NOW, THEREFORE, be it hereby resolved that this Board does hereby accept the CDBG award and authorizes the Mayor to sign the said agreement.

BY ORDER OF THE Village Board of the Village of Brockport

- 2. Update on 2010 Fire Service Contracts – Mayor Castañeda updated the Board on her recent negotiations with various parties. On August 26th she met with Trustee Blair, Deputy Chief Henry and Deb Hoy of the Capens regarding the need to formalize an agreement and set a dollar amount for parking a fire truck and the pool car at the Capen's fire house. While the Capens would have liked an increase and the Village would have liked a decrease, it was agreed that rent remain at \$4,000 per year. On September 2nd she met with Assistant Chief Marenus, and Greg Speer of Walker Fire Department regarding the need to formalize an agreement and set a dollar amount for providing dispatch services. It was estimated that 150 calls are dispatched per year, 75% of them being EMS related. It was agreed that \$1,500 per year is fair. Walker indicated that they would possibly be looking to eliminate said dispatch

an agreement and set a dollar amount to utilize Station #2 which is Town of Clarkson property.

→ Mayor Castañeda moved to amend the Fire Department budget and add a line item to the budget indicating \$4,000 to Capens and \$4,000 to Clarkson.

Trustee Legg asked if the Mayor had contracts in place yet. Mayor Castañeda said not yet. Now that negotiations have taken place, the Board needs to amend the Fire budget. Then the Village Attorney will formalize the various contracts.

Trustee Hunsinger expressed concern that the Mayor has been working on this for 7 weeks and still has nothing in writing for Board consideration. He is reluctant to vote until he has proposed contracts to review.

Mayor Castañeda reminded Trustees Hunsinger and Legg that prior to her taking office as Mayor, they were charged them with working on the Fire Department budget which resulted in their recommendation to formalize agreements/contracts for those 4 items. Before contracts can be formulated by the Village Attorney, meetings had to be scheduled with the various parties which were not at her beck and call. She reminded the Board that she has updated them at various Board meetings and via e-mail. Before the Village can present contracts to the Towns of Sweden and Clarkson and Walker Fire District, and Capens, it is appropriate to amend the Fire Department budget. Then proposed contracts will be forthcoming.

→ Trustee Legg moved to table Mayor Castañeda's motion.

Trustee Legg said obviously the Village will need to add a line to the budget and authorize encumbering the money to be spent, but he does not wish to vote until the Board sees the proposed contracts.

Mayor Castañeda said contracts are not being approved tonight. They will be forthcoming. She said her motion was just to increase expenditures and amend the fire budget. Trustee Legg said he understands that.

Trustee Smith commented that \$8,000 is already shown in the Fire Department budget, but can understand that it needs to differentiate \$4,000 to Capens and \$4,000 to Clarkson.

Mayor Castañeda said the Village Attorney can't prepare the contracts without an amended budget. Trustee Legg said he certainly should be able to do so and that he would be happy to contact him to inquire as to whether he can prepare the contracts without such budget amendment. Mayor Castañeda thanked Trustee Legg for his offer, but said she would contact the Village Attorney on this.

Trustee Smith said she does not understand why breaking the \$8,000 into 2 different lines of \$4,000 each is an issue. The total is still \$8,000.

Trustee Hunsinger said what he and Trustee Legg worked on at the end of June and the Mayor has been working on the last 3 weeks are trying to get agreements in writing.

Mayor Castañeda again reviewed the various recent meetings and stressed that she has been working on this for the last 7 weeks, not just the last 3 weeks. During her first 4 weeks, meetings included those with the Town of Sweden and Clarkson Supervisors, Treasurer and Fire Chiefs. Trustee Hunsinger concurred that it has been an ongoing process. Mayor Castañeda said she has had to negotiate with all involved parties towards various agreements/contracts.

Trustee Blair commented that the Village Attorney doesn't need to know the Fire Department budget in order to draft contracts.

Trustee Hunsinger commented that there's another recommended contract with Monroe Ambulance to park its vehicle(s) at Market Street fire hall. Mayor Castañeda shared that she met with Monroe Ambulance's Tom Coyle and provided the Board with some information. They have a follow up meeting scheduled for next week.

Trustee Smith apologized for taking so long, but said she wished to understand.

Trustee Legg commented that is what happens when you get updates at Village Board meetings instead of in advance.

Mayor Castañeda said she does not appreciate that comment and reminded the Board that she has updated them via e-mail. However, there are certain things she does not wish to e-mail, but instead bring forth at an open meeting. Workshops were eliminated.

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Trustee Legg responded that Mayor Castañeda could have at least e-mailed the Board on her intention to bring forth her motion this evening creating such budget line.

Call to Question:

→ Trustee Legg, Trustee Hunsinger, Trustee Blair in favor. Mayor Castañeda, Trustee Smith opposed. Carried 3 to 2 to table Mayor Castañeda's motion to amend the Fire Department budget and add a line item to the budget indicating \$4,000 to Capens and \$4,000 to Clarkson.

3. NYS OSC Audit – Mayor Castañeda shared that she met Comptroller DiNapoli at the government conference she attended at Cornell recently. She inquired about the Village having requested an audit the last 4 years. The Village received word that NYS OSC representatives will be on site beginning September 10th to conduct a risk assessment and will conduct a complete audit if warranted by their findings.
4. Meeting with Supervisors – Mayor Castañeda reported that she attended a breakfast meeting August 12th with Supervisors Milner, Kimball and Roche. Supervisor Kimball recently forwarded some past Fire budget and contract information to her.
5. Parking Tickets – Mayor Castañeda reported that she, Clerk Morelli, Treasurer Tojek, Sweden Finance Director Strabel and Court Clerk Terri Gay met with Geoffrey Klahn of Pro Accounting Solutions (ProAcct) on August 18th. Clerk Morelli will provide the Board with minutes of that meeting for their review and possible action at the next meeting. Recommendations / possible action items include: a) Mayor to contact the Village Attorney for an opinion as to whether it is, indeed, lawful for ProAcct to collect monies from parking tickets – in essence bypassing Sweden Court b) Village Board consider authorizing Mayor to negotiate an amended contract with ProAcct for full-collect (after 30 days) services only c) Village Board could consult Chief Varrenti and consider modifying its parking ticket fines and late penalties d) Village Board could consult with Chief Varrenti as to past reluctance to utilize hand-held guns for the issuance of parking tickets e) Village Board consider authorizing collection efforts of old parking tickets via a \$500 outlay.
6. Lakeside – Mayor Castañeda reported that she met with Lakeside Health System CEO Michael Stapleton on August 26th. LHS is certainly an asset to the community and they look forward to a continued good working relationship. M. Stapleton will be a guest at the October 19th Village Board meeting.
7. McDonalds – Mayor Castañeda shared that she attended the grand re-opening of McDonalds on August 28th and wished them continued success.
8. External Audit – Mayor Castañeda shared that she and Treasurer Tojek met with the Village's new external audit team on September 3rd. The Village will soon be receiving the final report which will be presented to the Board and public.
9. Village's Financial position – Mayor Castañeda reported that she met with available Department heads on August 24th and then in special meeting with the Board and Treasurer on August 24th to discuss the Village's financial position at fiscal year end 5/31/09. The Village has many fiscal challenges and she urged all to delay filling vacancies until the Village Board plans a course of action.

Mayor Castañeda referred to the many recommendations outlined by Trustee Legg at the August 17th meeting. She said she wished liaisons to move forward with the Department Heads they work with to establish priorities. She asked that the entire Board be kept apprised.

Trustee Legg asked for clarification as to whether Mayor Castañeda was suggesting work groups comprised of the parties he outlined or if it would include others from the community besides people already working for the Village.

the Mayor Castañeda responded that work groups would suffice at this time. It is no secret that the Village is in financial distress. It must set short term goals and long term goals.

Mayor Castañeda said the possible elimination of dispatch may require public referendum. Trustee Legg said the former Treasurer looked into that several years ago and was found it would be unlawful to do so by public referendum.

10. Upcoming Events –

- a. September 11th vigil – ceremonies at 8am, Noon, 7:30pm
- b. Septemberfest & Peddlers Market – September 12th – Mayor Castañeda said the Village will have a booth for the 3rd year in a row. She thanked Clerk Morelli for doing the prep work. The Museum will have a booth and be open and Walk Bike Brockport will have a booth as well. She asked the Board who might be willing to take a shift

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manning the Village's booth. Trustee Hunsinger previously indicated he would be out of town. Trustee Legg said pass. Trustee Blair said he is volunteering at the Welcome Center that day, but would check his schedule. Trustee Smith said she would check her schedule. Clerk Morelli shared that she sent notices out to property owners and occupants on State Street between Main Street and Park Avenue as to the street closure. She thanked the Town of Sweden for allowing alternate parking in their parking lot overnight.

11. Canal Trail – Mayor Castañeda reported that the Village was informed that the NYS Canal Corporation would have the walking/biking trail closed from Main Street to Redman Road beginning September 3rd for a week or so to do some embankment repairs. Notice went to the local papers and the Village website and was posted at the Welcome Center.

Trustee Blair said this was due to a fallen tree from last year whose roots created some canal wall leakage issues in the Evergreen Road area.

12. Main Street Sanitary Sewer & Water Main Replacement Project – Mayor Castañeda reported that the contractors and Engineer would be holding a project update meeting on September 14th at 4pm. She said updates from the Village Engineer will continue to be placed in the local papers and on the Village website.

B. Vice Mayor/Trustee Kelly A. Smith

1. Service for Fallen Buffalo Firefighters – Trustee Smith shared that she and 14 members of the Brockport Fire Department attended the services for the 2 Buffalo fire fighters who recently died in the line of duty. She said she hopes Brockport never has to experience such a tragedy and commented that it really puts things in perspective.

C. Trustee Kent R. Blair

1. Welcome Center – Trustee Blair reported on volunteering as a greeter and that this past Saturday there were more boats than they could handle. He learned there was only 1 boat docked in Spencerport at the same time.

2. Finances – Trustee Blair read the following statement:

“The next few years are going to be very difficult for residence, departments and this board. We are presented with some very difficult decisions. Be being elected to this office, it is my sworn duty to protect the village residence by being financially cautious.

I ask all departments not to take inquires personal. We owe it to our community to look at all processes that have led us to where we are today. Just because something has worked for years doesn't necessarily mean it will continue to work for us today, tomorrow or in the future.

The fact is WE are in this together and need to work as a unified front to correct the wrongs that have taken place.

Personal interest MUST be set aside and let's do what is best for our community.

Roughly 20% of village residents showed at the poles for this election. This concerns me. My suggestion to all residence is to get involved (to the audience and watching on TV) ask questions just as I am. It does not take a politician to correct these problems; it takes people working together with personal issues checked at the door.

Being forthcoming with information will allow us to spend our time wisely on ALL projects. This falls on the 80/20 rule. This rule means we spend 80% of our time on 20% of our problems.

Let's all be part of the solution and not part of the problem.”

D. Trustee Scott W. Hunsinger

1. Summer Serenades – Trustee Hunsinger reported that the Summer Serenades have wrapped up. Several were rained out, but those that weren't, had good crowds. He read a thank you note from Judd Sunshine for having them perform.

2. Chief Varrenti 211 Waiver Application Process – Trustee Hunsinger stated that Police Chief Varrenti's 211 waiver is due to expire in March of 2010. The state requires reapplication filing 3 months ahead. Before that, the municipality must determine if there are any qualified non-retired candidates.

→ Trustee Hunsinger moved, unanimously carried 5/0 authorizing he, Chief Varrenti and Clerk Morelli to work collaboratively with the Village Attorney as needed, to begin the canvas process of the current Civil Service list of eligibles.

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Trustee Hunsinger said the Clerk would first request a promotional and non-competitive certification of eligibles listing from Monroe County Civil Service. She would then send canvass letters notifying those people, doing what we are legally obligated to do.

Mayor Castañeda said she is happy that the Village will do its due diligence in complying with the law.

3. Back to School – Trustee Hunsinger reminded everyone that school is back in session and complimented Brockport Police Department on their efforts, as not all are diligent students as evidenced by the late night calls to 911.
4. Potential Village Justice Court – Trustee Hunsinger shared that he and Chief Varrenti are researching the potential of establishing a Village Court and the projected revenues that should be taken into consideration. He will report as the process continues.
5. September 11th Vigil – Trustee Hunsinger encouraged all to pay their respects at the Fire Department's vigil at the monument and join in the healing process to honor those who lost their lives on September 11, 2001.
6. Main Street Sanitary Sewer and Water Main Replacement Project – Trustee Hunsinger expressed concern that not enough information was out about the project and detours and that Trustee Legg drafted a press release that was met with resistance by Mayor Castañeda. He commented that a proactive approach to let people know what's going on, as a press release after the fact is really too little too late and not what Village residents deserve. Trustee Hunsinger compared this with the late letter to residents in the area of 100 Fair Street.

Mayor Castañeda said the Mayor is responsible for all official communication and that the Village Engineer has provided the Village with regular project updates and construction schedule which have been published in the local papers and on the Village website. The construction schedule also went to the Brockport Merchants Association, the Towns, Brockport Central School District and SUNY. Mayor Castañeda said press releases don't customarily come from individual Trustees. She said Trustee Legg's press release was fine until the last two paragraphs that basically give him and Trustee Hunsinger a pat on the back. Mayor Castañeda said she is certainly not against informing the public; she just asks that the process be followed and that communications come from the Mayor's office or be approved by the Mayor.

Trustee Hunsinger said he is all for a process, but he hopes communications happen quicker than those that went out regarding 100 Fair Street.

Mayor Castañeda responded to Trustee Hunsinger that it took him one year to research a box of information on that property only to find out that the one piece of information he really needed wasn't there, but was easily obtained by asking the Code Enforcement Officer.

Mayor Castañeda commented that criticizing each other is really not in anyone's best interest.

Trustee Legg responded that the characterization of his press release patting himself and Trustee Hunsinger on the back is off base. The last two paragraphs show they commiserate and empathize with those enduring the traffic backups and detours. He commented that it baffles him how so much time has been wasted on talking about this. He said rightfully, communications probably should come from the Mayor's office.

Mayor Castañeda said she would authorize Trustee Legg's press release minus the last two paragraphs.

E. Trustee Hal S. Legg

1. Appoint to fill vacancy on Ethics Board – Trustee Legg referred to the application received today by Bernie LoBracco for one of the vacancies on the Ethics Board. He reminded the Board that they should already be familiar with his credentials as he was recently an applicant for the vacancy on the Planning Board.

Mayor Castañeda said the application just came in tonight. She reminded Trustee Legg that he stated earlier needing reasonable time to review information.

Trustee Legg said B. LoBracco's credentials haven't changed in the 2 months since he last applied for a Board vacancy. Therefore, it is not new information.

→ Trustee Legg moved, Trustees Hunsinger and Blair in favor, Mayor Castañeda and Trustee Smith opposed, carried 3/2 to appoint Bernie LoBracco to one of the vacancies on the Ethics Board.

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2. Water Rates – Trustee Legg commented that the Village's water rates haven't changed in several years or kept pace with the market. He said he has gained support of DPW Superintendent Donahue and Treasurer Tojek to come up with a rate proposal by mid-October. There is also the possibility of resurrecting the sewer use fee.
3. Brownfields Opportunities Areas (BOA) – Trustee Legg shared that Elaine Miller of the Department of State came to the Village Office last month to follow up on her efforts with former Trustees Heyen and Maziarz a couple of years ago regarding possible brownfields designation and funding opportunities for sites (100 Fair Street and 200 State Street). The state wasn't accepting applications at that time, but they are now. He suggested that former Trustees Heyen and Maziarz resume their role in this endeavor. He urged the Board to discuss this and consider forming a committee. He expressed that some of the Village Board's work is proceeding at a glacial pace and the more hands on deck, the better.

Mayor Castañeda said she had a meeting scheduled with E. Miller for tomorrow, but E. Miller had to cancel and will reschedule.

Executive Session:

⇒ At 8:10pm, Trustee Hunsinger moved, unanimously carried 5/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss (f) "the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation" – more specifically, the employment history of a particular person.

⇒ At 8:37pm, Trustee Hunsinger moved, unanimously carried 5/0 that the Board of Trustees re-enter the regular meeting.

ADJOURNMENT:

→ Trustee Legg moved, unanimously carried 5/0 that the meeting be adjourned at 8:37pm.

Leslie Ann Morelli, Village Clerk