

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 13, 2011 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Trustee Margaret B. Blackman, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli

ALSO PRESENT: Larry Vaughan, Joy Levandowski, Brian Winant, Rudy Aceto, Sri Ram Bakshi, Rev. Krista Cameron, Joan Hamlin, Pam Ketchum, Harry Snyder, Norm Giancursio

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."

PUBLIC COMMENT:

- Sri Ram Bakshi of Evergreen Road - read the following prepared statement into the record:

Question: The towns of Clarkson and Sweden are professing their generosity by claiming that they are forgiving Brockport's debt repayment of \$175,000 and ambulance surpluses of \$640,000. There are also other claims for dispatch, fire budget surplus, and workers' compensation. Please inform us whether Brockport really woes them this much money, which seems to be more than a million dollars. Thank you.

- Brian Winant of the Stetson Club – referred to the 9/11 vigil this past weekend that the Fire Department organized and its nice turnout. Suggested the Village Board consider amending its meeting procedures to include a moment of silence after the Pledge of Allegiance for all service men and women. He said some other municipalities do so.

Mayor Castañeda said that is a good idea. She asked for a moment of silence.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to amend the Village Board meeting procedures to include a moment of silence after the Pledge of Allegiance for all service men and women, law enforcement and emergency personnel.

Trustee Blair concurred that the turnout was strong for the vigil honoring the 10th anniversary of the September 11th attacks. He said a moment of silence at meetings is fitting. He thanked B. Winant for suggesting it.

Mayor Castañeda also thanked B. Winant for suggesting it. She thanked the Fire Department and Christopher R. Martin for coordinating and promoting the vigil. As an educator, she finds it especially important as her 4th graders were not even born when the September 11th attacks took place. She said she attended all 3 ceremonies of the vigil and was happy to do so. She thanked all those who risk their lives for others on a daily basis.

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES:**

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the minutes of the 8/23 meeting be approved as amended.

- **APPROVAL OF BILLS TO BE PAID**

→ Trustee Hunsinger 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>	08/31/11	\$30,945.79
	09/13/11	\$42,048.43
FUND (F): <u>Water</u>	09/13/11	\$42,693.41
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust & Agency)</u>	-	-
		\$115,687.63 grand total

CLERK & TREASURER REPORTS:

- Clerk
 - 2011 Village taxes – collection update – Clerk Morelli reported that 2011 Village tax collection continues to go well. Approximately 95% has been collected to date. She was notified

that Chase Lockbox in Binghamton has a slowdown due to the flooding in their area. This will cause her only a minor delay in sending out delinquent notices. They will be out by September 24th.

- Treasurer
 - Budget Transfer Amendments –

→ Trustee Hannan moved, Trustee Blackman seconded, carried 5/0 to approve the following budget transfer amendment.

Account Number	From: Description	Account Number	To: Description	Amount:
A1640.4000	Central garage – contractual			(\$16,400.00)
		A1640.4020	fasteners	\$3,050.00
		A1640.4020	electrical	\$1,950.00
		A1640.4040	tools	\$1,300.00
		A1640.4050	welding supplies	\$800.00
		A1640.4060	fuel additives	\$2,500.00
		A1640.4070	shop supplies	\$3,400.00
		A1640.4080	hydraulic supplies	\$1,000.00
		A1640.4090	miscellaneous	\$2,400.00

Purpose: to amend budget for the detail codes that were eliminated at budget time but per Department Supervisor added back as of 9/9/11.

PERSONNEL

- Vacancies –
 - Village Manager/Treasurer – to be filled after 10/1

Interested residents can submit position interest form to Clerk for the following:

- Ethics Board – 4-year term to 6/30/15
- Zoning Board of Appeals – 5-year term to 6/30/16

NEW BUSINESS:

- Fee schedule – further amend/clarify language re out of district sewer users – Clerk Morelli reminded the Board that they amended the sewer fee language recently, but that Deputy Clerk Herzog who does the water and sewer billing suggested further clarification.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to further amend/clarify the language re out of district sewer users as follows:

- Sewer Rental Fee:
 - In District Sewer Users.....\$1.16/1,000 gallons water used
 - Out of District Sewer Users\$1.16/1,000 gallons water used

The entire amended fee schedule in its entirety:

**VILLAGE OF BROCKPORT
FEE SCHEDULE
AMENDED 9/13/11**

To be noted on invoices: All bills and charges are payable net cash within thirty (30) days. A delinquent charge of 10% will be added for non-payment by the due date. Failure to pay may result in the re-levy of said charges plus delinquent charges on your next Village tax bill.

VILLAGE BOARD FEES

- Rezoning application.....500.00
- Blasting permit.....\$200.00

ZONING BOARD OF APPEALS FEES

- Area Variance.....\$200.00
- Use Variance.....\$300.00
- Interpretation.....\$150.00
- Home Occupations.....\$25.00

- Travel trailer / dumpster approval.....\$25.00
- Other (special permit or authorization required by code).....\$150.00

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PLANNING BOARD FEES

- Commercial / Industrial Change of use.....\$45.00
- Residential Change of use.....\$35.00
- Site plan (new construction) (less than 5 acres).....\$300.00
includes stormwater pollution prevention plan review
- Site plan (new construction) (greater than 5 acres)\$600.00
includes stormwater pollution prevention plan review
- Site plan (other).....\$250.00
includes stormwater pollution prevention plan review
- Residential subdivisions (less than 5 acres)\$200.00 plus \$50 per lot
includes stormwater pollution prevention plan review
- Residential subdivisions (greater than 5 acres).....\$600.00 plus \$50 per lot
includes stormwater pollution prevention plan review
- Re-subdivision.....\$50.00
- Residential Fences (front yard).....25.00
- Commercial / Industrial Fences (includes dumpster enclosures).....\$50.00
- Residential / Commercial / Industrial parking lots.....\$50.00
includes stormwater pollution prevention plan review
- Changes to or alteration of or extension of previous approvals.....\$50.00
- Special Meeting at request of applicant
.....\$50.00 in addition to application base fee
- Public Hearing if Board deems necessary
.....\$100.00 in addition to application base fee

ENGINEERING INSPECTIONS & STORMWATER INSPECTIONS

Engineering costs charged to the Village for site inspections or stormwater inspections shall be the responsibility of the applicant / developer. Village engineering inspections are based on time spent and will either be invoiced or utilized from the letter of credit. Village stormwater inspection fee is \$50 per inspection and will either be invoiced or utilized from the letter of credit.

MISCELLANEOUS

- Tax Search.....\$20.00
- Copies.....\$.25 per page
- Returned Check Charge.....\$20.00
- Zoning Map (color).....\$5.00
- Sign Permit.....\$30.00 per sign
- Sidewalk Café Permit.....\$200.00
o \$150 of the \$200 is returnable at the end of season if no violations.
- Hawking & Peddling Permit 1 to 7 days.....\$100.00
6 months or less.....\$250.00
1 year.....\$500.00
- Parade / Procession Permitno charge
- Fireworks Permit.....no charge
- Appliance with Freon.....\$25.00
- Garbage and Trash Pick-Up cost to Village plus \$50.00 for first calendar year
(CY) offense, cost plus \$100 for second CY offense, cost plus \$250 for third CY offense.
- Garbage Cans Pick-Up.....\$25.00 per can
- Lawn Mowing.....\$150 per hour (1 hour minimum) per man plus equipment
- plus \$50.00 for first calendar year (CY) offense, plus \$100 for second CY offense, plus \$250 for third CY offense.
- Weekly Commercial Waste Hauler Permit.....\$1,500.00 (annually)
- Other Commercial Waste Hauler Permit.....\$500.00 (annually)
- Facilities Use Permit\$25.00 deposit
- Electrical Inspection Agency Permit.....\$150.00 (annually)
- Demolition permit – Residential structures.....\$30.00
- Demolition permit - Commercial structures.....\$50.00
- Demolition permit – Industrial structures.....\$100.00

CANAL FRONT AMMENITIES

- Boats 16' or less.....\$4.00

- Boats 17' – 30'.....\$6.00
- Boats 31' – 40'.....\$12.00
- Boats 40'.....\$15.00
- Commercial Boats.....\$20.00

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POLICE DEPARTMENT FEES

- Copy of Police Report.....no charge
- Fingerprinting (NON-Village resident/merchant).....\$15.00
- Record Check.....\$5.00

Pay at Village Hall for fingerprinting or Brockport record check then go to Police Department.

- Parking
 - Illegally Parked.....\$30.00
 - Winter Parking Ordinance.....\$40.00
 - Fire Lane / Hydrant.....\$50.00
 - Handicapped Parking.....\$60.00*

Fines doubled if not paid or contested within 30 days.

*Applicable NYS surcharges may be applied by the adjudicating agency.

BUILDING / FIRE APPLICATION FEES

RESIDENTIAL NEW HOME CONSTRUCTION – includes Certificate of Occupancy inspection fee:

- 800 – 1,100 square feet.....\$400
- 1,101 – 1,300 square feet.....\$550
- 1,301 – 1,500 square feet.....\$650
- 1,501 – 1,700 square feet.....\$700
- 1,701 – 2,000 square feet.....\$750
- 2,001 – 3,000 square feet.....\$800
- 3,001 – 5,000 square feet.....\$850
- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$100.00 each item

RESIDENTIAL NEW CONSTRUCTION – (additions, remodeling) - includes Certificate of Occupancy inspection fee:

- Value of construction from \$0 - \$500.....\$65
- Value of construction from \$500 - \$10,000.....\$85
- Value of construction from \$10,000 - \$50,000.....\$105
- Value of construction from \$50,000 - \$100,000.....\$125
- Value of construction from \$100,000 - \$150,000.....\$145
- Value of construction from \$150,000 and up.....\$175
plus \$10.00 for each \$10,000 of construction value
- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$100.00 each item

COMMERCIAL NEW CONSTRUCTION – (additions, remodeling) – includes Certificate of Occupancy Inspection fee:

- Value of construction from \$0 - \$500.....\$100
- Value of construction from \$500 - \$10,000.....\$120
- Value of construction from \$10,000 - \$50,000.....\$140
- Value of construction from \$50,000 - \$100,000.....\$160
- Value of construction from \$100,000 - \$150,000.....\$180
- Value of construction from \$150,000 and up.....\$200
plus \$10 for each \$10,000 of construction value
- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$100.00 each item

RESIDENTIAL ACCESSORY STRUCTURES – includes Certificate of Compliance inspection fee:

- Decks.....\$35
- Above ground pools.....\$50
- In ground pools.....\$100
- Sheds (144+sf).....\$30
- Gas appliances i.e. hot water heater, furnace.....\$20
- Gas appliances..... i.e. fireplace, gas log sets, fixed piped home generators.....\$20.00
- Temporary Construction Trailer.....\$50.00

- Inspection deficiency – 3 or more non life-safety items.....\$25.00 each item
- Inspection deficiency – any life-safety items.....\$50.00 each item

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RENTAL PROPERTY CERTIFICATE OF OCCUPANCY / OPERATIONAL PERMITS

- Single family rental Code 210.....\$50
- Two family rental Code 220.....\$100
- Three family rental Code 230.....\$150
- Townhouses Code 411.....\$20.00 per unit
- Apartment building Code 411.....\$150.00 per building
- Inn / rooming house Code 418.....\$100.00
- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$10.00 each item
- Re-inspections for non-compliant results after 30 days will double the C of O fee

OPERATIONAL FIRE-SAFETY PERMITS & INSPECTION FEES

- Educational.....\$100.00 (annually)
- Place of Public Assembly 100 persons or greater\$100.00 (annually)
- Assembly uses 50 – 100 persons.....\$50.00 (annually)
- Manufacturing.....\$100.00(annually and/or as local conditions require)
- Fairs/festivals.....\$200.00 (annually)
- Repair/service garages.....\$100.00 (3 year intervals)
- Mercantile over 5000sqft.....\$100.00 (3 year intervals)
- Business use over 5000sqft.....\$100.00 (3 year intervals)
- Food service establishments.....\$35.00 (yearly and/or as local conditions require)
- Other.....\$100.00 (yearly and/or as local conditions require)
- Inspection deficiency – 3 or more non life-safety items.....\$50.00 each item
- Inspection deficiency – any life-safety items.....\$100.00 each item
- Re-inspections for non-compliant results after 30 days will double Operating Permit fee

PLUMBING & SEWER FEES

- Plumbing License.....\$25.00
- Plumbing Permit.....\$40.00 plus \$4.00 per fixture
- Sewer Tap Inspection (Monroe County Pure Waters).....\$250.00 plus
 - If Village installed.....\$300.00
 - If contractor installed.....\$125.00
- Sewer Rental Fee:
 - In District Sewer Users.....\$1.16/1,000 gallons water used
 - Out of District Sewer Users\$1.16/1,000 gallons water used

WATER:

Water Rate Schedule

Rates for the sale of water to all customers of the Board of Water Commissioners.

QUARTERLY METERED SERVICE WITHIN THE VILLAGE OF BROCKPORT:

All Water Usage \$ 4.66 per M gallons
 Minimum Billing \$20.00 per quarter

QUARTERLY METERED SERVICE OUTSIDE THE VILLAGE OF BROCKPORT:

All Water Usage \$ 5.99 per M gallons
 Minimum Billing \$25.00 per quarter

MONTHLY METERED SERVICE WITHIN THE VILLAGE OF BROCKPORT:

All Water Usage \$ 4.66 per M gallons
 Minimum Billing \$20.00 per month

MONTHLY METERED SERVICE OUTSIDE THE VILLAGE OF BROCKPORT:

All Water Usage \$ 5.99 per M gallons
 Minimum Billing \$25.00 per month

UN-METERED WATER:

The rate for un-metered water sales shall be \$6.00 per thousand gallons

TERMS AND PAYMENT:

All bills and charges of the Water Commissioners are payable net cash within thirty (30) days. A delinquent charge of 10% will be added to the bill for non-payment by the due date.

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Frozen meter fee \$100 plus equipment and labor

SERVICE CONNECTIONS:

The fees charged upon application for water service tap (including meter) to the Commissioner's are as follows:

SIZE OF SERVICE	Fee Charge
3/4" and 1" with 5/8" or 3/4" meter and under.....	\$1,000.00
3/4" and 1" with 1" meter.....	\$1,880.00
1 1/2" meter and above.....	to be charged a fee equal to the time and materials used to render the service plus 10%

The Commissioners will install the service pipe and appurtenances on public streets from the water main to and including the curb box and shutoff. Easements acceptable to the Commissioners must be furnished to them for service installation if private property is involved. Water meters will be furnished and connected by the Commissioners and will remain the property of the Commissioners. (Section IV and Section V)

Where a tap already exists, or is being installed under a Main Extension, the fees charged are as follows:

SIZE OF SERVICE	Fee Charge
3/4" and under	\$250.00
1".....	\$300.00
1 1/2" meter and above.....	to be charged a fee equal to the time and materials used to render the service plus 10%

In addition to the fee charges set forth above for the service taps and water installation, there will be an additional charge if, upon installation, the Water Department has to supply any other necessary parts in order to effect the installation.

SERVICE DISCONTINUANCE

Any water service account which carries an unpaid balance for two billing quarters or more is subject to discontinuance of service, and a fee of \$100.00 will be collected prior to restoration of the service.

Any use or attachment to an unprotected, unmetered fire hydrant for other than fire-fighting purposes is subject to an Unauthorized Hydrant Use Fee of \$500.00.

The rate for unmetered water sales shall be \$6.00 per thousand gallons.

- o Facilities use agreement/application – amend to reflect occupancy of Village Hall conference room – Clerk Morelli reminded the Board that Code Enforcement Officer Zarnstorff reviewed the occupancy of the Village Hall conference room a while ago and that the facilities use agreement/application needs to be amended to reflect an occupancy of 49, not 80 (60 seated and 20 standing) as previously indicated. She said the CEO promised to post an occupancy sign.

Trustee Hunsinger asked Larry Vaughan, former Assistant Code Enforcement Officer, how this is determined. L. Vaughan replied that it goes by the Uniform Code and among other things depends on square footage, tables and chairs, sprinklers, number of exits and exit locations. The conference room has only one exit and it does not exit directly to the outdoors. Trustee Hannan asked if the windows would be considered a means of egress in an emergency. L. Vaughan said no. Mayor Castañeda thanked L. Vaughan for the clarification as she recalls the former listed occupancy as being in question.

Trustee Blair commented that if all Village Board, Department Heads and staff occupy their seats, that leaves room for only 37 in the audience. Clerk Morelli suggested the Board take this into consideration when scheduling a presentation that could draw interest or a public information meeting or public hearing. Advanced planning and legal notices are required if the venue changes.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to amend the facilities use agreement/application to reflect the occupancy of the Village Hall conference room as follows:

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3. OCCUPANCY LIMITS: The USER shall comply with the occupancy limits of the PROPERTY being used as follows:

- Village Hall Conference Room 49 persons
- Sagawa Park Not applicable

The entire amended facilities use agreement/application in its entirety:

**Village of Brockport
Standard Facilities Use Agreement
Amended 9/13/11**

This Agreement describes the terms and conditions under which the undersigned outside party (the "USER") may use facilities owned by the Village of Brockport (the "VILLAGE").

Whereas VILLAGE owns and operates, or lawfully controls the use of, the property ("PROPERTY") described below, and USER desires to use said PROPERTY, VILLAGE agrees to make said PROPERTY and no other available to USER at the date(s) and time(s) and for the purposes referenced below and no other, and in consideration for being permitted to use PROPERTY for the stated purposes, USER agrees to pay the fees and abide by the terms and conditions set out in this agreement.

USER NAME:		PROPERTY:	
ADDRESS:		DATE OF USE:	
CITY/STATE/ ZIP:		START TIME:	
TELEPHONE:		END TIME:	
FEES:		EVENT NAME:	
DEPOSIT:	\$25.00 (In addition to Fees)	PURPOSE OF USE:	

FEES, TERMS AND CONDITIONS

1. USER agrees to pay the sums referenced below as a fee for the use of the PROPERTY:

- Village Hall Conference Room \$0.00 per hour
- Sagawa Park \$0.00 per hour

This fee is due immediately. Said payment includes use of lights, heat, air conditioning, and water, as may be needed for the purposes set out above and to the extent such exist at the PROPERTY.

2. ADDITIONAL FEES & SECURITY DEPOSIT: In addition to the fee described above, USER will be responsible for paying any and all expenses incurred by USER and/or VILLAGE in support of or as a result of the use. Such expenses may include, but are not limited to, cleaning costs, security costs, parking fees, and setup and takedown costs. The user shall pay to the Village the amount of **\$25.00, which** shall be held by the Village Clerk as a security deposit for any damage to the facility or other loss or expense incurred by the Village due to the use of the facility by the user. In the event that there is any damage, loss or expense incurred by the Village due to the use, the user agrees and acknowledges that the Village may use the security deposit for payment of same without prior approval of the user. The amount of the security deposit paid hereunder is not a limit of the user's liability to the Village for damage, loss or expense and any claim for same by the Village shall be paid immediately by the user.

3. OCCUPANCY LIMITS: The USER shall comply with the occupancy limits of the PROPERTY being used as follows:

- Village Hall Conference Room 49 persons
- Sagawa Park Not applicable

4. SPECIAL RULES: The USER shall comply with the additional rules of the PROPERTY being used as follows:

A. Village Hall Conference Room:

1. All garbage must be removed by USER.
2. The key must be picked up from the Village Clerk by 4:30 pm the day of the

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meeting and returned to the Village Hall drop box after the building is locked that evening.

3. Alcohol sales are prohibited. Alcohol consumption is prohibited unless approved by the Board of Trustees for a specific PURPOSE OF USE.
4. Turn lights off and assure doors are locked.

B. Sagawa Park:

1. USER shall vacate the park no later than 9:30 pm.
2. All garbage must be removed by USER.
3. The USER shall not disturb area church services.
4. The USER may not exclude members of the public from simultaneously using the park.
3. Alcohol sales are prohibited. Alcohol consumption is prohibited unless approved by the Board of Trustees for a specific PURPOSE OF USE.

4.1 ALCOHOLIC BEVERAGES: The USER agrees and acknowledges that the sale of alcoholic beverages at the PROPERTY is strictly prohibited. If alcoholic beverage consumption is approved by the Board of Trustees for a particular PURPOSE OF USE, then the USER may provide alcoholic beverages for consumption by the guests of the USER at the event by the USER purchasing the alcoholic beverages, and then the USER may provide the alcoholic beverages to the guests at the event, for free, and without any charge.

5. INGRESS/EGRESS: All portions of the sidewalks, entries, doors, passages, vestibules, halls, corridors, stairways, passageways, and all ways of access to public utilities of the premises must be kept unobstructed by USER and must not be used by USER for any purpose other than ingress to or egress from the premises.

6. DAMAGES AND REPAIRS: The USER agrees to be responsible for all damages to buildings, grounds, fields and equipment incident to the use of the PROPERTY. USER shall make no temporary or permanent modifications to the PROPERTY without the prior written consent of the VILLAGE.

7. COMPLIANCE: The USER agrees to use and occupy the FACILITY in accordance with all VILLAGE policies, regulations, rules, and practices and with all applicable municipal, state and federal laws, including but not limited to fire codes. USER may not use the VILLAGE's names or marks, or imply VILLAGE endorsement or support, without express permission from an authorized VILLAGE official.

8. PARTICIPANTS AND ATTENDEES: The USER is responsible for providing all necessary and appropriate safety instruction to all participants and attendees at USER'S activity. The USER is responsible for any and all damages to buildings, grounds, fields and equipment caused by participants and attendees. If the use of the PROPERTY is open to any non-members of USER, then no person shall be denied the equal privileges and enjoyment of having free and open access to the USER'S event on the basis of race, color, creed, religion, national origin or sexual orientation. Access may not be limited on the basis of age or sex except insofar as the goals or purposes of the activity require such limitation and are lawful.

9. ABANDONED PROPERTY: Any property left on the PROPERTY shall, after a period of ten days from the last day of the scheduled use, be deemed abandoned and shall become property of the VILLAGE to be disposed of or utilized at VILLAGE'S sole discretion.

10. PERSONAL: This agreement is personal and the USER shall not assign this agreement nor allow any other person, group or entity to use the PROPERTY during the scheduled time(s) without the prior written consent of VILLAGE.

11. FORCE MAJEURE: If the PROPERTY is rendered unsuitable for the conduct of the USER'S

activity by reason of force majeure, the VILLAGE and the USER are released from their obligations under this contract. Force majeure shall mean fire, earthquake, hurricane, flood, act of God, strikes, work stoppages or other labor disturbances, riots or civil commotions, war or other act of any foreign nation, power of government, governmental agency or authority, or any other cause like or unlike any cause mentioned which is beyond the control of the VILLAGE.

12. INDEMNIFICATION

A. The VILLAGE shall have no responsibility for the safety and/or security of any property belonging to USER or to those persons participating in the use of the PROPERTY by USER. USER expressly releases and discharges the VILLAGE for any and all liabilities for any loss, injury, or damages to any such property.

B. The VILLAGE shall have no responsibility for the safety and/or security of any person participating in the use of the PROPERTY by USER except as may arise from the negligence of the VILLAGE. USER expressly agrees to indemnify and hold harmless VILLAGE, its officers, employees, **MINUTES OF VILLAGE BOARD MEETING HELD September 13, 2011 continued.....page 9**

students and agents, from all cost, loss and expense arising out of any liability or claim of liability for injury or damage to persons resulting directly or indirectly from their participation in USER'S use of the PROPERTY, regardless of whether such use was authorized or not, and regardless of whether the liability or claim of liability arises out of the act or omission or USER.

C. In the sole discretion of the VILLAGE, at all times during the use of the PROPERTY, USER may be required to have a policy of comprehensive liability insurance, including public liability, bodily injury, and property damage, written by a company licensed to do business in the state of New York, covering the use contemplated by this agreement with combined single limits of no less than \$1,000,000 per occurrence and \$3,000,000 aggregate. The USER shall name the VILLAGE, including its trustees, officers, agents and employees as Additional Insureds for the said purpose and use of this agreement. USER agrees that the insurance will be primary coverage and will contain no terms allowing the insurer to be subrogated to the rights of any injured or damaged person or entity insofar as said person or entity may have claims against VILLAGE. The USER shall also maintain Worker's Compensation insurance to meet the requirements of the Workers Compensation laws of New York where applicable. Certificates of Insurance evidencing such insurance coverage shall be provided to the VILLAGE.

D. If USER is a department, division, or other unit of VILLAGE, paragraph 12 and all requirements included within it are null and do not become part of the agreement between the parties. If USER is a state or federal government agency, indemnification is not required where prohibited by law. If USER is an individual, the comprehensive liability insurance certificate required by paragraph 12(C) shall not be required unless the VILLAGE finds, in its sole discretion, that the intended use may negatively impact the Village or its property.

13. CANCELLATION AND TERMINATION: The VILLAGE reserves the right to cancel or terminate the use and retain the use fees and security deposit paid to the VILLAGE if for any reason, within the independent and sole discretion of the VILLAGE, there is or will be, any violation of this agreement, of any rule regarding the use of the PROPERTY, any obligation of the user hereunder, or for any other reason based on health and safety concerns of the Village or its officials.

14. WHOLE AGREEMENT: This writing contains the whole and complete agreement between the VILLAGE and USER.

15. SEVERABILITY: The terms of this Agreement are severable such that if one or more provisions are declared illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.

The undersigned certifies that (s) he is authorized to sign this Agreement on behalf of the USER and the VILLAGE, respectively, and that the USER and the VILLAGE acknowledge and accept the terms and conditions herein and attached hereto.

Dated: _____ 20__ Dated: _____ 20__

USER: VILLAGE:

BY: _____ BY: _____

Position: _____ Position: _____

For office use only:

_____ Approved _____ Denied
_____ Availability Confirmed with _____
_____ Notification Given to _____

- _____ Security Deposit Collected (\$25)
- _____ Fees Collected
- _____ Received Insurance Certificate with Village as Additional Insured (Not required for individual use of facility)

- Consolidated billing agreement with insurance broker regarding employee insurances – authorize Mayor to sign – Clerk Morelli reminded the Board that Titan Insurance and Employee Benefits Agency, LLC is the Village’s Broker of Record. They assist with health, dental, life, short term disability insurances & COBRA for our employees and retirees. Treasurer Lovejoy had requested that they handle our billing (Excellus, MVP, Guardian) as well. They have just begun to do so. Those companies are now sending our bills to Titan. Then the Village pays Titan to pay those bills, for a very nominal charge.

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→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to accept the agreement between the Village and Titan Insurance and Employee Benefits Agency, LLC and authorize the Mayor to sign it.

- 2011 spring tree plantings – designate \$500 National Grid reimbursement to tree purchases –

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to designate the \$500 National Grid reimbursement for the Spring 2011 Arbor Day planting tree purchases.

- 2011 CDBG College Street water main replacement project – accept the grant for \$41,750 –

→ Mayor Castañeda moved, Trustee Blair seconded, carried 5/0 to adopt the following resolution:

WHEREAS, the COUNTY OF MONROE has awarded the VILLAGE OF BROCKPORT a Community Development Block Grant in the amount of \$41,750 for the College Street water main replacement project.

WHEREAS, the COUNTY OF MONROE requires that the Board of Trustees of the VILLAGE OF BROCKPORT pass a resolution to accept the CDBG grant and authorize the Mayor to sign the contracts;

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

VILLAGE BOARD REPORTS:

- Mayor M. Connie Castañeda
 - Proposed Fire District Update – Mayor Castañeda shared that a joint public hearing with the Town of Sweden and Town of Clarkson and Village of Brockport was held at the Middle

School on Tuesday, September 6th at 7pm. Tom Ferris was the moderator. He explained the purpose of the public hearing and the format that would be followed. Fire Chief Henry presented a brief history of the Brockport Fire Department. Clarkson Councilperson Filipowicz explained the purpose of the public hearing – regarding the proposal to establish a joint fire district to be called the Brockport Fire District. Sweden Councilperson Connors detailed the proposed Fire District. Village Trustee Blackman answered frequently asked questions. The presenters did an outstanding job. Questions from the public were answered by the various attorneys. She said another newsletter would be coming out in October and in November. There may be additional public information meetings. The Fire Chief will be taking the lead on those.

Mayor Castañeda shared that she met with Sweden Supervisor Milner, Clarkson Supervisor Kimball and counsel today. They have tentatively agreed on Tuesday, November 29th as the date for the special election on the Fire District. Further consultation with Monroe County Board of Elections is needed.

- Code Enforcement Update – Mayor Castañeda shared that on September 9th she met with Code Enforcement Officer Zarnstorff and the potential interested party regarding the former Kleen Brite property. CEO Zarnstorff provided a copy of the Zoning Code for that district with permitted uses as well as the process that would need to be followed. Mayor Castañeda said she also met with CEO Zarnstorff to discuss some code violation concerns and plan of action.

- NYCOM workshop – NY’s New Property Tax Cap – Mayor Castañeda shared that on September 7th she attended the NYCOM workshop held at M.C.C. on the issues and implications of the new property tax cap. NYCOM Executive Director Peter Baynes and Deputy Director Barbara Van Epps were the speakers. She said it was well attended by key elected officials and staff. It provided a framework for understanding New York State’s recently enacted property tax cap law. It was expressed that there are many outstanding questions and concerns that the State must account for and explain to local government officials. It provided timely and important information to assist municipalities as they construct their 2012 budgets. NYCOM has worked diligently to encourage the State enact meaningful mandate relief. Their efforts to reduce mandates will continue. Mayor Castañeda said the Board was encouraged to attend this important NYCOM workshop. She thanked Trustees Blackman and Hannan for attending. She will have Clerk Morelli copy the packet of information for all Board members and post it on the Village website.

- Village Parking Tickets – Mayor Castañeda shared that late this afternoon she, Chief Varrenti, Village Attorney Leni, Sweden Town Judge Connors, Sweden Court Clerk Gay, Sweden Finance Director Strabel met to discuss issues concerning Village parking tickets. Chief Varrenti will reach out to other Police Chiefs to see how they deal with the matter of unpaid parking tickets.

Attorney Leni will investigate if the Village can scoff in order to take care of the Judge’s concerns about language

on the standard parking ticket. Attorney Leni and Chief Varrenti will work together to implement any **MINUTES OF VILLAGE BOARD MEETING HELD September 13, 2011 continued.....page 11**

necessary changes needed to move forward and resolve some long-standing concerns.

- Prospective Village Manager/Treasurer – Mayor Castañeda shared that she is pleased that Michael Giardino has agreed to attend the annual NYCOM Fall training school the week of September 19th as pre-employment training. The information he will receive and the networking he will do will be very worthwhile.

- 9/11 Vigil – Mayor Castañeda again commended Christopher R. Martin and the Brockport Fire Department for the annual September 11th vigil.

- SUNY Homecoming Parade – Mayor Castañeda reminded everyone that the SUNY Homecoming Parade is this Saturday, 9/17 at Noon.

- Sweden Farmers Museum Festival – Mayor Castañeda reminded everyone that the Sweden Farmers Museum Festival is this Saturday, 9/17. Board was unsure if the Village DPW and Town Highway Department were holding their competition. The DPW won last year’s “Golden Shovel”.

- Trustee Margaret B. Blackman

- Main Street project – modern roundabout – Trustee Blackman said she has heard rumors that the modern roundabout would not be constructed this year due to NYSDOT running out of money or not designing it large enough for emergency equipment. These rumors are false. The project continues as planned. Work will soon start on the modern roundabout at the intersection of Main Street and East/West Avenues.

- Police Ride-along – Trustee Blackman shared that she did a police ride-along on a recent Friday night. It was the night the SUNY BSG foam party took place. There was no excessive noise from this event. However, there were numerous house parties and an intense night life within the Village. The Police broke up 2 fights near Rocco’s and dealt with vandalism to 10 mailboxes on East Avenue from Fayette Street to Havenwood Drive. Monroe County Sherriff’s were around, but had to ask how to get to Evergreen Road.

- Student Internships – Trustee Blackman shared that her proposal regarding 4 student internships were reviewed by the Village Board. She thanked those Board members for providing feedback and for the Mayor adding a 5th internship. There have been 2 inquiries so far. One regarding Historic Preservation and 1 regarding Economic Development. Those not filled this semester may get more interest next semester. They are as follows:

Student Internships in Local Government.

These are "Public Service Internships" administered by Rob DiCarlo in the Career Center at the College at Brockport and advertised online through the college's Jobshop. A Village Board member working on projects in one of the following areas would be the intern's on-the-job supervisor. Rob DiCarlo would be the academic supervisor, in charge of the student's portfolio, final paper, and presentation at the completion of the internship.

These internship will be available throughout the school year and are open to recent grads as well.

Historic Preservation Internship

Intern will develop content for a website on historic preservation in the village of Brockport to be linked to the village's website. The website will include village historic landmark homes with narrative descriptions, the historic downtown listed on the National Register of Historic Places, the College at Brockport's alumni house and other buildings on the National Register. The website will also include Village Ordinances related to historic preservation, signage in the downtown area, and FAQs about Historic preservation. Website content should be user friendly for educational (elementary to higher ed) purposes. Intern will work with the Historic Preservation Board and village trustee liaison to the Historic Preservation Board. (2 interns, one for website content, one for website creation)

Economic Development in the downtown area

Downtown Brockport serves the resident community, college students, and, seasonally, tourists. Goal: assess commercial and service offerings and determine needs. Inventory empty storefronts, contact building owners re prospective clients. Work with village trustees who are liaisons to the downtown merchants and the downtown merchant association. (2 students)

Village Court

The village is considering adding a local court (currently all local court matters are handled in Sweden **MINUTES OF VILLAGE BOARD MEETING HELD September 13, 2011 continued.....page 12**

Town Court). This would bring enforcement and adjudication down to the local level and possibly more revenue back to the village. Research other village courts, case loads, finances. Review financial benefits/downsides of having a village court. Assist trustees in preparing a public presentation on the pros and cons of establishing a village court (1 intern)

Village Codes and Enforcement

Research to identify, compare and evaluate the municipal codes and regulations in other college communities locally and throughout the country, especially as they relate to the student population. Results to be shared with members of the code review committee. Related to the large student rental population in the village, a second area of effort would be production of educational material informing students of their legal rights and responsibilities as renters. (2 interns)

Citizen Survey

Work with the mayor to develop a citizen survey of Brockport which would measure quality of environment, neighborhood, community safety, infrastructure, local government, recreation and culture, downtown businesses and services, and would determine citizen priorities in these areas. Applicants should have knowledge of survey design and statistics.

- Farmers Market – Trustee Blackman shared that she continues to talk with the co-managers of the Farmers Market. They hope to have a mum seller and an organic vegetable seller soon. They would like to tweak the rules and regulations for next year including but not limited to allowing amplified music and raising the vendor fee to \$250.
- SUNY – Trustee Blackman said she will be arranging for her and the new Village Manager to see the SUNY facilities master plan sometime in October.
- 9/11 Vigil – Trustee Blackman said she made it to the evening ceremony and thanked the Brockport Fire Department for the annual vigil.
- NYCOM workshop – NY's New Property Tax Cap – Trustee Blackman shared that she attended this workshop reported by Mayor Castañeda earlier.
- Trustee Kent R. Blair
 - 9/11 Vigil – Trustee Blair thanked the Brockport Fire Department for the annual vigil and Christopher R. Martin for all of his work organizing it. Brockport has become well known for this event and the monument.

- Fire Department – Trustee Blair referred to the recent public hearing on the proposed fire district and was impressed by the turnout and the presentation. Many questions were answered. He said he now wholeheartedly believes this is the right direction to take. He does not want to disrupt the Fire Department membership. The Village cannot afford a Fire Department without contracts from Sweden and Clarkson. An example is what has happened to the Ambulance since the Village lost Sweden and Clarkson. The call volume dropped so significantly that the paid staff had to be eliminated and the volunteers are having a hard time answering calls. The Village often has to have mutual aid or Monroe Ambulance take the ambulance calls.

Trustee Blair referred to a big incident in Mumford this afternoon that many Brockport Fire Department members responded to as mutual aid. Incidents in surrounding communities affect us too, since our folks often help as mutual aid. Strong volunteers with the time to commit are vital.

Trustee Blair said he has heard a rumor that the Village wants to charge the new ambulance entity, once formed, rent for the Market Street fire hall, but would not charge rent to Monroe Ambulance. Trustee Blair said he would never agree to that. He said further setbacks are not needed. There have been enough challenges regarding Fire/Ambulance. He clarified that the Village Attorney provided recommendations regarding leasing and monies. He said maybe it could be included in Fire District language that any agreement with the Village would become null and void.

Trustee Blair shared that Chief Henry is researching the value of the old aluminum boat used by the Fire Department. They will then recommend how to sell it. Question was raised about using Auctions International as we do for many other pieces of municipal equipment or vehicles. Clerk Morelli will contact DPW Superintendent Donahue and Clerk Baker to find out if a minimum or reserve price can be set.

- Trustee Carol L. Hannan

- Merchants – Trustee Hannan reported on a localvores pantry, an upcoming Fountain of Youth event, and an upcoming special dinner September 17th at the Red Bird Tea Shop **MINUTES OF VILLAGE BOARD MEETING HELD September 13, 2011 continued.....page 13**

using all local products. Reservations are required for the dinner.

- Police Ride-along – Trustee Hannan shared that she did a police ride-along over Labor Day weekend. It was a quieter weekend than the one Trustee Blackman did since many SUNY students go home or away for the long weekend. It was very informative and educational. While the weekend before there were Sherriff's cars out, it would be naïve to assume so many would be in Brockport regularly. She highlighted several calls including but not limited to suspected illegal drugs and how a synthetic marijuana smelled like cinnamon and SUNY University Police were going to let it go. She said the entities (Brockport Police and SUNY Police) have different level of expertise. Also, open container violations, forged instruments (since 9/11 it is a very serious offense), stolen property, etc.

- NYCOM workshop – NY's New Property Tax Cap – Trustee Hannan shared that she attended this workshop reported by Mayor Castañeda earlier.

- Comprehensive Plan – Trustee Hannan said the committee looking at updating the Joint Town/Village Comprehensive plan continues to meet. The Code Review Committee believes there are issues specific to the Village and the Village Code that are not in the existing Comprehensive Plan. She said it would be worthwhile to ask the Code Review Committee for their input. She would like to touch on this at a work session.

- Code Enforcement - Trustee Hannan said she has some thoughts and ideas on Code Enforcement that she would like to touch on at a work session.

- Trustee Scott W. Hunsinger

- 9/11 Vigil – Trustee Hunsinger thanked the Brockport Fire Department for the annual vigil and Christopher R. Martin for all of his work organizing it and for all those who participated or attended.

- Police Ride-along – Trustee Hunsinger shared that he met with Chief Varrenti on a proposed ride-along plan. He said he plans to do a ride-along with each officer over the next few months. He said he was a Criminal Justice major in College and did many a ride-along. He'd like to see the differences of the shifts and the differences of the various quadrants of the Village. He will report back to the Board. He said his past ride-alongs have typically been during the SUNY Brock-the-Port event.

- Former Kleen Brite Properties – Trustee Hunsinger asked for some audience participation. He asked for the raising of hands on the following questions: 1) How many think it is a good idea to drink spoiled milk? 2) How many think it is a good idea to eat fresh fruit? 3) How many think it is a good idea to invite someone to stay at your house that many contaminate your back yard? Trustee Hunsinger said that Fair Street residents are and should be concerned with rumors of an interested party wanting to buy 100 Fair Street for a reclamation project. He said he is hopeful that there will soon be some information forthcoming.

- Shafer Trust – Trustee Hunsinger shared that he met with Village Historian/Museum Director Jackie Morris and Museum Assistant Doug Wolcott as well as DPW Superintendent Donahue regarding the needs of the Museum and utilization of \$65,000 from the Shafer Trust. He shared that he has contacted Seymour Library President Mary Ellen Baker and will be on the agenda for the next Library Board meeting regarding the needs of the Library and utilization of \$65,000 from the Shafer Trust. Once both entities come up with their wish lists, he will bring them to the Village Board for consideration and approval.

- Village Court - Trustee Hunsinger shared that the ad-hoc committee investigating the feasibility of a Village Court continues to work on a Power Point presentation and has targeted the October 25th Village Board meeting as a tentative date.

- Fire District - Trustee Hunsinger said the September 6th public hearing on the proposed Fire District was informative. However, he urged everyone to do their research, as there is a difference between fact and opinion as well as who you ask questions. He said it is a very important topic. He said he respects Trustee Blair's question to him "If you are against the Fire District, then what is the solution?" He said he has lived here since 1998, but he does not have the answer.

- NYS DOT Main Street project – traffic light pole in front of The Strand marquee – Trustee Hunsinger said he is very disappointed that NYS DOT placed a traffic light pole at the corner of Main Street and State Street, right in front of The Strand marquee. He said it impedes the view of the historic marquee. The Strand has done all it can to keep the marquee in shape and lit. He wished NYS DOT had come up with an alternative.

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- Summer Serenades – Trustee Hunsinger thanked GBDC, Gary Skoog, and the people and organizations who sponsored the Summer Serenades concerts. He also thanked the bands for their flexibility regarding weather and starting and ending time. There were 2 concerts cancelled – 1 due to anticipated rain and 1 due to extreme heat.

Back to Mayor Castañeda –

- Proposed Fire District – Mayor Castañeda referred to the question of Sri Ram Bakshi during the public comment section of the meeting earlier. She responded that it is debatable as to whether the Village owes the Towns money. She said Brockport, Clarkson, Sweden had always been good partners in regards to the fire service contracts. Through 2003, the former long-time Village Treasurer had always reconciled any surpluses or deficits of the Fire budget. She said she was on the Board as a Trustee and Deputy Mayor between 2005 to 2009. The Village Board liaisons to Fire/Ambulance worked with the Treasurer at that time as well as the Fire Chiefs on the Fire Department budget. When she became Mayor in 2009, the Treasurer at that time brought to her attention in a meeting with the Town Supervisors the matter of Fire Department budget surpluses being used for General Fund purposes. The figure all agreed to was \$175,000. Some Village Board members were reluctant to approve a settlement agreement to put the \$175,000 into a fire truck reserve fund over 5 years. The Towns would not sign fire service contracts until that issue was settled. The Board then approved the settlement agreement.

As to the 3rd party billing ambulance revenues, the NYS OSC said it belongs in the Village's General Fund.

The Village did not agree to give their fire property and equipment to the Towns for nothing. It will go to the Fire District for the firefighters to protect the community. The Fire Department budget is based on assessed value. The Village funds only 22%. This year that equated to \$163,000. The Towns fund 78%. If the Fire District gets established, ideally it would be nice to be able to reduce the Village budget by that \$163,000 amount and lower the tax rate. However, with the 2% tax cap, that will be a challenge.

Mayor Castañeda stressed that for her it has always been a financial decision. She urged that everyone vote with the facts and not their emotions. Forming a Fire District will take it out of the hands of the municipalities and get the politics out of it. It is clear that the municipalities are beyond amicably remedying the problems. It is now a financial decisions. The voters will have an opportunity to decide.

Mayor Castañeda said before the Village Board considers adding or creating services, it needs to be able to afford and support the services it already has.

ADJOURNMENT:

→ At 8:05pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk