

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, March 2, 2011 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Deputy Mayor/Trustee Daniel P. Kuhn, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli, Fire Chief Michael J. Henry

EXCUSED: Treasurer Mary Beth Lovejoy, Police Chief Daniel P. Varrenti, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Village Attorney Michael P. Leone, Esq.

ALSO PRESENT: Sriram Bakshi, Jim Hamlin, Norm GianCursio, John Bush, Kevin McCarthy, Valerie Ciciotti, Mary Jo Nayman, Tom Mangan, Bernie & Karen LoBracco, Harry Snyder, Fred Webster, Kristina Gabalski, Linda Ketchum, Susan Smith, Darlene Krause Lang, Rudy Aceto

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: None

PUBLIC COMMENT:

- Sriram Bakshi of Evergreen Road – Brockport Representative on the Seymour Library Board – shared that the Library Board thanks the Village Board for its support and distributed a copy of their 2011 budget. He said this year's contributions from the municipalities resulted in a \$24,000 deficit. He said they hope the municipalities continue to support the Library.

- Valerie Ciciotti of East Avenue – read the following into the record:

Appellate Court Rules Brockport Housing Code is Constitutional

On February 18, 2011 the Appellate Division, of the New York Supreme Court rules that Brockport's Housing and Buildings Code is constitutional.

HYPERLINK <http://nydailyrecord.com/blog/2011/02/22/no-appeal-expected-in-challenge-to-brockport-law/>

The ruling by the five judge panel was on an appeal of a lower court ruling that dismissed a 2009 lawsuit filed against the Village by Norman Giancursio, the treasurer of the Brockport Sweden Property Owners Association.

The Appellate court rules that Chapter 36 of the Brockport Village Code, "does not violate the U.S. Constitution's Fourth Amendment, which protects against unreasonable searches and seizures."

The court also rules that local governments have the legal right to inspect rental properties to make sure that they comply with the health and safety provisions of the building code.

As a Brockport resident & landlord who rents to students I would like to say, "This is a victory for all residents providing for the minimum housing and building standards to be enforced by our village officials in a fair and reasonable manner for the purpose of our individual safety."

PUBLIC HEARINGS: None

Mayor Castañeda reminded everyone that the public hearing on the proposed moratorium originally scheduled for January 26th was rescheduled for 7pm Wednesday, March 9th at the Middle School Auditorium.

PUBLIC INFORMATION MEETINGS: None

CERTIFICATES OR PROCLAMATIONS: None

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES:** 2/1, 2/8, 2/9

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 that the minutes of the February 1, 2011 meeting be approved as written.

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→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 that the record of the February 8, 2011 work session be approved as written.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, that the minutes of the February 9, 2011 meeting be approved as amended.

Discussion:

Mayor Castañeda recalled that Trustee Hunsinger was opposed to the January 12th minutes as well and asked Trustee Hunsinger what his concern was with the minutes since if it was stated at the meeting, it was likely in the minutes. Trustee Hunsinger said some comments by a Board member were inaccurate and he cannot in good conscience vote in favor of them. He is afraid that the public reading the minutes would believe the minutes to be accurate. Mayor Castañeda asked him to identify the Board member and statement he believes to be inaccurate. Trustee Hunsinger said he or she knows who they are and that the statement(s) is false.

Trustee Hannan suggested to Trustee Hunsinger that he make a statement on the record for this meeting's minutes as to what he believes is correct.

Mayor Castañeda questioned how someone is supposed to know to whom or what Trustee Hunsinger is referring unless he specifies. The minutes are to reflect what was actually said or acted upon at a meeting.

Call to question:

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

Carried 3/2

• APPROVAL OF BILLS TO BE PAID

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

A/P Clearing Account

	<u>Abstract Date</u>	<u>Amount</u>
FUND (A): <u>General</u>	2/22/11	\$30,956.52
FUND (F): <u>Water</u>	2/22/11	\$28,563.88
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust & Agency)</u>	-	-
		\$59,520.40 grand total
FUND (A): <u>General</u>	2/25/11	\$36,912.44
FUND (F): <u>Water</u>	2/25/11	\$946.39
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust & Agency)</u>	-	-
		\$37,858.83 grand total

Voucher #29260 to vendor #2151 for \$4,958.00 from General Fund was placed on hold. Deputy Mayor Kuhn to solicit clarification.

CLERK & TREASURER REPORTS:

- Clerk
 - Adopt 6/1/11 – 5/31/12 holiday schedule & floaters – Clerk Morelli distributed the schedule per the union contracts and employee class preferences. She indicated that if the Board were to follow through on its proposal to cut full time non union staff to a 4 day week, the Board would need to modify the schedule.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to approve the 6/1/11 – 5/31/12 holiday schedule as follows:

**VILLAGE OF BROCKPORT
HOLIDAY SCHEDULE
June 1, 2011 – May 31, 2012**

Employees: refer to Employee Handbook or Union contract regarding pay eligibility.

<u>HOLIDAY</u>	<u>OBSERVED ON</u>
Independence Day:	Monday, July 4, 2011
Labor Day:	Monday, September 5, 2011
Columbus Day:	Monday, October 10, 2011 (<i>non-Union only</i>)
Veterans Day:	Friday, November 11, 2011
Thanksgiving Day:	Thursday, November 24, 2011
Day after Thanksgiving:	Friday, November 25, 2011
Christmas Day:	Monday, December 26, 2011 (Sunday, 12/25/11 for 24/7 ops)
New Year's Day:	Monday, January 2, 2012 (Sunday, 1/1/12 for 24/7 operations)
Martin Luther King Day:	Monday, January 16, 2012
Presidents Day:	Monday, February 20, 2012 (<i>non-Union only</i>)
Good Friday:	Friday, April 6, 2012
Memorial Day:	Monday, May 28, 2012

+ 3 FLOATING HOLIDAYS per particular employee groups:

- Non-Union:** 1.) Friday, July 1, 2011 (for DPW management) / Tuesday, July 5, 2011 (for others)
2.) Friday, September 2, 2011
3.) Friday, May 25, 2012

- CSEA (DPW):** 1.) Friday, July 1, 2011
2.) Friday, September 2, 2011
3.) Friday, May 25, 2012

- Stetson Club (Police):** 1.) Tuesday, July 5, 2011
2.) Saturday, December 24, 2011
3.) Saturday, December 31, 2011

- o Treasurer (excused)
 - o Reports provided to Board since last meeting:
 - Receipt of External Audit for year ended 5/31/10
 - Fire Department Financials for year ended 12/31/10
 - Financials for period ending 1/31/11
 - Overtime report fiscal year to date 2/17/11
 - o Budget Transfers Amendments – none
 - o Preparation of Corrective Action Plan – Mayor Castañeda reminded the Board that they have received the external audit from Raymond F. Wager, CPA, P.C. We need to create a corrective action plan. She asked Board members to review and submit in writing their comments of report labeled “Communicating internal control related matters identified in audit for fiscal year ended 5/31/10 by the next board meeting scheduled for March 23rd”.

Trustee Hunsinger commented that the Board had asked for overtime reports and that the one recently provided by the Treasurer off the payroll system is unacceptable as it is simply a lump sum. There is no breakdown for the DPW to show the overtime for plowing, mowing, water, etc. He said for \$51 per hour she should be able to provide more detailed information, even if that means creating spreadsheets. He said it is a slap in the face to the Board to provide them with a virtually unusable document. He said she has the experience and know how to create reports or spreadsheets.

Trustee Blair concurred and feels it is embarrassing. Mayor Castañeda asked the Trustees if they had met with the Treasurer. Trustee Hunsinger said he had not, and does not want to as he feels it is like talking to the tin can in front of him. She is asked for information and does not provide what the Board is looking for.

DEPARTMENT REPORTS:

- o Building / Zoning / Code Enforcement (excused)
- o Police (excused)
- o Public Works (excused)
- o Fire / Ambulance / Dispatch

- Fire Department Turnout Gear Purchase – Chief Henry referred to his memo.

The Fire Department would like permission to purchase turnout gear for members. We have over \$25,699 in that budget line and will use most of this money in this purchase. We have 3 quotes and will choose the best price that meets our specifications for Turnout Gear this will outfit 9 members with boots, helmets, bunker coat and pants. Quotes will be attached to the purchase orders after we are given permission to order.

We also are in great need of boots and would like to purchase another 12 sets for members, which would give us a total of 21 sets of boots total in the purchase. We are going through rubber boots pretty quickly and are looking to get some of our more active responders some better boots that will last longer than the cheaper boots.

Bunker pants	\$740.00
Turnout coat	\$1,045.00
Boots	\$305.00
Helmet	\$254.95
Total per set	\$2,344.95
9 sets of Turnout Gear total	\$21,104.55
12 additional pairs of boots	\$3,660.00
Total Purchase	\$24,764.55

Money left on this budget line will be used to purchase extrication gloves or other items.

Trustee Blair and Chief Henry confirmed that there is sufficient money in the budget line.

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 via roll call to authorize the purchase of turnout gear and boots at a total of \$24,764.55.

- Ambulance Update – Chief Henry shared that the application to create a private ambulance entity is almost done. They meet with REMAC March 21 and with Regional Council April 18.

It requires a Department of Health inspection and fitness review. New York State has no defined timeline. It is likely to be completed in May or June. Chief Henry mentioned that he would need a simple letter transferring the Village’s Certificate of Need to the private entity. Mayor Castañeda asked him to provide Clerk Morelli with the required language and she would sign the letter.

Trustee Hunsinger said they are in hopes that the Towns of Sweden and Clarkson will want to engage the services of the newly formed Brockport ambulance once it is a private entity. He suggested checking with them as to their interest. Otherwise, serving only the Village limits might make it unsustainable. He said he would hate to see all this hard work be done and then have no business.

Chief Henry said he and the Mayor did meet with the Town Supervisors on this. Mayor Castañeda concurred and said they indicated informally that they would look favorably upon this and hoped it would be in place in time enough before their contracts with Monroe Ambulance are up for renewal. Chief Henry said he realizes this is taking a risk, but they have no control over the Towns.

- Bid Results – AED & Lifepack units maintenance/servicing – Chief Henry clarified that 2 different things were advertised in the bid. As to the AEDs, he recommended that no bid be awarded and the Village take the time to determine how many AED units it has and where and what if any service agreements it has in place so that it could bid out for all at once. Clerk Morelli said she could canvass the departments for their AED information, but would then need assistance from Fire Chief Henry and EMS Chief Toole in putting the bid specs together. As to the 3 lifepacks, Chief Henry recommended the Board accept the bid – it is one for each of the 3 ambulances.

Mayor Castañeda asked if it makes sense as the Village will not be in the ambulance business much longer. Fire Chief Henry said the units must remain operable and repairs could be costly. Trustee Hunsinger referred to a clause in the contract that allows for cancellation with 60 days notice.

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→ Trustee Blair moved, Mayor Castañeda seconded, carried 5/0 via roll call to accept the Physio-Control, Inc. bid for the maintenance, inspection, repair service for 3 (three) Lifepak® (LP 12) Defibrillator/Monitors and authorize the Mayor to execute the applicable service agreement/contract.

- Monroe Ambulance – use of Village Fire Department space – Trustee Hunsinger asked Chief Henry if Monroe Ambulance is still occupying space at 38 Market Street. Chief Henry said they are. Trustee Hunsinger said a rental agreement and price had been proposed in 2009 for 2010 that turned out to have been based on faulty measurements and pricing. It was never executed. Accurate measurements were made available, but we still have no agreement.

Chief Henry said he met with Tom Coyle of Monroe Ambulance but they did not lock in a price. Monroe Ambulance is willing to pay and enter into an agreement as long as the price is fair and reasonable. He has another meeting scheduled for 3pm this Friday. Mayor Castañeda said she would attend.

Trustee Blair said it is time to lock this in. Trustee Hunsinger concurred.

Mayor Castañeda asked if anyone had looked into the prices charged for similar elsewhere. Trustee Hunsinger said he can do that and would forward the information to the Mayor by 3pm Friday for the meeting with Monroe Ambulance.

- **PERSONNEL**

- Terminations
 - Resignations – none
 - Retirements - none
 - Terminations – none
- Vacancies –
 - Vendor re Grants Services – 2 finalists to meet with Board 6pm & 6:30pm Tuesday, 3/8
- Appointments – none
- Volunteer Drops/Addds
 - Fire / Ambulance –

→ Mayor Castañeda moved, Trustee Hannan seconded, carried 5/0 to approve the following membership changes: Drops: James Maier, Jeffrey Tanner, Adam Wren; Adds: Terrance Butler to Explorer Post, Andrew Troup to Explorer Post, Kenneth Keirn to ambulance, Christopher Scata-Penny to ambulance.

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

OLD BUSINESS:

- Status update – elimination of part time dispatcher positions – Chief Henry said 911 is pretty much ready, but the Fire Department is still gathering quotes for the key fob system that will be needed since the building would no longer be manned 24/7.

- Village Attorney's draft Memorandum of Understanding with Sweden and Clarkson - Mayor Castañeda said she received no response to requests for a memorandum of understanding as to the elimination of dispatch. The Board agreed that what Village Attorney Leone had forwarded previously did not address what they were looking for. Until an MOU is in place, elimination of dispatch is on hold.

Mayor Castañeda reminded the Board that she, Trustee Blair and Chief Henry met with the Town Supervisors and the Towns are aware of the potential elimination of dispatch and wish to play no part in the decision. They informally indicated that funds in the Fire Department budget regarding dispatch could either be credited to their contracts or possibly used towards the cost of securing the building or employing a part time clerk to do the paperwork currently handled by dispatchers.

Trustee Blair said “gentlemen agreements” helped get the Village into some of its current mess, so it would be wise to get this in writing through a memorandum of understanding. Mayor Castañeda replied that the Village didn't uphold some of its gentlemen agreements.

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- o Decision requested by 3/10 re Village participation in proposed Fire District –

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, to agree to participate in considering the formation of a Brockport/Sweden/Clarkson Fire District.

Discussion:

Mayor Castañeda said she has concerns, but wonders how the Village will afford the Fire Department on its own if Sweden and Clarkson were to no longer contract for fire protection services. The expenses will not decrease as there is no paid staff. How would we fund reserves or replacement equipment? We will have lost revenues from both towns. She said she believes it is strictly a fiscal decision.

Trustee Blair said the Towns studied the Fire District concept for over a year and then called the Village Board to a meeting in January demanding an answer by February 10th and then by March 10th. Trustee Blair said the current Fire Department budget is \$750,000. What would it be for a Fire District. Why has no financial information been shared with the Village? The Village holds all the assets – the fire stations, the vehicles, the equipment, the volunteers.

Mayor Castañeda said the Village could have been researching this along with the Towns. Having the Spencerport Fire District officials at a recent Village Board work session was helpful.

Trustee Hannan concurred, but said when Spencerport and Ogden/Parma formed their Fire District, they did it as equals. It is not the same here.

Deputy Mayor Kuhn said he agrees that the Towns have been up in the air about the cost of a Fire District. However, quality of service from the Brockport Fire Department hasn't been in question. It is troubling that this far into the process there are no concrete figures. He said he hopes questions are asked at the public hearing and answers provided before a decision.

Trustee Blair said a public hearing is definitely warranted. He said many are very curious as to what the public has to say. Brockport Fire Department is one of the cheapest run Fire Departments in Monroe County and provides first class service. The quality of service seems not to be in question. He believes it is a control and political issue.

Call to question:

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

Carried 4/1 to agree to participate in considering the formation of a Brockport/Sweden/Clarkson Fire District.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, to agree to participate in a joint municipal meeting at 7pm on Tuesday, March 29th at Sweden Town Hall for the purpose of calling for a joint public hearing to consider the formation of a Brockport/Clarkson/Sweden Fire District.

Discussion:

Trustee Hunsinger expressed concern that there are so many years of history of the Village of Brockport Fire Department to want to just jump into a Fire District.

Mayor Castañeda agreed but said this is where we are.

Trustee Hunsinger wondered who would be running the public hearing. He said he hopes it is not a &-shaped table for all 3 Boards and Fire Officials with no presentation being made. He believes the proposed venue of the Middle School Auditorium will not be large enough to accommodate all from the 3 municipalities who could turn out for the hearing.

Trustee Blair informed Trustee Hunsinger that not very many people attended the public information meeting held in January. Trustee Hunsinger said few tend to vote in Fire District elections, too.

Deputy Mayor Kuhn said it serves no one for the Village to continue to stay out of the process. It's time

for the Village Board and Village residents to be heard. Village citizens can't be respected if they're not part of the process.

Trustee Hannan concurred and said she is anxious for the public to have an opportunity to be heard.

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Call to question:

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

Carried 5/0 to agree to participate in a joint municipal meeting at 7pm on Tuesday, March 29th at Sweden Town Hall for the purpose of calling for a joint public hearing to consider the formation of a Brockport/Clarkson/Sweden Fire District.

Interruption:

Appointed Volunteer Videographer John Bush mumbled something. Trustee Blair asked if he had something he wished to share. J. Bush turned the camera off and told the Village Board they are ridiculous and unbelievable.

Mayor Castañeda informed J. Bush that he was out of order as this is not public comment time.

Trustee Blair suggested J. Bush be removed from his position as this is not the first time he has spoken out of turn from behind the camera.

J. Bush said on this occasion he was responding to Trustee Blair's invitation to share his comment.

- o Village Court – Trustee Hunsinger referred to the Ad-Hoc Committee's findings presented at the December 22nd Village Board meeting.

→ Trustee Hunsinger moved, Trustee Blair seconded, to create the position of Village Justice and a 2nd position of Village Justice.

Discussion:

Mayor Castañeda said the only thing the Board received from the Ad-Hoc committee was a one page report. There were no financials. Much more information is needed prior to moving forward with creating positions and offering new services. She questioned whether more than a simple motion is needed to create the Village Justice positions.

Trustee Hunsinger distributed a 2008 publication from NYCOM entitled "Creating, Dissolving, and Running Justice Courts" and that he checked with NYCOM and a simple motion is fine. A local law or public hearing is not necessary.

Mayor Castañeda expressed concern that costs were not included in the Ad-Hoc committee's report.

Deputy Mayor Kuhn said he hasn't seen evidence that courts produce revenue. The Town of Sweden loses money after what they have to send to the State and the Village.

Mayor Castañeda read the following into the record:

Committee 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).

Rebuttal #1: Local criminal court systems should never be seen as lucrative. Court systems are for dispensing justice, not for making money.

Committee Findings #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).

Rebuttal #2: The report shows an increase of \$600,000 in monies collected from Monroe County's village and town courts from 2008-2009. If checked, that was when the State increased the surcharges to each and every offense handled by town and village courts. The surcharge money goes to the State.

Committee Findings #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.

Rebuttal #3: The report shows monies collected by the 6 largest towns in Monroe County, five of which have major interstate highways with no reports from the 2 village courts in Monroe County.

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Committee Findings #4: Brockport is the only municipality in Monroe County that has their own police department but no local criminal court within its respective jurisdiction.

Rebuttal #4: The report states, "Municipalities nationwide have been relying more and more on local courts to raise revenues." Shame on these municipalities nationwide for relying on local courts to raise revenues. Courts are for dispensing justice, not for raising revenues for the municipalities.

Committee Findings #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.

Rebuttal #5: The committee's report stated from 2002-2009 the Village of Brockport issued 12,951 traffic tickets. The report does not indicate how many of those traffic tickets were disposed of with a guilty plea or guilty verdict and how many were dismissed.

Committee Findings #6: Municipalities nationwide have been relying more and more on local courts and grants to raise revenues (Democrat and Chronicle April 8, 2010).

Rebuttal #6: The Town of Sweden Court handles all of the Village parking tickets and Village Ordinances with no cost to the Village.

Committee Findings #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.

Rebuttal #7: There is no mention in this report of the thousands of dollars received by the Village of Brockport through the Stop DWI Program. These monies are generated through the DWI fines from the Court.

Committee Findings #8: The Brockport Village Court will be initially located at 49 State Street.

Rebuttal #8: The report doesn't state when the last time a village court was created in Monroe County or New York State, nor does it show how many village courts were eliminated and consolidated with town courts in an effort to save taxpayers money through consolidation.

Committee Findings #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.

Rebuttal #9: Governor Cuomo recently announced 9,800 layoffs in the State work force. Monroe County has announced the elimination of hundreds of positions. The City of Rochester is talking about layoffs, including Policemen and Firemen. Only the Village of Brockport is contemplating creating new jobs as a way to save money.

The report stated the committee had a full and comprehensive analysis of the data. The report offered, surely looks slanted towards creating a court. Courts are not in the business to make money.

Mayor Castañeda said she asked the Towns of Sweden and Clarkson and the Village of Fairport for the following information:

1. Financial analysis for the past five years – expense and revenue.
2. Payroll expense for court personnel – judge, court clerk, etc.
3. Amount the Village receives from the Town of Sweden court.

Sweden:

Year	Fines collected by Sweden Court	Fines retained by Sweden Court	Cost of court operations	Cost of court to Sweden taxpayers
2010	\$362,426	\$140,310	\$173,433*	\$33,123
2009	\$442,300	\$174,751	\$184,164	\$9,413

2008	\$369,444	\$157,536	\$184,480	\$26,944
2007	\$290,170	\$111,661	\$169,694	\$58,533

* expenses reimbursed by grant not included

** does not include “soft costs” – facility, liability insurance, central office supplies, postage, administration, payroll production

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Clarkson:

Year	Fines & Bails	Revenues less Expenses
2009	\$38,174	(\$52,447)
2008	\$46,065	(\$48,831)
2007	\$48,725	(\$37,697)
2006	\$40,038	(\$47,751)
2005	\$57,354	(\$19,190)

Fairport:

Year	Fines & Forfeitures	Balance unfunded
2010	\$35,209	(\$54,273)
2009	\$39,613	(\$51,237)
2008	\$66,736	(\$21,485)

Sweden’s court related salaries are: 3 Justices each make \$17,756/year; 3 court clerks each make \$23,000 - \$25,000/year; 2 court attendants make \$42 per session. Plus benefits for full timers.

Clarkson’s court related salaries are: 2 Justices total \$27,060; 2 court clerks total \$52,322, court attendants total \$2,920 for total salaries of \$82,302. Plus benefits for full timers.

Fairport’s court related salaries are: \$66,667, equipment \$500, contractual expenses \$15,100, retirement \$7,533, social security \$5,100, workers comp \$173 for total expense in 2011 of \$95,074.

Amounts remitted to the Village from Sweden Town Court:

Year	Court Fines	Parking Tickets
2010	\$21,505	\$32,670
2009	\$18,800	\$26,980
2008	\$21,025	\$25,755
2007	\$10,735	\$37,180
2006	\$16,500	\$38,910

Mayor Castañeda said she would have Clerk Morelli forward a copy of the documents from Sweden, Clarkson and Fairport to the Board. The information shows that they all operate at a loss.

Mayor Castañeda said according to NYCOM, they have received 10 to 15 inquiries since January 2010 about dissolving Village courts. They did not know how many were dissolved and consolidated with Town Courts.

Mayor Castañeda urged the Board to consider the financial implications before moving forward.

Trustee Hannan asked Trustee Hunsinger what benefit the committee sees by creating a Village Court. Trustee Hunsinger said quality of life and public safety, not revenues. He said Brockport Police Department is great and we don’t actualize what we need to get out of the results. He said the Village of Fairport cannot be compared as it does not have a College in its boundaries.

Trustee Hannan asked Trustee Hunsinger if the committee considered the real possibility of having to expend more money and implementing a failsafe to change course if needed. Trustee Hunsinger said New York State has grants available to establish courts – for building renovations, security. The Office of Court Administration can be helpful with computer hardware, software, forms, training. It comes down to needing office supplies and utilizing existing space.

Trustee Hannan said she has heard that police write tickets on different “books”. Would that change? Trustee Hunsinger said no – that would be improper. They would police no differently.

Trustee Blair said he saw 2 years of data regarding Sweden Town Court – fines versus what was paid.

It seems all get reduced, pled down or dismissed.

Deputy Mayor Kuhn asked how that would be different in Brockport Village Court. It is fundamental that justices be independent from legislative bodies. Likely 99% get pled out. He said if the concern is that the Sweden Justices make too many deals, all must understand that Justices operate entirely independently. Elected officials have no control over.

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Trustee Hannan said she understands that and that is how it should be. However, she recalls Sweden Court having “found” a box of unpaid Village parking tickets and knows that they do not pursue collection.

Mayor Castañeda asked Trustee Hunsinger what dollar amount can be funded through the grants he referred to. Trustee Hunsinger said the Justice Court Assistance Program’s grant ceiling was increased from \$20,000 to \$30,000. This is separate from start up needs. Mayor Castañeda said the problem with grants is that the municipality has to front the money. The Village of Brockport is in no position right now to do so.

Trustee Hannan asked Trustee Hunsinger if the committee findings support the creation of a Village Court as being in the best interests of the Village. Trustee Hunsinger said yes.

Mayor Castañeda said she does not know how they could reach that conclusion without providing financial information or considering the financial implications.

Trustee Hunsinger said he is willing to table his motion to digest the information shared by the Mayor. He will revisit the matter at the next meeting.

Mayor Castañeda said tabling is fine, but she reminded the Board that the reason for asking that the ad hoc committees present their findings in December was so that any impacts to the budget could be carefully considered. We are at budget time – the tentative budget will be done very soon.

→ Trustee Hunsinger tabled his motion to create the position of Village Justice and a 2nd position of Village Justice.

NEW BUSINESS:

- CDBG -

→ Trustee Blair moved, Deputy Mayor Kuhn seconded, carried 5/0 via roll call to approve the following resolution:

RESOLVED:

WHEREAS, the COUNTY OF MONROE has awarded the VILLAGE OF BROCKPORT a Community Development Block Grant in the amount of \$50,000 for the purpose of providing for the installation of 200 feet new 10” sanitary sewer on Perry Street in the Village of Brockport.

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 FORCE ACCOUNT 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

VILLAGE BOARD REPORTS:

- Mayor M. Connie Castañeda
 - Bond for Main Street sanitary sewer and water main replacement project – Mayor Castañeda mentioned having met with Treasurer Lovejoy and BP Donegan representatives recently. They have begun the preparation for soliciting bids on permanent borrowing. She said she would keep everyone informed as more information becomes available.

- Timeline regarding Ambulance Issue - Mayor Castañeda shared that she has compiled an ambulance issue timeline to share with the Board and so the information is in one location. It demonstrates that this issue has been ongoing for over a year and we have been neglectful in our responsibility to get it handled in a timely manner. The end result is that the Towns have withdrawn from ambulance service, the Village had to eliminate its paid ambulance staff and the Board has

directed the Treasurer to prepare a tentative budget without ambulance or dispatch services included. This also means that we will not have the previously budgeted revenue in next year's budget. We need to let the ambulance committee do their work to organize a standalone service and the Village Board move forward with developing a fiscally responsible budget.

Mayor Castañeda read the following into the record.

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Ambulance Issue Timeline

August 2009	Independent Audit Report, May 2009	Ambulance Surplus issue identified – Management Letter FYE 5/31/2009 – page 6
September 2009	Corrective Action Plan submitted to Village Board	Paragraph three on page 3
December 2009	Email from Michael P. Leone regarding village's authorization to charge for services	
	Email from Trustee Legg requesting Clerk Morelli to look into the matter	
	Email from Clerk Morelli identifying that there is nothing in the minutes that show the change necessary to collect funds – suggested to take option 2 of the Leone email to reconstitute the Ambulance service to be in compliance with section 122-b	
April 2010	Letter to Deputy Commissioner from Towns	References Village's fails to meet contractual expenditures
May 2010	Mayor asked Village Clerk sent reminder to Attorney that the matter has not been resolved	
June 2010	Mayor asked Village Clerk sent reminder to Attorney that the matter has not been resolved	
July 2010	Mayor asked Village Clerk sent reminder to Attorney that the matter has not been resolved	
September 2010	Mayor asked Village Clerk sent reminder to Attorney that the matter has not been resolved	
October 2010	Mayor asked Village Clerk sent reminder to Attorney that the matter has not been resolved	
November 2010	Email from David Mayer indicating he was working on the resolution- had questions	
December 2010	Town of Clarkson and Sweden announce withdraw from service	
January 2011	Town of Clarkson and Sweden withdraw from service	

- Chapter 36 lawsuit result – Mayor Castañeda shared that on February 18th, the Village Attorney informed the Board that they received the decision regarding the Village Code Chapter 36 Local Law with regard to Certificates of Occupancy, administrative search warrants and inspections. The Fourth Department found the Village of Brockport stating that, it is ordered, adjudged and decreed that Village of Brockport Local Law Number 8 of 2008 is constitutional and is not preempted by or inconsistent with state law. This was a unanimous decision.

- D.A. Response letter – Mayor Castañeda shared that she made several attempts to make an appointment to meet with the District Attorney regarding the request for investigation. Due to his busy schedule, they were not able to meet. Mayor Castañeda read the following February 16th

letter
from Timothy L. Prosperi, Second Assistant District Attorney into the record.

“Our office has received the Board of Trustee’s resolution, which requested that an investigation be commenced relating to the Police Chief’s report to the Board dated January 26, 2011.

As you are aware, our office serves as prosecuting attorney’s in criminal courts after arrests have been made by police agencies. However our office is not a police agency that conducts criminal investigations. While in some cases, we do provide advice and assistance to the investigating police agencies, that is generally after identified citizens have made specific complaints of criminal activity.

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The attachments to Police Chief’s report contain largely anonymous hearsay general complaints.

There
is no identified citizen who makes a specific complaint of alleged criminal conduct. Absent such information, we see no basis for us to take further action.

If identified citizens do come forward with specific complaints of criminal conduct, those complaints should be made to the appropriate independent police agency to investigate, such as the New York State Police or the Monroe County Sheriff’s Office. Please advise us if you need our assistance in getting such complaints to the appropriate independent police agency.”

- BCSO Dedication of New Transportation Facility – Saturday, 3/5 2pm – Mayor Castañeda shared that she will be attending the dedication ceremony of Brockport’s new transportation facility on Owens Road this Saturday.
- Letter to Suburban News – Mayor Castañeda read the following into the record. She has asked that it be published in the upcoming edition of Suburban News.

An Update from Mayor Castañeda

While the Village of Brockport certainly has its share of challenges, fiscal and otherwise, we are not short on community spirit and volunteerism. As Mayor I am often invited to celebrate the efforts and successes of various individuals, community groups and programs and am honored to present certificates of recognition and thanks wherever possible.

Thank you to the many individuals, businesses, contractors, After Hours Committee, staff and volunteers who gave their time, talents, labor and resources to create the Seymour Library Teen Scene space. The Brockport-Clarkson-Sweden joint municipal library continues to be an outstanding resource for the community.

Congratulations to area Scouts for their achievements and moving up the Scouting ranks. Hats off to the Scout Leaders for their dedication in helping to guide these fine young folk through their Scouting careers.

Congratulations to the SUNY Brockport Lions Club who celebrated their 10 year anniversary.

Our continued thanks go to the volunteers of the Brockport Fire Department and Ambulance Corps for their ongoing efforts. Kudos to Department Leadership for doing their best to keep morale up during particularly trying times while we work with them investigating the formation of a Fire District, the reorganization of the Ambulance Corps as a not-for-profit corporation and evaluate the paid personnel in the dispatch office and on the ambulances.

Some upcoming meetings of interest:

- Wednesday, 3/9 – 7:00pm - Middle School Auditorium
Village Board Public Hearing on proposed local law imposing a moratorium on conversion of residential or commercial properties into rental residences
- Tuesday, 3/15 – Hill School
NYS DOT public meeting on Main Street Reconstruction Project
Open house 5:00 – 6:30pm
Presentation at 6:30pm
- Wednesday, 4/13 – 7:00pm - Middle School Auditorium
Village Board Annual Budget Public Hearing for fiscal year 6/1/11 – 5/31/12
- Tuesday, 5/3 – 7:00pm – Middle School Auditorium

Public hearing on possible formation of a Clarkson/Sweden/Brockport Fire District

These are trying times in our Village, in our State and for our Country as we all try to stretch budget dollars while attempting to maintain the services you have identified as vital to this community. Please try to make it to these public hearings and continue to let us know the direction you would us to take our Village.

Remember to support your local merchants and community organizations!

- Trustee / Deputy Mayor Daniel P. Kuhn
 - New Merchant - Deputy Mayor Kuhn welcomed Fountain of Youth Organics on Main Street. He looks forward to shopping there.

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- NYSDOT – Deputy Mayor Kuhn encouraged people to visit the NYS DOT website as it has information as to the reorganization of the end of Route 531 at Washington Street. Shaving off time on one’s commute can be a big selling point to encourage new residents to the Brockport area.
- Seymour Library – Deputy Mayor Kuhn shared that he was honored to help with judging the bookmark contest February 25th. He also shared that he attending the ribbon cutting of the Teen Scene space February 19th. He said it is an incredible space and learned that Seymour Library has the highest active participation by teens in the entire Monroe County Library System. The anime club holds monthly meetings in which 25 to 30 teens attend.

Mayor Castañeda concurred and commended Library employee Chris Daily for her efforts with teen services.

- Trustee Kent R. Blair
 - Commend Fire Chief Henry – Trustee Blair commended Fire Chief Henry for doing a fantastic job in his short time so far as Chief. He handles himself with professionalism and his supporting documents for agenda items, reports and bills are always very informative.
 - Commend Paramedic Byron Green – Trustee Blair commended part time paid EMT-Advanced Byron Green for being instrumental in getting the Controlled Substance license and ALS certification back from the State. He went above and beyond to get this done. Had the paid ambulance program remained; he was on his way to being considered for the Senior EMT-Advanced supervisory position that was recently created.
 - Village Treasurer – Treasurer Lovejoy’s term is up June 30, 2011.

→ Trustee Blair moved, Trustee Hunsinger seconded to put out an RFP (request for proposals) for a full time Village Treasurer for anticipated vacancy after June 30, 2011 at \$15 - \$25 per hour plus benefits based on experience.

Discussion:

Mayor Castañeda said while any Board member has the right to bring up anything at a Board meeting, the Village’s meeting procedures, adopted by and agreed to by the Board, is to place items on the agenda for consideration.

Deputy Mayor Kuhn said he sees no harm in putting an ad out to see what comes in.

Trustee Hannan said at the time Mary Beth Lovejoy was recommended and appointed her skills were needed. She said that doesn’t mean the Board would necessarily be in support of her continuing in the capacity for the long term. She said M. Lovejoy is somewhat of a big fish in a little pond as her prior experience lies with school districts with thousands of employees and much larger budgets.

Trustee Blair said he does not wish to pinpoint his concerns, but feels that full time is needed as opposed to the three days per week M. Lovejoy works.

Mayor Castañeda said prior Village Treasurers were full time and that did not prevent the Village from getting into the financial situation it finds itself in. She said M. Lovejoy is a straight shooter and she believes some Trustees and Department Heads are not always happy with the honest answers they get, as they are not necessarily the answers they want to hear. Eliminating appointees you don’t agree with is not appropriate. As her direct supervisor, Mayor Castañeda said she is in no way displeased with M. Lovejoy’s performance. She came highly recommended by the independent auditors and financial consultants and was and continues to be exactly what this Village needs. Mayor Castañeda said she

continues to be disappointed that Trustees do not call or meet with M. Lovejoy as has been recommended time and again.

Trustee Blair said the Village Treasurer needs to help come up with solutions, not excuses or justifications of why things can't be done or reports can't be provided a certain way. He said Trustees continue to ask for certain information and simply aren't getting what they need. At \$51 per hour, she is the highest paid Treasurer.

Mayor Castañeda reminded the Board that she does not receive benefits and gets the Treasurer's work done in 3 days instead of 5 as in the past. The Board needs to be willing to work on solutions. The Board should be able to read and understand the financial reports. Training has been provided and encouraged. Meeting with the Treasurer has been offered and encouraged.

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Trustee Blair referred to the overtime reports provided to the Board. They show a lump sum number – one for Police Department and one for DPW – no breakdown as to purpose for overtime.

Mayor Castañeda asked if the Board looks at all of the reports the Treasurer provides them. Trustee Blair said he does and that he even suggested cuts to specific budget lines. Mayor Castañeda said she recalls his suggested cuts and reminded him of the importance of talking with the Treasurer and the Department Heads prior to cutting.

Trustee Blair commented that the only cuts Mayor Castañeda suggests are related to the Police Department.

Call to question:

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

Carried 4/1 to put out an RFP (request for proposals) for a full time Village Treasurer for anticipated vacancy after June 30, 2011 at \$15 - \$25 per hour plus benefits based on experience.

Clerk Morelli shared that it would not be an RFP, but an employment advertisement for an anticipated vacancy. She will pull the advertisements used in 2008 and 2010 and forward a draft to the Mayor for review with the Board.

- Consider 4-day work week for full time non union staff – Trustee Blair referred to difficult financial times, everyone being expected to do more with less and the concept of full-time, non-union employees going to a 4-day work week.

Clerk Morelli shared that she will be providing the Board with some important information and encouraging them to consult with the departments and the affected employees as to implications before making any decisions. Currently this only affects 6 positions: Village Clerk, Water Clerk, Police Department Clerk, DPW Foreman/Director of Operations, DPW Superintendent, Code Enforcement Officer.

- Projected tax increase – Trustee Blair said apparently a member of the Brockport School Board announced at a BCSD meeting that Village taxes are going up 20%. This is not true, as the figure has yet to be determined.

- Trustee Carol L. Hannan

- New Merchant – Trustee Hannan welcomed Fountain of Youth Organics on Main Street. She looks forward to shopping there.

- Ad Hoc Committee on Water – Trustee Hannan said the committee has been meeting and is working on a summary of recommendations to the Board. The water system is in good condition. It is time for new meters and method of data collection and entry rather than meter reader reading by hand and water clerk entering data by hand. Current methods are time consuming and inefficient. Meters are 15 years old and need replacement for accuracy so the Village isn't giving away water. There are approximately 1,700 water customers. There is money in reserves for new meters.

- Proposed moratorium on conversion of residential or commercial properties into residential rentals – Trustee Hannan reminded all of the public hearing to be held at 7pm on Wednesday, March 9th at the Middle School Auditorium. A lot of review has gone into this by the Ad-Hoc Committee, the Code Review Committee, the Tree Board, the Historic Preservation Board to name a few. Trustee Hannan said whether or not the moratorium is enacted, the Village needs to take a look at this and make a plan.

Trustee Hunsinger asked if proposed points and penalties for code enforcement is a part of the public hearing on the proposed moratorium. Trustee Hannan said no.

Trustee Hunsinger asked if students/tenants would be evicted as a result of the proposed moratorium. Trustee Hannan said no.

Mayor Castañeda shared that the notice and proposal do lend to confusion as it mentions points and penalties and amortization.

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Trustee Hannan said the proposal is not looking to get rid of anything already in existence – only future development and redevelopment. She said she voted towards the creation of downtown loft apartments. This is not an attack on anyone.

Mayor Castañeda said the Village Codes already only allow rental residential within certain areas.

Trustee Hannan said the moratorium would simply impose the status quo for 6 months. She reminded the Board that 200 signatures were obtained on a petition in favor of such.

Mayor Castañeda said the petition also specified objection to a specific application that was before the Planning Board – regarding 52 State Street.

Trustee Hannan questioned the right of property owners being able to comment. Some were told by the Planning Board that their input could not be considered.

Mayor Castañeda said the application regarding 52 State Street was a permitted use – allowed by Village Code.

Mayor Castañeda said she was hoping for more information prior to the public hearing.

- Trustee Scott W. Hunsinger

- Investigation of Police Department matter – Trustee Hunsinger thanked Mayor Castañeda for reading the letter from the D.A.'s office that was addressed to him. He said he will meet with Chief Varrenti as to how to proceed.

- Restructuring of Building Inspection/Code Enforcement to Police Department – Trustee Hunsinger referred to the upcoming relocation of the Building Inspection/Code Enforcement Office from Village Hall to the Police Department. Village Attorney Leone had provided his opinion that the Board was within its purview to authorize the relocation. Trustee Hunsinger said the goal is to improve and insure the quality of life and safety of all. What it means to be a citizen, a property owner, a landlord, etc. He referenced the Town of Gates having Code Enforcement fall under the Police Department.

→ Trustee Hunsinger moved, Trustee Blair seconded, to authorize the Village Attorney to put together the proper wording and process to transfer the authority to supervise the Building Inspector/Code Enforcement Officer from the Mayor to the Police Chief which would require the passage of a local law which would be subject to a referendum per Municipal Home Rule Law 23(2)(f).

Discussion:

Trustee Hunsinger said Village Attorney Leone had indicated that any additional charge for his time would be minimal as he has already researched and opined on it.

Mayor Castañeda commented that she contacted the Gates Police Chief and the response she received is different than how it is handled there.

Trustee Hunsinger said Towns and Villages operate under different laws.

Mayor Castañeda reminded all of the Village Board meeting procedures and that this was not on the agenda. This continues to be a problem.

Call to question:

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

Carried 3/2 to authorize the Village Attorney to put together the proper wording and process to transfer the authority to supervise the Building Inspector/Code Enforcement Officer from the Mayor to the Police Chief which would require the passage of a local law which would be subject to a referendum per Municipal Home Rule Law 23(2)(f).

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EXECUTIVE SESSION:

→ At 9:07pm, Trustee Hunsinger moved, Deputy Mayor Kuhn seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into executive session to discuss a personnel matter involving Village Hall.

At 9:15pm the Board invited appointed volunteer videographer John Bush to join them.

→ At 9:20pm, Mayor Castañeda moved, Deputy Mayor Kuhn seconded, carried 5/0 that the Board of Trustees re-enter the regular meeting.

ADJOURNMENT:

→ At 9:20pm, Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk