

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, February 14, 2012 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Trustee Margaret B. Blackman, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Manager/Treasurer Michael A. Giardino, Clerk Leslie A. Morelli

EXCUSED: Trustee Kent R. Blair

ALSO PRESENT: Hanny Heyen, Sri Ram Bakshi, Joan Hamlin, John Bush, Brian Winant, Joy Levandowski, Darlene Krause Lang, Pam Ketchum, Mary Jo Nayman, Val Ciciotti, Kristina Gabalski, Bill Bird, Harry Snyder, Norm Giancursio, Tanya Raycroft, Fred Webster

CALL TO ORDER / PLEDGE: Mayor Castañeda called the meeting to order and led the Pledge of Allegiance. Trustee Blair called in sick. Happy Valentine's Day.

MOMENT OF SILENCE: to honor those that serve our Country, enforce our laws, & respond to emergencies

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:

- John Bush of Barry Street – said he and Bill Bird are in attendance to encourage the Board to vote in favor of the Mayor's proposal to rename Barry Street Park after John Lessord as he put a lot of effort into bringing to the attention of the right people the pollution in the creek. J. Bush said he has a granddaughter that lives on East Avenue who now doesn't need to worry about the contamination.

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES:**

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 4/0 that the minutes of the 1/24/12 meeting be approved as written.

→ Trustee Hannan moved, Trustee Blackman seconded, carried 4/0 that the minutes of the 2/7/12 work session be approved as amended.

- **APPROVAL OF BILLS TO BE PAID**

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 4/0 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> | 2/14/12 | \$148,595.88 |
| FUND (F): <u>Water</u> | 2/14/12 | \$43,691.45 |
| FUND (H): <u>Capital</u> | - | - |
| FUND (T): <u>(Trust & Agency)</u> | - | - |
| | | \$192,287.33 grand total |

MANAGER/TREASURER & CLERK REPORTS:

- Manager/Treasurer – Michael A. Giardino
 - AUD for FYE 5/31/11 filed 1/31 – VM/T Giardino shared that the AUD has been filed. The Village's independent audit of the books is being worked on by the office of Raymond Wager, CPA. They have conducted an extremely thorough audit and are down to 8 checks the former Treasurer hand wrote out of accounts payable that were not properly recorded. He said in his first few months here he has only had to hand write 1 check and it was out of payroll, not accounts payable. The AUD may change ever so slightly as a result of the independent audit. They are working with Chase on this. A check for \$44,000 to MCWA for water was of concern to Wager – why it was not run properly through A/P.

Mayor Castañeda asked if it is customary to do the AUD before the independent audit. VM/T said yes. The Village of Brockport has traditionally contracted with an independent auditor. It is not required to do so, but is a good thing. The AUD must be filed with the Clerk within 60 days of the close of the fiscal year and with NYS OSC within 90 days of the close of the fiscal year. Due to the transition of Treasurer's and work that went undone, this deadline was not met.

Village of Brockport
Annual Financial Report
Update Document
For Fiscal Year Ended 05/31/11

Please take notice that the annual financial report update document (AUD) for the Village of Brockport for the fiscal year ended 05/31/11, has been filed with the Office of the New York State Comptroller and filed with me by the Village Manager/Treasurer. Said report will be posted to the Village website at www.brockportny.org and may be examined at Village Hall during regular business hours.

Leslie Ann Morelli, Village Clerk

- FY 2012-2013 budget preparation update – VM/T Giardino shared that a productive workshop was held 2/7 and further input received since then. He is working with Department Heads to further refine budget estimates. He encourages the continuation of good dialogue. Revenue projections will soon be forthcoming. PILOT and COMIDA numbers need to be verified with the Town of Sweden and Brockport Central School District. He anticipates having a draft budget to the Board 2/28.

- Clerk
 - HRA Plan year #1 (9/1/10-8/31/11) - final #'s re usage & savings – Clerk Morelli said she mentioned in November that the HRA usage was approximately 33%. The final numbers are in for the plan year and are as follows.

\$134,000 was budgeted for HRA 6/1/11 – 5/31/12

\$5,829.37 was deposited for old HRA plans (includes carry over) for 4 Stetson Club retirees through 12/31/11 & \$4,420.14 was used = 76%

\$158,600.00 was deposited for HRA Plan Year 1 from 9/1/10 – 8/31/11 & \$74,257.91 was used = 47%
Stetson Club employees & retirees under age 65:

\$54,600.00 was deposited & \$27,613.47 was used = 51%

CSEA (DPW) Union employees & retirees under age 65:

\$59,800 was deposited & \$27,327.72 was used = 46%

Non-Union employees & retirees under age 65:

\$31,200 was deposited & \$15,196.16 was used = 49%

Seymour Library employees & retirees under age 65:

\$13,000 was deposited & \$4,120.56 was used = 32%

- 2012 Events Schedule – all information to be included is due by 3/1 – Clerk Morelli shared the letter she sent to Village officials and community groups the 1st of the year.

It's time to put together our 2012 events schedule. It will be posted on the Village website, made available at the Village Hall, Welcome Center, Seymour Library, Town Hall, Senior Center, Community Center etc. It will also be used in marketing efforts with local media.

Thanks again to Norm Frisch for his design/formatting help the last few years!

I haven't heard anything new regarding the group that was looking into creating a greater Brockport events schedule via a paid subscription to an automated scheduling system. Therefore, I continue my willingness to solicit and gather information on behalf of the Village.

We want to include your group's 2012 event(s) if they are to be held within the Village of Brockport limits and open to the public. *Please refer this to the appropriate person to consult your group and advise me by March 1st of your 2012 events. I can be reached at lmorelli@brockportny.org.*

Keep in mind that some events may need the approval of the Village Board as well as the cooperation of the Department of Public Works, Police Department, Fire Department or Code Enforcement Office. This is particularly true if it involves a street closure request or the use of Village property or facilities. The Village Board meets at 7pm the 2nd and 4th Tuesday of each month. Agenda items are due one week prior. Department Heads (DPW Superintendent, Code Enforcement Officer, Police Chief, Fire Chief) are in attendance at the 4th Tuesday meetings.

If I am not informed about an event, I can't include it in the schedule, so be sure to e-mail me your information by March 1st. Don't miss out! Thank you.

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- Notice for Electing Village Officers – 2 Trustee seats – elections 6/19 Noon-9pm – Clerk Morelli shared the notice regarding upcoming Village elections:

VILLAGE OF BROCKPORT
NOTICE FOR ELECTING VILLAGE OFFICERS
PLEASE TAKE NOTICE:

That the Annual General Village Election in and for the Village of Brockport will be held on Tuesday, June, 19, 2012 from Noon to 9pm with the following officers to be chosen: Two (2) Trustees each for a four-year term of 07/01/12 to 06/30/16 , and

That the first day to circulate independent nominating petitions is Tuesday, April 3, 2012, and the last day to file said petitions at Monroe County Board of Elections is Tuesday, May 15, 2012. Petitions must indicate the office(s) and term thereto, for which it is filed, and

That the applications for absentee ballots will be accepted by Monroe County Board of Elections no earlier than February 19, 2012 and no later than June 12, 2012 for applications to be mailed or June 18, 2012 for personal applications by applicant of his/her agent. Questions should be directed to Monroe County Board of Elections at (585) 753-1550.

● **PERSONNEL ITEMS:**

- Volunteer Appointments –
 - Fire Department – membership drops/adds

→ Trustee Blackman moved, Trustee Hunsinger seconded, carried 4/0 to accept the following drops: Keller Agte-Studier, Douglas Bopp, Ashley Meiers, Samantha Raymond, Nick Toscano, David Zok, Garrett Roth from Explorers, Scott Elliott to Life status, Greg Wing to Life status; adds: Jared Hicks from Explorers to active fire only, Genna Wiseman to active fire only, Alexis Kwiatkowski to active fire only, Joshua Nichols to active fire only.

- Welcome Center greeter – add

→ Trustee Hunsinger moved, Trustee Blackman seconded, carried 4/0 to appoint David R. Kaufman as a volunteer Welcome Center Greeter upon review & recommendation of Greeter Coordinator Bill Andrews.

OLD BUSINESS:

- Set public hearing for accepting dedication of water mains, sanitary sewers, storm sewers, manholes, roadways, sidewalks & related infrastructure appurtenances – Sunflower Landing Sections 1 & 2 –

→ Trustee Blackman moved, Trustee Hannan seconded, carried 4/0 to schedule as follows:

VILLAGE OF BROCKPORT
Notice of Public Hearing

Please take notice that the Board of Trustees of the Village of Brockport will hold a public hearing beginning at 7:00 p.m. on Tuesday, February 28, 2012, in the Conference Room of the Brockport Village Hall, 49 State Street, Brockport, New York, to consider acceptance of an offer of dedication with respect to Sections 1 and 2 of the Sunflower Landing Subdivision, including the streets laid out in the two corresponding subdivision maps entitled “Sunflower Landing Section 1” and “Sunflower Landing Section 2 and a Resubdivision of Lot R-43”, recorded in the Monroe County Clerk’s Office on March 21, 2007 in Liber 330 of Maps, Page 83 and June 3, 2009 in Liber 336 of Maps, Page 94, respectively, together with the corresponding water mains, sanitary sewers, storm sewers, manholes, roadways, sidewalks and related infrastructure appurtenances, with the exception of the stormwater detention pond.

All interested parties will be given the opportunity to be heard.

- Amend Village Vehicle Usage Policy – Trustee Hunsinger referred to his proposed amendments to the policy. The changes relate to requesting and approval of use outside the scope of normal daily use. The suggestion regarding prohibition of texting while driving is covered by higher law

and not necessary to add to this.

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 4/0 to amend the Village Vehicle Usage Policy as follows:

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**Village of Brockport
Vehicle Usage Policy
Amended 02/14/12**

Policy Statement – The village board may assign a village vehicle to a village official, employee or volunteer (whether on a case-by-case or continual basis). The village owns and maintains such vehicles, including related equipment, explicitly to conduct official village business. Personal use and the use of vehicles, including related equipment, for the private gain of any official, employee, or volunteer, including related equipment, except for commuting and de minimus personal use, is prohibited.

General Standards – Compliance with this policy requires observance of the following standards.

- The village board shall authorize (whether on a case-by-case or continual basis) the purpose(s) for which a village vehicle may be used.
- A formal written request for any use outside the scope of normal daily use must be made 2 weeks prior to its use.
- A department head to which the village board has assigned a vehicle, including any related equipment, shall maintain the general administrative jurisdiction of said vehicle, including directing its use by a subordinate.
- A department head shall maintain under his control and jurisdiction all keys to a vehicle assigned to his department when such vehicle is not in use.
- A village official, employee or volunteer shall not use a village vehicle for an unauthorized purpose.
- A village official, employee or volunteer cited for a parking violation, moving violation, or any other driving infraction or offense while using a municipal vehicle shall notify his supervisor as soon as practicable and within 24 hours of such citation.
- A village official, employee or volunteer operating a village vehicle shall be personally liable for fines resultant from conviction of a parking violation, moving violation, or any other driving infraction or offense committed while using a village vehicle.
- A village official, employee or volunteer involved in a motor vehicle accident while using a municipal vehicle shall notify his supervisor as soon as practicable and within 24 hours of such accident; the applicable department head shall notify the mayor and file an accident report in the village clerk's office as soon as practicable and within 48 hours of such accident.
- A village official, employee or volunteer shall not transport in a village vehicle persons who are not village officials, employees or volunteers (exception: department supervisors issued take home vehicles may transport family members while maintaining 24/7 availability to their respective department in a non-emergency mode), or material or persons unrelated to the conduct of village business. For the purpose of this policy, persons affected by emergency situations to which village emergency responders have responded are related to the conduct of village business.
- A village official, employee or volunteer to whom a village vehicle is assigned shall not allow their spouse or another to drive said vehicle.
- A village official, employee, or volunteer to whom a village vehicle, excluding a police vehicle, is assigned shall lock the same when not in use.
- A village official, employee or volunteer shall notify the appropriate department head of any malfunction of a village vehicle while it is assigned to him.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on village vehicles at any time, except those of a limited community service nature that have been authorized by the village board.
- Village vehicles, except unmarked police vehicles, shall be clearly marked with identification as approved by the village board.
- Smoking and the use of smokeless tobacco in village vehicles are prohibited.

Standards for Use of Fire Apparatus at Funerals, in Parades or Public Displays –

The following standards apply in addition to the foregoing "General Standards."

- No more than two pieces of fire department apparatus may be used simultaneously at funerals without prior approval from the village board.
- At the discretion of the fire chief, up to two pieces of fire department apparatus may be used for a period of up to 8 hours for a former Brockport Fire Department member's funeral within

Monroe County.

- At the discretion of the fire chief, one piece of fire department apparatus may be used for a period of up to 8 hours for a funeral within Monroe County’s resultant from an emergency responder’s line of duty death (LODD).
- Contingent upon prior approval from the Village Board, one piece of fire department apparatus may be used for a funeral in any state adjoining the State of New York.
- Contingent upon prior approval from the Village Board, 5 pieces of fire department apparatus

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may be used for a period of up to 8 hours in a parade or public display within Monroe, Orleans, Genesee and Livingston counties.

- Contingent upon prior approval from the Village Board, fire department apparatus may be used in a parade or public display within the State of New York, excluding Monroe, Orleans, Genesee and Livingston counties, or within any state adjoining the State of New York.

Standards for Use of Police Vehicles – The standards described by Brockport Police Department General Order 325 apply to the use of police vehicles in addition to the foregoing “General Standards.”

Taxable Fringe Benefit – Employees authorized to use a village vehicle on a 24-hour-per-day, seven-day-per-week basis may be subject to imputed income tax regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The village will use IRS Publication 15-B “Employers Tax Guide to Fringe Benefits,” Section 3, Fringe Benefit Valuation Rules, Commuting Rule in determining any tax liability and automatically update changes to the rate as made by the IRS. The rule establishes a \$1.50 per one-way commute value as the non-cash taxable fringe value. This value will be includable in the employee’s gross income and is subject to all federal withholding taxes. Employees who are assigned marked police and fire vehicles, unmarked police vehicles or specialized vehicles carrying tools and meeting certain other eligibility criteria established by the IRS will not be subject to the commuting valuation rule.

o Amend Farmers Market Rules & Regulations – Trustee Blackman referred to her proposed amendments to the policy. The Farmers Market Managers collaborated on this. The changes include garbage carry-in, carry-out policy for vendors, no hawking or amplified music by vendors, encouraging vendors to stay the entire duration and not leave early, and increasing the seasonal and daily vendor fees. She said the vendors were canvassed and amenable to the fee increase. It is still low compared to many area markets. She said she spoke to Mark Lewis and he and Kelly Lewis will not be sponsoring the farmers market for a third season. Instead they will be looking for other opportunities to give back to the community.

→ Trustee Blackman moved, Trustee Hannan seconded to amend the Farmers Market Rules and Regulations as proposed.

Discussion:

Mayor Castañeda said there are area Farmers Markets that do not charge a vendor fee. She said she knows of a vendor that has not returned to Brockport due to the fees.

Trustee Blackman said those Farmers Markets must have financial support from their municipalities. It would be nice if Brockport could support it, as it is economic development. However, that has unfortunately not been possible of recent. She said she knows that the Farmers Markets in Chili, Gates and Fairport have higher vendor fees.

Call to question:

| | |
|------------------------|------------|
| Margaret B. Blackman | Voting yes |
| Carol L. Hannan | Voting yes |
| Scott W. Hunsinger | Voting yes |
| Maria Connie Castaneda | Voting yes |

Carried 4/0

**Village of Brockport Farmers’ Market
Rules & Regulations
As Amended February 14, 2012**

Market Mission

To promote the sale of fresh fruits, vegetables, plants, and other locally harvested goods.

To provide a direct marketing outlet for local agricultural produce and products.

To stimulate activity in Brockport's downtown business district.

To foster social gathering and community involvement.

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Market Governance

The Village of Brockport Farmers' Market (hereinafter, "the market") is sponsored by the Village of Brockport (hereinafter, "the village"), and governed by the Village of Brockport Board of Trustees (hereinafter, "the board of trustees"), which shall:

- Promote the market
- Hire or appoint a market manager (hereinafter, "the manager")
- Establish rules and regulations, and adopt and amend them as needed
- Establish requirements for vendor participation in the market
- Maintain a general liability insurance policy for the market
- Establish and collect annual membership dues and/or market space fees
- Establish annually or as necessary the market's place and times of operation
- Develop an operational budget

The manager shall be responsible for the orderly and efficient operation of the market and for implementing the rules and regulations. The manager shall represent the sponsor during market days and in community activities. The manager shall assist the sponsor in determining the market budget, establishing market policies, soliciting vendor participation, collecting fees, establishing the operational schedule, and promoting the market. The manager serves at the pleasure of the board of trustees.

Place and Times of Operation

The market shall operate:

- On Market Street in the Village of Brockport
- From 8 a.m.-1 p.m.
- On Sundays
- Every Sunday from the third Sunday in June through the last Sunday in October

Vendors at the Market

Bona-fide growers, craftpersons, and producers of homemade products or other sellers approved by the manager are eligible to become vendors at the market. The manager may grant permission to a vendor to supplement his product line with additional New York state products, as long as such product is otherwise missing from the market. Such permission shall be valid for one season.

Specific Product List

- Fruits and vegetables shall be offered for sale only by their grower; they shall have been grown, harvested and cared for post-harvest so as to insure maximum freshness.
- Cider and fruit juices shall be offered for sale only by the growers of those fruits from which they are made.
- Eggs shall be offered for sale only by the owner of the flock from which they came.
- Honey and honey products shall be offered for sale only by the owner of the hives from which they were derived.
- Maple syrup and maple syrup products shall be offered for sale only by the owner of the sugar bush from which they were derived.

- Cheese and other dairy products shall be offered for sale only by the owner of the herd that produced the milk from which they were processed. All dairy products shall be kept cool.
- Meat and poultry shall be offered for sale only by those that have raised the animals butchered to render it; it shall be kept refrigerated; it shall have passed United States Department of Agriculture or state inspection.
- Bedding plants, nursery products, and cut flowers shall be offered for sale only by their growers.
- Baked goods offered for sale shall have been hand made from scratch by the seller, using a recipe free of commercial mixes, crusts or fillings. Baked goods must have a protective covering or be

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wrapped.

- Wine may be offered for sale. Any vendor conducting a tasting shall display in his market space during all times of operation a sign that states: "State law requires that consumers be at least 21 years of age, proof required."
- All items offered for sale shall be priced clearly and displayed in a manner that does not confuse or mislead the customer.

Items not specifically listed herein must be pre-approved by the manager.

Guidelines for Selling at the Market

- Each vendor shall display at his market space during all times of operation a sign clearly indicating his name and the location of his farm/place of business.
- Each vendor shall be responsible for all equipment and supplies for the setup of a booth. Displays shall be constructed in such a way that they do not block customer walkways or pose any other hazard to customers.
- Vendors that provide samples and/or products that generate waste material, such as cups, rinds, or corn cobs, shall provide containers for waste disposal.
- Vendors shall keep their market space neat and clear of obstacles, litter and debris.
- Vendors shall clean and remove all refuse from their market spaces at the close of business each Sunday.
- All refuse shall be carried out by the vendor and not put in village trash cans
- All produce displayed for sale shall be at least 12" off the ground, with the exception of heavy or large items such as pumpkins.
- Smoking, alcoholic beverages and firearms are forbidden at the market with the exception of wine tasting and selling.
- Hawking and amplified music by vendors are forbidden at the market.
- All items offered for sale shall be of good quality and condition as determined by the manager, who may at his discretion require that inferior items be removed from displays.
- Vendors are expected to remain at the market for the full period of operation on market day

Products Sold at the Market

Vendors agree to adhere to all applicable regulations while selling at the market.

- Any vendor selling taxable items shall display in his market space during all times of operation a valid New York state certification of authority
- Any vendors selling nursery and greenhouse crops shall display in his market space during all times of operation a valid New York state nursery license.
- Vendors selling processed foods, prepared foods, and other perishable items shall do so in compliance with the requirements of the New York State Department of Health.
- Vendors selling by weight shall have scales approved by the Monroe County Department of Weights and Measures.
- Vendors selling by volume shall use standard size containers, e.g., pint, quart, etc.
- Any vendor selling wine shall display in his market space during all times of operation a valid New York state winery license.
- Produce shall not be advertised as organic unless it has been certified by a recognized, independent, third party certifying agency. Vendors shall display during all times of operation their organic certification certificates.

- All prepackaged items, such as baked goods, must be labeled in accordance with New York state labeling requirements.

Vendors participating in the Farmers Market Nutrition Program (FMNP) shall be certified by New York State Department of Agriculture and Markets and provide crop reports to the manager.

All vendors participating in accepting Women, Infants, Children (WIC) program or Senior Nutrition coupons shall file a crop plan at the beginning of each season. The plan must show all products being grown or produced, quantities produced, and acreage under production of each item.

Vendors consent to inspection of their farms and/or businesses by the manager to verify claims of
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production. Any such inspection shall be made with the owner or his representative present, unless permission otherwise is given by the owner. The owner shall provide any help necessary to document products and conditions recorded at the inspection. The manager shall deliver to a vendor whose farm of business has been so inspected the results of such inspection and shall make the initial determination of any violations of this contract and their remedies.

Insurance

- As sponsor of the market, the village shall provide insurance coverage for the market place to cover such injuries as slips/falls and damages to property at the market.
- Vendors selling only fruits and/or vegetables shall have in force general liability insurance.
- All other vendors selling food products shall have in force general liability insurance of at least \$1 million. Documentation of such policy, which names the market, shall be provided to manager prior to the market season.
- The market is a member of the New York Farmers' Market Federation and members of the market can qualify for liability insurance under their program. It is recommended that all vendors carry liability insurance.
- All vendors shall execute a general indemnification of the village, its instrumentalities, departments, officers, trustees, employees, and agents, against any losses resulting from the vendor's sales and/or activities at the market.

Fees

- An annual market space fee of \$250 shall be due at contract signing or according to terms set forth by the manager. A \$20 daily fee shall be charged to those who do not have a reserved space.
- Vendors shall notify the manager in advance if they will be absent. The manager may allocate an absent vendor's market space to another vendor.
- The board of trustees shall determine market space fees.
- Fees collected shall pay for operating expenses and/or advertising and promotional costs.
- Subletting of market space by vendors is forbidden.

Market Space Assignment

The manager shall assign all market spaces. A vendor shall be limited to one stall and shall contain his display within the designated area. Seasonal vendors may work off their trucks in a designated market space not to exceed said limits. The manager shall assign to each vendor a market space for the duration of the season. At his discretion, the manager may alter vendors' market spaces. Vendors may arrive two hours prior to the market opening as to allow for timely set up without interfering with pedestrian traffic. Any vendor arriving after the opening of market shall not be permitted to enter or setup for that particular market day. Rents are not refundable, either in part or in whole.

Grievance Procedure

Vendors agree to be bound by the terms, conditions, rules and regulations set forth herein. The manager may recommend to the board of trustees the termination of the contract of a vendor found to be in violation of such terms, conditions, rules and regulations. Vendors may appeal in writing to the board of trustees. The board of trustees shall respond in writing to any vendor that so appeals and make a final

determination of the disposition of any such appeal.

o Parking ticket collection proposal – Trustee Blackman said she has been eating, breathing and sleeping parking tickets of recent weeks. She introduced Student Intern Tanya Raycroft and thanked her for her assistance and reviewed the proposal as follows:

A Proposal for dealing with Delinquent Parking Tickets

As I think we are all aware, Brockport has a parking ticket problem. We receive an annual payment from the Sweden Town Court for village parking tickets paid—\$29,260 for 2011. We do not know how many tickets this represents, what level of fines, or when those paid tickets date from. Boxes of delinquent unpaid

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tickets have collected for years. The Sweden town court has neither the time nor incentive to go after unpaid tickets that belong to the village, much less track current ones with the level of information the village would like. This is not a new problem; it goes back at least to the 1970s.

The “Collection Agency” Solution

A collection agency, experienced in working with Justice Courts, could resolve this problem. They would document and account for all current parking tickets, pursue all recent tickets more than 30 days overdue, as well as all tickets dating back to 2006. The firm I am recommending is Fundamental Business Service in Hempstead, New York. This firm was recommended by Wade Beltramo, chief counsel for NYCOM, who noted that they have an outstanding reputation and deal with many Justice Courts in New York State. (a sample of the courts they represent is attached). The firm has been in business for 28 years and the core piece of their case management and processing work is parking tickets. I had a lengthy conversation with the CEO, Dennis Farrell, and several subsequent email exchanges with him to secure answers to specific questions about how FBS operates. That information is summarized below. I have given a copy of their business profile, which Mr. Farrell sent me, to the village manager.

How it works

Data entry:

The court sends the collection agency one copy of all parking tickets which the agency enters into a parking case management database. The agency supplies the court with the software to access the database online. The court clerk enters the disposition code and payment amount online or simple dismissal and plea of not guilty. The court maintains control of case updates. All parking tickets are returned to the court. The Village can be set up with a reporting access portal to view payment data activity.

Dispositions and reimbursement:

The system makes it easy for the court to submit monthly dispositions of parking tickets for the village to the Office of the State Comptroller, as required, and we should begin receiving monthly statements on parking dispositions from the OSC just as we do for fines and forfeitures. We would be receiving in addition, as we should have been all along, a monthly, rather than an annual, check for parking tickets from the Town of Sweden. All payments, delinquent and not, are made to the Sweden Town Court. The contracting entity (most likely the Town of Sweden) remits the agency’s percentage to them, and the fines minus the agency’s percentage to the village.

Notification of delinquent tickets

The agency sends out letters to vehicle owners when tickets are 30, 60 and 90 days in arrears. They will research and pursue old parking tickets going back to 2006 (which they can do without the vehicle owner’s name on the parking ticket.)

Cost of the collection Service

There are no startup costs, no costs for database management, no costs for notification letters. When delinquent, and only delinquent, fines are collected, the agency takes 30% of what is collected. The agency bills the municipality that hires the firm.

Who Hires the Firm

Based on the village’s previous experience with a collection agency, Rob Leni, Village Attorney, believes the contracting entity would have to be the Town of Sweden. Wade Beltramo, in an email to me dated February 3, noted: “The collection issue is tricky. Everyone has a different opinion on this. Any money collected (regardless by whom) must be paid directly to the court. In my opinion, the prosecuting entity [*village in this case*] can undertake the collections process. But in reality, it needs to be done in a manner that all the stakeholders (i.e. the Village, the Town, and the Town Court) agree upon.”

The Benefits

According to some estimates, we are collecting less than 60% of the parking tickets we write. With a

collection agency we should be collecting at least 90%. Hiring the right collection agency to deal with the village's parking tickets will result in better accountability for both village and town, village access to parking ticket data, an improvement in the public trust, and an end to shoeboxes of unpaid parking tickets.

The Recommended Agency
Fundamental Business Service, Inc
14 Front Street, Suite 100
Hempstead, NY 11550
Dennis J. Farrell, CEO
dfarrell@fbsnet.com
800-272-1635/516-486-3120

Attachment Town and Village Justice Court Representative Listing
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Trustee Blackman said this is a win/win for everyone. It provides for better accountability and the Village should see its revenues increase. She said the one question that remains is whether the Town or the Village contracts with the collection agency. The Town would prefer the Village do the contracting. The important part is that both agree. She asked that this be placed on the 2/28 agenda once the Village Attorney has an opportunity to review the contract.

o Barry Street Park renaming proposal – Mayor Castañeda reminded the Board of the proposal she made at the last meeting as follows:

Few people know how we received \$64,000 to spend on the Barry Street Playground. I would like to give some background information about how the Village acquired this money. A man who moved to Lyman Street in the 1960's noticed unusual colors in the water that runs in the creek by his home. Alarmed, he registered a complaint with the Village. About 3 years later, a water pumping station was built by a factory located nearby, and the unusual colors of the water in the creek cleared up. They believed the problem was fixed. Fast forward to the 1990's. This man noticed foul odors coming out of the creek. He did a lot of research about pollution and became very concerned about this problem. He called the NYSDEC, but after waiting a few more years, became frustrated, and contacted Erin Brockovich. She had her lawyer conduct a preliminary investigation, and concluded that a lawsuit against the companies that caused the pollution was in order. The lawsuit finally produced a response from the polluters and then some measures were taken to clean up the contamination. Neighbors started to come to this man for advice about pollution in their neighborhood. This man helped them with the information he had accumulated over the years and the neighbors helped one another. This man and his son did more research to determine the extent of the pollution. After studying many maps of the area, and using a metal detector, they were able to locate a lost manhole. They called the Village to inspect it. After the Village inspection, it was determined that the water in the manhole contained pollutants and that the pollution had extended to Oxford Street and across the canal to East Avenue. As a result of this man's vigilance, hard work, and determination, the pollution was discovered and remediation is ongoing, even today. This man never gave up over the years. He was not afraid to stand up against two large corporations. This man was instrumental in acquiring the money the Village has to restore the playground for the residents of the affected neighborhood. This man has been an exemplary member of our community for many years. Among many other things, this man has served our community as follows:

- Volunteer Fire Department for 26 years.
- Fire Chief for 2 years.
- Assistant Fire Chief for 4 years.
- Captain, Lieutenant and Warden of the Fire Department.
- Volunteer at Nativity Church for 14 years.
- Volunteer with Little League Soccer for 4 years.
- Merit Badge Counselor for 4 years.

The name of this man is John Lessord. I propose to name the Barry Street Park/Playground in his honor, to show our gratitude for the many services he has provided to our community.

→ Mayor Castañeda moved, Trustee Blackman seconded, to rename the Barry Street Park for John Lessord.

Discussion:

Trustee Blackman shared that after the last meeting she proposed the Board come up with a policy for renaming Village venues. She had provided a sample policy from another municipality. This was discussed at the recent work session. She said this has absolutely nothing to do with the individual

whose name was brought forward by the Mayor.

Trustee Hannan said the renaming of another Village park was suggested. A policy would be used for both and any future re-namings.

Mayor Castañeda said the Village has managed to rename venues without having a policy in place. Several years ago Mort Wexler proposed renaming 1 Clinton Street (the Police Department building) in the memory of former Police Chief Donald Hare. A few months ago Mary Ann Thorpe proposed renaming the Utica Street Park for Monika Andrews. Why does the Board now wish to impose a policy?

Trustee Hunsinger said the Trustees only learned of the nomination at the last meeting. He said some fact checking as to the nomination re Barry Street Park is called for.

Mayor Castañeda asked if fact checking took place regarding the renaming of Utica Street Park. **MINUTES OF VILLAGE BOARD MEETING HELD February 14, 2012 continued.....page 11**

Trustee Hunsinger said the facts stood for themselves.

Mayor Castañeda said she is confident that there is nothing inaccurate in her nomination.

Trustee Hannan said not supporting the Mayor's nomination is not meant to be a slap to the Mayor or to the nominee. It is simply time to take a step back.

Mayor Castañeda said Trustee Hannan was quoted in an article in the Suburban News as to all the Village venues and streets named for people – without a policy in place.

Trustee Hannan said many of those took place in the 1800's.

Trustee Blackman said the recent renaming of Utica Street Park for Monika Andrews was the right decision, but probably a hurried and emotional one since she was terminally ill. It was a wake-up call that a policy should be put in place.

Trustee Hannan concurred and said a policy would help take the emotion out of a decision.

Mayor Castañeda said it seems the Board feels they made a rushed and emotional decision on that.

Trustee Hunsinger asked Mayor Castañeda to table her motion. No one wants to vote against it. Trustee Hannan and Blackman concurred. Mayor Castañeda said her motion stands.

Call to question:
Margaret B. Blackman Voting no
Carol L. Hannan Voting no
Scott W. Hunsinger Voting no
Maria Connie Castaneda Voting yes

Defeated 3/1

NEW BUSINESS:

o Adopt 6/1/12 – 5/31/13 holiday & floaters schedule –
→ Trustee Hunsinger moved, Mayor Castañeda seconded, carried 4/0 to adopt the 6/1/12 – 5/31/13 holiday and floaters schedule as follows:

**VILLAGE OF BROCKPORT
HOLIDAY SCHEDULE
June 1, 2012 - May 31, 2013**

Adopted by Village Board 2/14/12

Distributed to employees & posted to Village website

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

HOLIDAY

Independence Day:
Labor Day:
Columbus Day:
Veterans Day:
Thanksgiving Day:
Day after Thanksgiving:

OBSERVED ON

Wednesday, July 4, 2012
Monday, September 3, 2012
Monday, October 8, 2012 (*non-Union only*)
Monday, November 12, 2012
Thursday, November 22, 2012
Friday, November 23, 2012

| | |
|-------------------------|---|
| Christmas Day: | Tuesday, December 25, 2012 |
| New Year's Day: | Tuesday, January 1, 2013 |
| Martin Luther King Day: | Monday, January 21, 2013 |
| Presidents Day: | Monday, February 18, 2013 (<i>non-Union only</i>) |
| Good Friday: | Friday, March 29, 2013 |
| Memorial Day: | Monday, May 27, 2013 |

+ 3 FLOATING HOLIDAYS per employee groups:

Non-Union:

Thursday, July 5, 2012
 Friday, July 6, 2012
 Friday, August 31, 2012

+ 2 extra:

Monday, December 24, 2012
 Monday, December 31, 2012

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CSEA (DPW) & Non-Union DPW Management:

Friday, August 31, 2012
 Monday, October 8, 2012
 Friday, May 24, 2013

Stetson Club (Police):

Thursday, July 5, 2012
 Monday, December 24, 2012
 Monday, December 31, 2012

The 2 extra paid days off for the few full-time non-union employees was upon recommendation of Clerk Morelli as one way to recognize and reward those who have gone without a raise, had 60 minute lunch cut to 30 minutes, have taken on additional work due to staff shortage, and contribute 20% towards their health and dental premiums. This was done in 2009 as well.

VILLAGE BOARD REPORTS:

- o Mayor M. Connie Castañeda
 - Unity Health System correspondence – Mayor Castañeda read the following into the record:

When I learned of last Tuesday evening's vote by the Village of Brockport trustees opposing Unity Health System's office move in the area, I strongly suspected that it was taken before the trustees learned all the facts.

We at Unity believe that where patients get their health care is a matter of their personal choice and convenience. When it comes to the Brockport/Sweden area and our planned medical office building at the intersection of Routes 31 and 19 in particular, we think we meet those objectives. Here are some facts that we ask Brockport community leaders to be aware of:

Patients and doctors requested this improvement in service. Unity has outgrown its existing women's health practice in Brockport, so as the lease on that facility expires, we are moving to a new building which will provide better space for patients to receive care. Over 1,450 Brockport women (who reside in the 14420 zip code) are active patients of our Unity Ob-Gyn at Brockport practice. The additional thousands of women who receive services at this location travel from as far away as Lyndonville, Medina, Batavia, LeRoy, Fairport, and Webster.

As of November 2011, 5,664 Brockport residents were active Unity patients – having visited one of our 32 owned physician practices. Approximately one-third use Unity primary care physicians; another one-third visit Unity physician specialists. These numbers do not include Brockport patients who travel to Greece and other areas to see private physicians and specialists (surgeons, cardiologists, ENT's, etc.) who are with the Unity Medical Staff.

The U.S. Department of Health and Human Services has designated Brockport part of a Health Professional Shortage Area, and Lakeside Hospital officials helped lobby for that designation. Accordingly, this expansion is not a competitive action against Lakeside Memorial Hospital or any organization. In fact, a number of physicians who will work in our new offices currently provide coverage at Lakeside. It's all about giving patients what they need and what they've asked for – more health care choices closer to home.

After 10 great years in Brockport, Unity is building for the next 10. Unity is continually improving. Our new Brockport office location will enable us to continue to provide services for women and modernize one of the three ACM Laboratory patient service centers located in Brockport. In this new facility we will offer several subspecialty services – ranging from infectious disease and diabetes care, to neurology, pulmonology, and nephrology. Again, for patient convenience, x-rays and mammography services will be provided at this site by Borg & Ide Imaging. Unity at Brockport will also bring physical therapy services closer to home for the 629 Brockport residents who traveled to our other locations in Greece and Irondequoit.

The patient is our focus. Each health care provider in our community must plan their own approach to meeting patient needs. Unity Health System continues to keep patients at the center of every decision we make. We believe that giving patients more health care choices close to home is a good thing, and we think the residents of Brockport will agree.

I welcome any additional questions you may have.

Sincerely,
Warren Hern, President & CEO

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- CSEA correspondence - Mayor Castañeda read the following into the record:

In response to your memorandum dated January 3, 2012 I offer the following:

Contained within your memorandum you request “a meeting to discuss the possibility of opening contracts”. Specifically for the purpose of discussing vacation carry over from one fiscal year to the next.

As you were previously informed by our CSEA Labor Relations Specialist, Dean Adams, it is the policy of CSEA not to re-open legally negotiated contracts with its respective employers’. However, we are amenable to discussing alternative ways for the employer to achieve savings and to identify operational efficiencies while preserving the level of benefits provided to our membership.

Should you wish to meet and discuss these issues, please do not hesitate to contact me.

Sincerely,
John Streb, President
CSEA Unit 7408 Brockport DPW

Mayor Castañeda said now having heard from Stetson Club and CSEA, she will obtain the leadership’s availability to meet with her, VM/T Giardino and Village Attorney Leni.

- National Grid correspondence - Mayor Castañeda referred to correspondence from National Grid indicating that effective 1/1/12 most of the Village’s National Grid electric bills will decrease. We could see a 4% - 23% decrease on monthly facility bills. Monthly street lighting bills, however, will see an average increase of 3.64%. This is due to NYPSC having approved National Grid’s request to remove certain charges as well as implement some new charges for existing Upstate New York electric service customers.

- NYS DEC - Mayor Castañeda referred to correspondence from Mary Kramarchyk, Community Partnership Coordinator of NYS DEC congratulating the Village on being recognized as a Tree City U.S.A. Community and inviting her to a recognition ceremony in Albany March 29th. She cannot attend, but will have Clerk Morelli forward the information to Trustee Blackman who is liaison to the Tree Board and Ian Blount who is Chair of the Tree Board.

- Code Enforcement - Mayor Castañeda shared that she and VM/T Giardino met with Code Enforcement Officer Zarnstorff 2/9 to review his policies and procedures with respect to implementation of Chapter 36 of the Village Code. The goal is to have a Building/Codes Department that enforces the code firmly and fairly.

- Economic Development Seminar - Mayor Castañeda said she is pleased to announce and invite interested community members to attend an economic development seminar with Developer Greg O’Connell and Livingston County Development Corporation Downtown Coordinator Louise Wadsworth.

They have graciously agreed to present their success story of revitalizing the Village of Mount Morris. The date is Wednesday, March 28th from 7-9pm at the A.D. Oliver Middle School Auditorium. No RSVP

is needed and it is free. She said she hopes to see Village officials and community members there. Clerk Morelli will be forwarding the information to the website, Suburban News, Village and Town officials, Boards, Committees, Merchants Association leadership, Chamber of Commerce Leadership, GBDC leadership, Main Street Commercial District property owners, etc.

- World Book Night - Mayor Castañeda said at the last meeting Pat Kutz of the Lift Bridge Book Shop encouraged participation in World Book Night. She said she has registered and has been approved to be a book giver.

- Fiscal Distress – Mayor Castañeda said at the last meeting Trustee Hunsinger asked VM/T Giardino if we were a municipality in fiscal distress. VM/T Giardino said no. Mayor Castañeda said she would like to read into the record the definition of fiscal distress. This is from Phillip Kohla et al 2005 entitled “Developing and Testing a Composite Model to Predict Local Fiscal Distress” Public Administration Review Vol 65(3);313-21. The quoted material is from page 314. “One short-term definition is ‘the imbalance between the level of financial resources a unit of government has committed and its potential available resources.’ It may also include long-term considerations such as the local government’s fiscal situation over several years. Fiscal distress often encompasses “trends in local government’s tax base relative to its expenditures and commitments.” In some instances, it also includes instances where a government is able to meet its financial obligations but not able to sufficiently meet the needs of its community.”

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Mayor Castañeda said it is more than just revenues exceeding expenditures in a given year. It is the financial outlook over time. This Village has had a history of spending more than it should. Just because it has cash, doesn’t mean it is financially stable.

- Department Heads at Village Board meetings - Mayor Castañeda said at the last Village Board meeting she excused the Department Heads after their reports – at 8pm. The reason they are being excused after their reports is to run the meetings more efficiently and to save taxpayer money as one Department Head, per his contract, gets comp time for attending the meetings. Years ago, Department Heads attended all Village Board meetings, then that was changed to only the second regular meeting of the month. Department Heads report and take direction from the Mayor. Yet Trustees continue to direct Department Heads and acknowledge them for disobeying a directive from the Mayor. Trustee Hunsinger’s report at that meeting? “Trustee Hunsinger thanked the Department Heads for staying through the meeting even though dismissed at 8pm by the Mayor. He said their input is valuable and it is nice to have them at the entire meeting.”

- Performance Appraisals - Mayor Castañeda said at the last Village Board meeting Trustee Hunsinger questioned Police Chief Varrenti and DPW Superintendent Donahue as to whether they had received a performance appraisal from the Mayor in the last 12 months. They responded that they had not (and had not received P.A.’s from past Mayors each and every year.) Mayor Castañeda noted for the record that per the Village’s Employee Handbook, performance appraisals are given on an as-needed basis. She said she provides Department Heads and Village Hall staff with regular feedback, she has a scheduled monthly meeting with Department Heads and meets with them individually as needed.

- Emily L. Knapp Museum & Library of Local History - Mayor Castañeda encouraged all to visit the museum. Their new hours are Wednesdays from 4pm to 8pm and Fridays from 12pm to 4pm. They are also available by appointment.

- Trustee Margaret B. Blackman
 - Snowmobiling – Trustee Blackman said while cross country skiing, she has noticed snowmobile tracks on the Canal path. She reminded all that snowmobiling is not allowed within the Village limits.

Trustee Hunsinger said he believes Monroe County Sheriff’s Department and New York State Police are outfitted with snowmobiles. He suggested reaching out to them for assistance.

- Trustee Kent R. Blair (excused)
- Trustee Carol L. Hannan
 - Sweden/Brockport Comprehensive Plan Update – Trustee Hannan shared that meetings have resumed of the Comprehensive Plan Update Committee chaired by Supervisor Connors.

The next meeting is February 16th. Some does not relate to the Village, but Chapter 6 does and will soon be reviewed.

Mayor Castañeda said she, too, attends these meetings, but has occasional conflicts with having to chair the Monroe County Association of Village Mayors meetings once every other month.

- Code Review Committee - Trustee Hannan shared that the next meeting of the Code Review Committee is February 20th. Village Attorney Leni will be in attendance to provide his feedback on review of their proposed amendments to various chapters.

- Trustee Scott W. Hunsinger

- Fiscal Distress – Trustee Hunsinger said he cannot debate the definition of fiscal distress the Mayor provided earlier, as he does not have a dictionary or financial text in front of him.

- Work session agenda items – Trustee Hunsinger asked that the following agenda items be discussed at the next Village Board work session: performance appraisal policy, smoking policy for Village properties including parks, representation by Counsel and/or liaison(s) at meetings.

- Ethics Board vacancies - Trustee Hunsinger reminded all that there are 2 vacancies on the Ethics Board and that 2 position interest forms have recently been submitted. Clerk Morelli reminded the Board that appointment to the Ethics Board is handled differently than all other Boards/Committees. Refer to Village Code Chapter on Ethics and Selection Policy for Boards/Committees. She will await any Board member to submit appointment consideration as a future agenda item.

- Emily L. Knapp Museum & Library of Local History – Trustee Hunsinger commented that the new windows on the 2nd floor are coming along nicely as is a little touch up painting.

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All windows have been replaced except the ones in the rear of the building currently used as records storage. Those are on order.

- Village Attorney at ZBA meetings - Trustee Hunsinger said it is apparent that the ZBA would benefit from having the Village Attorney attend its meetings. They only meet upon application. Recent history is that ZBA meets infrequently and typically their meetings are relatively short. The application fees would assist in any hourly charge for counsel.

Clerk Morelli commented that having clerked the Planning Board and Zoning Board of Appeals, she believes Village Attorney attendance at Planning Board meetings to be unnecessary unless an unusual situation arises, but at ZBA meetings as vital due to the sheer nature of their work considering area variances, uses variances and special permits. VM/T concurred that this would be of great value.

Clerk

Morelli said it would likely eliminate the need to re-schedule meetings and delay applicant decisions.

Clerk Morelli said since it is out of the scope of services of the Village Attorney's current contract, authorization must be given on the record so that it will not be necessary to seek Village Board authorization each time. However, it will be incumbent upon the Code Enforcement Officer, ZBA Clerk and ZBA Chair to determine when Village Attorney presence is needed and to notify the Village Attorney

of this. This could be done at the time the agenda and packet is prepared for the ZBA.

→ Trustee Hunsinger moved, Mayor Castañeda seconded, carried 4/0 to have the Village Attorney attend ZBA meetings on an as-needed basis.

ADJOURNMENT:

→ At 8:00pm, Trustee Hunsinger moved, Trustee Blackman seconded, carried 4/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk