

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, December 8, 2010 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli, Village Attorney Michael P. Leone, Esq.

EXCUSED: Treasurer Mary Beth Lovejoy, Police Chief Daniel P. Varrenti, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Fire Chief Scott Smith

ALSO PRESENT: Dan Donovan, Harley Perry, Jim & Joan Hamlin, Brian Winant, Joy Levandowski, Tom Mangan, Karen LoBracco, Jonathan Keck, Gary Derwick, Pete & Susan Smith, Ann Butler, Norm GianCursio, Val Ciciotti, Kevin McCarthy, Pam & Greg Ketchum, Margay Blackman, Harry Snyder, Fred Webster

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

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

GUESTS: None

PUBLIC COMMENT:

- Dan Donovan of Chappell Street said he is in favor of the proposed moratorium for more residential rental property. With SUNY building more on campus housing as well, it is wise to take the time to study residential rental housing and be sure the Village is headed in the right direction. He said he is in favor of creating a Village Court which he believes will bring in revenues to the appropriate place. He is in favor of urging the Assessor to reassess rental properties as they are businesses to be sure everyone pays their fair share. He is in favor of Code Enforcement points and penalties which he believes will improve the quality of life and bring in revenues. He believes the Board should work on bringing in new businesses. He thanks those working to make progress.

- Harley Perry of Meadowview Drive read the following prepared statement into the record.

My name is Harley Perry of 14 Meadow View Drive Village of Brockport. I have been at the same address for over 44 years, a resident for over 48 years, was a Trustee for 6 years, and was a Water Commissioner for over 30 years.

I would like to thank the Mayor and the Board of Trustees for selecting me for the sewer ad hoc committee. It was most interesting and enlightening to serve on the committee.

As I do not come to very many board meetings, I have some things I would like to say.

When the Town of Sweden built the Senior Center, the Village of Brockport gave the Town of Sweden our Community Development grant that year. We have also been giving the Town of Sweden \$12,000 a year that is probably about \$1,000 per year per Brockport participant at the center. Now it is \$0 which it should be. Has Sweden been double dipping Brockport taxpayers? And is this the same for the fire contract? From all I hear, the cooperation between the Village and the Town no longer exists. I now ask the residents: What benefits do the Village of Brockport taxpayers receive from the Town of Sweden? I would save over \$200 per year if we became a Town/Village of Brockport. Every taxpayer would have a savings of tax money.

The police department has been a bone of contention for 25 years. Nothing has changed, but doesn't it make sense to hire at least one new officer or even 2? A new officer cannot be put out alone until he has served one year. Wouldn't more new officers cut down on the amount of overtime because of their lower scale?

I believed that the Town of Sweden Court was the only way the system worked. Now we know better. If we have a Village Court, the proceeds will benefit our local Village budget rather than the Town of Albany.

Trustee Hannan thanked H. Perry for serving on the Ad-hoc committee investigating the feasibility of a sewer user fee. She presented him with a token of her appreciation.

- o Gary Derwick of Waterport read the following prepared statement into the record.

My name is Gary Derwick and I own two houses in the village that I rent to students. The subject I would like to bring before the board tonight is the point system. I'm not talking for a group of landlords although there might be more than myself that have some of the same concerns.

If the point system is being promoted to change the behavior of the tenants then I would suggest there are much more effective ways in which to do it. As a landlord I strive to get the best tenants I can by having them fill out applications and checking all references. However there are some that choose not to follow the rules that we have set before them. I would suggest that it would be much more effective to change the behavior of those students by fining or bringing to court those that commit the offenses.

Thirty eight years ago I decided to invest in Brockport and have had much experience dealing with students. There are many landlords that have been in the business a long time. I know there are landlords that would like to have a chance to give input or even serve on a committee that would address the concerns of village residents.

If however this point system is a veiled way in which to put many landlords out of business then we must do whatever is necessary to protect our business. Just like any downtown business would have to do. I don't say this in a threatening or boastful manner but humbly asking you to allow us to work with you.

I say this with a great deal of respect for those serving on the board. The time and effort that you on the village board give of yourself to make Brockport a better place is a sacrifice on your part.

In closing I want to applaud Trustee Hannan's effort to meet with some of the landlords to work together in finding solutions for the Village of Brockport.

Trustee Hannan said she will set up another meeting opportunity and hopes he can come.

Trustee Hunsinger thanked him for coming to address the Board all the way from Waterport on a snowy night.

- o Pam Ketchum of Park Avenue said she has spent a lot of time thinking about how to make the use and operation of rental properties more effective for all involved. She said she and her husband own some rentals and she has experience as a real estate agent. She distributed to the Board and read parts of the following prepared statement into the record.

Propose a four step process for annual licensing of rental units:

1. Application for permit to use unit as rental – fee required with completed form
 2. Inspection of unit by code enforcement – fee required before inspection is scheduled
 3. Certificate of Occupancy – fee required before C of O is issued
 4. Registration of tenants – signed, notarized form with all tenants' names, identification (driver's license, voter registration, etc.) and emergency contact information along with contact address, phone and emergency numbers for landlord and helpful numbers for utilities, village contact people/services. This annual registration form to be kept on file at the village.
- Some duplexes, multi family structures are not being used as such; if you don't use it, you lose it. They would revert back to a single family home. Annual registration would keep accurate numbers, status for rental vs. owner occupied, etc.
 - Inspection for the C of O would include taking photos of every room in the unit to have on file to keep track of features and conditions of the units as are the current standards for real estate appraisers and home inspectors.
 - Annual inspections would allow more accurate assessment of the condition of the units and its features; number of bedrooms, bathrooms, etc which would allow for accurate assessment as to income producing capabilities.
 - Have a copy of the lease and/or all names of tenants, phone numbers, voter's registration and driver's license to demonstrate "family" (no more than 3 unrelated people) and determine temporary or permanent address.
 - Have up to date information of the owner with specific name (not LLC, etc.) and contact information.
 - Single family houses and all units being rented must have met the requirements of the 4 step

and owner fined.

- Even if the unit continues to be rented by the same tenants from one year to the next, going through the 4 step process would provide standards for both the property owner and the tenants. If the tenants do a poor job of maintaining cleanliness or abuse the property, this would allow for a third party, the code enforcement representative, to step in and require standards to be maintained, eviction of closing down the property.

These ideas should be part of a standard operating procedure and part of “doing business” for property owners and the Village of Brockport to ensure quality/safety of housing, stability of demographics, value of real estate throughout village neighborhoods and a quiet, enjoyable village atmosphere.

This is a start, a beginning, to having an organized, methodical process of caring for and use of structures in the village. This is a process to benefit all members of the community as opposed to the present process that benefits only a few members (landlords) of the community because of loop holes and inefficiencies.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

CERTIFICATES OR PROCLAMATIONS: None

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES:** 11/9 & 11/10

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 that the simple record of the November 9, 2010 work session be approved as written.

→ Deputy Mayor Kuhn moved, Trustee Hannan seconded, carried 5/0 that the minutes of the November 10, 2010 meeting be approved as written.

- **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>Date Paid</u>	<u>Amount</u>
FUND (A): <u>General</u>	11/24/10	\$455,465.24
FUND (F): <u>Water</u>	11/24/10	\$3,103.82
FUND (L): <u>Seymour Library GF</u>	11/24/10	\$305.40
FUND (T): <u>(Trust & Agency)</u>	11/24/10	\$407.46
		\$459,281.92 grand total

A/P Clearing Account

	<u>Date Paid</u>	<u>Amount</u>
FUND (A): <u>General</u>	12/8/10	\$65,306.81
FUND (F): <u>Water</u>	12/8/10	\$180.65
FUND (H): <u>Capital</u>	12/8/10	\$163.00
FUND (T): -	-	-
		\$65,650.46 grand total

CLERK & TREASURER REPORTS:

- Clerk
- Treasurer
 - Budget Transfers Amendments – Mayor Castañeda read Treasurer Lovejoy’s November 15th memo into the record.

I am resubmitting for approval the budget transfer/amendments not approved by the Village Board at the meeting of 11/10/10.

I was directed to prepare two of the budget transfer/amendments at the Village Board meeting of

that need corrections, see attached copy of the memo. The first being a correction of the posting of the interest revenue budget (item 1c) the second being the need to cover the expenditure already incurred for contractual payment of the interim treasurer (item 2a). When asked at the meeting if I should proceed with the budget transfer amendment, I was told yes.

The third budget transfer/amendment not approved was to increase the revenue code A2701.0000 for unexpected revenues received. This amendment should be done whether the board decides to set aside the funds for the Fire Truck Reserve or not.

→ Deputy Mayor Kuhn moved, Mayor Castañeda seconded, Mayor Castañeda, Deputy Mayor Kuhn, Trustee Hannan, Trustee Hunsinger in favor; Trustee Blair opposed, carried 4/1 via roll call to authorize the following budget transfers / amendments.

Account Number	From: Description	Account Number	To: Description	Amount:
A2410.0000	Rental Prop	A2401.0000	Interest	\$4,100.00
Purpose: correct posting of original budget amount in the interest and earnings code				

Account Number	From: Description	Account Number	To: Description	Amount:
A1990.4000	Contingency	A1325.4000	Clerk/Treasurer contractual	\$11,482.98
Purpose: allocation for clerk/treasurer contractual expenditure per board meeting 10/27/10				

Account Number	From: Description	Account Number	To: Description	Amount:
A2701.0000	Refund of prior year			\$21,883.18
Purpose: reimbursement for workers compensation for C. Curley				

Trustee Hunsinger said he understands Treasurer Lovejoy’s explanation, but just wants to be sure the \$21,883.18 refund goes to contingency. According the new process, he believes that would require a BTA with the contingency line item identified at the next Board meeting.

Deputy Mayor Kuhn concurred and said the Board needed to accept the money in before allocating it.

DEPARTMENT REPORTS:

- Building / Zoning / Code Enforcement
 -
- Police
 -
- Public Works
 - Accept bids for 1997 Penn. DOT snow plow –

→ Motion by Trustee Blair, seconded by Trustee Hannan, carried 5/0 to accept the high bid of \$360 off Auctions International for the 1997 Penn. DOT snow plow – also accepting the next highest bids of \$350 and \$326 if the \$360 bid falls through.

- Fire / Ambulance / Dispatch
 -

- **PERSONNEL**

- Terminations
 - Resignations –
 - Rachel Weaver – ALS Supervisor (staying on as pt EMT Advanced)

→ Motion by Deputy Mayor Kuhn, seconded by Trustee Hunsinger, carried 5/0 via roll call to accept the resignation of Rachel Weaver as part time Senior EMT Advanced (ALS Supervisor) at \$17.76 per hour

effective November 30, 2010.

She remains as part time EMT Advanced (ALS/Paramedic) at the rate of \$15.77 per hour.

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- Retirements - none
- Terminations - none
- Vacancies – none
- Appointments - none
- Volunteer Drops/Addds
 - Fire / Ambulance – none
 - Police Explorers – none
 - SPARTAC – none
 - Welcome Center Greeters – none
 - Walk Bike Brockport Action Group members – none

OLD BUSINESS:

- Amendments to Chapter 34 (Parking) – rescind 11/10 motion for 12/22 public hearing – CRC awaiting VB on concept of parking passes for municipal lots for residential tenants of downtown commercial district

Trustee Hunsinger said there must have been a miscommunication, because it turns out that the Board is not ready for a public hearing on proposed amendments to Village Code Chapter 34 regarding parking. This is still at the Code Review Committee level and has not yet been to Department Heads or legal counsel. What the Code Review Committee is waiting for is the Village Board’s feedback on the concept of parking passes for municipal lots for the residential tenants of the downtown commercial district. Trustee Hunsinger suggested this be placed on the next work session agenda for discussion.

→ Motion by Trustee Hunsinger, seconded by Deputy Mayor Kuhn, carried 5/0 via roll call to rescind the November 10, 2010 motion to hold a public hearing December 22, 2010 on proposed amendments to Village Code Chapter 34 (parking).

- Attorney Aloï’s proposed rates to assist Ad-Hoc committee investigating code enforcement points and penalties system – Mayor Castañeda reminded the Board that at the September 8th meeting the Board voted 3 to 2 to appoint Frank Aloï, Esq. on an as-needed basis as Attorney to the Ad-hoc committee on investigation of Code Enforcement points and penalties feasibility. He was sent a letter September 14th asking for his rates, and if necessary, a written agreement for Board approval. He did not respond until November 17th. He said since the assignment does not involve Court time, the billing rate would be \$150 per hour. If it ever involves Court time, the rate would be \$200 per hour. Mayor Castañeda asked the status of the Ad-hoc committee and questioned whether F. Aloï is still needed. Mayor Castañeda said the Village already has an attorney and she feels he should be consulted, not F. Aloï.

Trustee Blair said the committee has been meeting and meets again tomorrow. They plan to make a brief presentation of their findings and recommendation at the December 22nd Board meeting.

→ Motion by Trustee Hunsinger, seconded by Trustee Blair, carried 3/2 via roll call – In favor: Trustee Blair, Trustee Hannan, Trustee Hunsinger Opposed: Deputy Mayor Kuhn, Mayor Castañeda, to accept the proposed rates of Frank A. Aloï, Esq. as Attorney on an as needed basis to the Ad-Hoc committee investigating the feasibility of code enforcement points and penalties.

- Moratorium on conversion of residential or commercial properties into rental residences

Trustee Hannan said some minor adjustment to the wording is needed, but that she wishes to move forward with scheduling a public hearing on the proposed moratorium.

Mayor Castañeda said the Village Attorney is here and willing to speak to the Board on the matter. Village Attorney Leone said he would not give a legal opinion in a public meeting and is willing to meet with the Board in executive session if they wish. He did, however, share that the whole idea of a moratorium is to give time for a municipality to study the need to amend or adopt land use or zoning ordinances. There is a process. The Board would call for a public hearing setting out a proposed ordinance. It would be released to the public. The public hearing would be held. The Board can then take action, but is not required to do so. They could approve it as proposed, re-work it based on input,

or deny it. If changes to it are substantial, another public hearing would be required on the updated version.

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→ Motion by Trustee Hannan, seconded by Trustee Blair:

PROPOSED RESOLUTION

ON MOTION DULY MADE AND SECONDED,

WHEREAS, the Village of Brockport wishes to preserve, to the extent possible, the current status of Village housing stock and carefully consider ways to best implement and achieve the goals asserted in the Town of Sweden / Village of Brockport Comprehensive Plan as amended May 3rd 2005, in order that the best possible oversight and review processes and procedures may be applied for the purpose of preserving and protecting the continued community character, consistent with that Comprehensive Plan;

WHEREAS, the Village of Brockport is reviewing the Village resources, current zoning and land use regulations, and the desires of the residents and property owners of the Village regarding the achievement of the goals set forth in the Comprehensive Plan, and in its Planning, Zoning, and Building Codes, and other relevant laws, as they may apply;

WHEREAS, the Village of Brockport has commenced litigation concerning the unlawful conversion of residential properties to multiple unit rental properties, and has undertaken a total revision of Chapter 36 of its Code - Minimum Housing and Building Code - to include provisions for Residential Rental property registrations; and the Village of Brockport has considered certain changes to its Zoning Code, including the Amortization of Non-Conforming uses, and Point Penalty enforcement provisions; all for the purpose of striking a proper balance between the amenities of living in traditional single family residential neighborhoods, and the rental unit requirements of the Village of Brockport, consistent with the public health, safety and welfare, and the aims and intent of the Town of Sweden/Village of Brockport Comprehensive Plan, as amended May 3, 2005;

WHEREAS, the Zoning Codes and regulations of the Village of Brockport currently written may be inadequate to address certain applications for approval of some land uses. The proliferation of the conversion of residential or commercially used premises into residential rental properties within the Village of Brockport can have dramatic and long-term impacts on the public health and safety, quality of life, environment, natural resources, public infrastructure and revenue base of the Village of Brockport. In addition, land use regulations regarding rental properties may have other significant consequences including a broad effect on the economic values of adjoining lands. Each of these impacts, as well as others, requires evaluation to determine the extent to which such matters can and should be regulated.

BE IT RESOLVED THAT A LOCAL LAW IN THE FORM ATTACHED HERETO FOR A TEMPORARY MORATORIUM OF SIX MONTHS DURATION PROHIBITING THE CONVERSION OF SINGLE FAMILY RESIDENTIAL PROPERTIES AND/OR COMMERCIAL PROPERTIES TO RESIDENTIAL RENTAL USE BE SET DOWN FOR PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES OF THE VILLAGE OF BROCKPORT ON DUE NOTICE TO BE HELD ON THE 26th DAY OF January, 2011;

BE IT FURTHER RESOLVED THAT COPIES OF THE LOCAL LAW FOR A TEMPORARY MORATORIUM OF SIX MONTHS DURATION PROHIBITING CONVERSION OF SINGLE FAMILY RESIDENTIAL PROPERTIES AND/OR COMMERCIAL PROPERTIES TO RESIDENTIAL RENTAL USE BE "SET DOWN ON THE TABLE" FOR THE BOARD OF TRUSTEES AND EACH MEMBER THEREOF TO REVIEW (OR BE DISTRIBUTED TO EACH MEMBER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BROCKPORT) NOT LATER THAN THE 10th DAY OF NOVEMBER, 2010.

BE IT FURTHER RESOLVED THAT THE TEMPORARY RESIDENTIAL RENTAL CONVERSION MORATORIUM LOCAL LAW BE MADE AVAILABLE FOR PUBLIC REVIEW BY PUBLICATION IN THE Suburban News ON THE 10th DAY OF January, 2011, AND ON THE VILLAGE WEBSITE BEGINNING ON THE 10th DAY OF January, 2011, AND THAT PAPER COPIES THEREOF BE AVAILABLE FOR DISSEMINATION TO THE PUBLIC AT THE VILLAGE OFFICES ON THE 10th DAY OF January, 2011;

BE IT FURTHER RESOLVED THAT THE TEMPORARY RESIDENTIAL RENTAL CONVERSION MORATORIUM LOCAL LAW BE REFERRED TO THE COUNTY OF MONROE PLANNING BOARD PURSUANT TO NY GENERAL MUNICIPAL LAW 239-M, NOT LATER THAN THE 10th DAY OF January, 2011;

PROPOSED
A LOCAL LAW IMPOSING A MORATORIUM ON CONVERSION OF RESIDENTIAL OR COMMERCIAL PROPERTIES INTO RENTAL RESIDENCES WITHIN THE VILLAGE OF BROCKPORT

WHEREAS, the Village of Brockport has commenced litigation concerning the unlawful conversion of residential properties to multiple unit rental properties, and has undertaken a total revision of Chapter 36 of its Code - Minimum Housing and Building Code - to include provisions for Residential Rental property registrations; and the Village of Brockport has considered certain changes to its Zoning Code, including the Amortization of Non-Conforming uses, and Point Penalty enforcement provisions; all for the purpose of striking a proper balance between the amenities of living in traditional single family residential neighborhoods, and the rental unit requirements of the Village of Brockport, consistent with the public health, safety and welfare, and the aims and intent of the Town of Sweden/Village of Brockport Comprehensive Plan, as amended May 3, 2005;

WHEREAS, The Village of Brockport wishes to preserve, to the extent possible, the current status of Village housing stock and carefully consider ways to best implement and achieve the goals asserted in the Town of Sweden / Village of Brockport Comprehensive Plan as amended May 3rd 2005, in order that the best possible oversight and review processes and procedures may be applied for the purpose of preserving and protecting the continued community character, consistent with that Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Brockport as follows:

Section 1. PURPOSE

The Zoning Codes and regulations of the Village of Brockport currently written may be inadequate to address certain applications for approval of some land uses. The proliferation of the conversion of residential or commercially used premises into residential rental properties within the Village of Brockport can have dramatic and long-term impacts on the public health and safety, quality of life, environment, natural resources, public infrastructure and revenue base of the Village of Brockport. In addition, land use regulations regarding rental properties may have other significant consequences including a broad effect on the economic values of adjoining lands. Each of these impacts, as well as others, requires evaluation to determine the extent to which such matters can and should be regulated.

The Village of Brockport is reviewing the Village resources, current zoning and land use regulations, and the desires of the residents and property owners of the Village regarding the achievement of the goals set forth in the Comprehensive Plan, and in its Planning, Zoning, and Building Codes, and other relevant laws, as they may apply.

In order to provide an opportunity to perform this task, there shall be a moratorium on the issuance of any permit, variance, or other authorization of any kind by the Village of Brockport for a period of six (6)

months from the date of the filing of this local law with the Secretary of State, except as hereinafter set forth concerning pending applications at the time of enactment, which would allow for the conversion of residential or commercially used premises in the Village of Brockport into residential rental properties as defined by the codes of the Village of Brockport.

Section 2. AUTHORITY

This moratorium is enacted by the Board of Trustees of the Village of Brockport pursuant to its authority to adopt local laws under the New York State Constitution Article IX, and Article III of the Municipal Home Rule Law.

Section 3. ENACTMENT OF TEMPORARY MORATORIUM

For a period of six (6) months following enactment of this Local Law, the Code Enforcement Office of the Village of Brockport is prohibited from accepting any application for, or issuing any permit for the conversion of a single family house or commercial building to residential rental units; the Zoning Board of Appeals shall not grant any variances, nor shall any other Board of the Village of Brockport grant any permit, authorization or approval of any kind which would allow for the conversion or use of any single family residence and/or commercial building to be used, modified or authorized to be used as a residential rental dwelling.

Excluded from this moratorium are pending applications for such residential conversion and/or uses that have been submitted more than forty-five (45) days prior to the enactment of this local law (defined as the date of filing of the local law with the office of the NYS Secretary of State), and/or any proposals contained in a Q RESIDENTIAL District or Q RESIDENTIAL District overlay. Further, this moratorium shall not prevent or prohibit the use of any legally established residential rental property (as of the date of enactment of this local law) or the ordinary maintenance or repair thereof.

Section 4. EARLY TERMINATION OR EXTENSION OF THIS LOCAL LAW

In the event that any new Local Law which addresses the substantive issues set forth herein, is enacted and adopted by the Board of Trustees prior to the date that the moratorium provided for by this Local Law expires, then in such event this local law moratorium shall expire on the date such new Local Law takes effect in accordance with Article 21 of the municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the enactment of this Local law, it shall be determined by a finding of the Board of Trustees that an extension of this moratorium is required, then the Board of Trustees by Resolution, may extend this moratorium for such a period of time as it deems necessary in order to fulfill the findings heretofore made by the Board of Trustees, up to including an additional four (4) months from the date of the original intended expiration of this Local Law.

Section 5. CONFLICT WITH STATE STATUTES AND AUTHORITY TO SUPERSEDE

To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control.

Section 6. APPEALS

Any person desiring an exemption from the temporary moratorium imposed by this Local Law shall present a waiver request to the Board of Trustees of the Village of Brockport, and the Board of Trustees shall have discretion to grant such waiver only after a public hearing of such waiver has been held.

In granting a waiver the Board of Trustees must find that a waiver will not adversely affect the purposes of this local law or the health, safety, or welfare of the residents of the Village of Brockport.

If the Board of Trustees grants a waiver, the Code Enforcement Office will then be authorized to receive applications, issue permits, inspect the premises, and/or issue Certificate of Occupancies in conformity with the law as it is in effect at the time of its issuance. Similarly, the Zoning Board of Appeals shall be authorized to take action within its jurisdiction not inconsistent with the terms of any waiver granted by the Board of Trustees.

Section 7. SEVERABILITY

If any part of this Local Law is deemed by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

Section 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

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Discussion:

Deputy Mayor Kuhn said he would prefer to have the final version in place before calling for a public hearing.

Trustee Hunsinger said the public hearing might bring to light some things the Board or Attorney has not considered.

Clerk Morelli shared that the Village is required to submit this as a referral to Monroe County Planning and Development under Section 239M. They have 30 days to respond with their review comments. Village Attorney Leone said that is correct.

Mayor Castañeda said she believes it is premature to call for a public hearing.

Trustee Hannan said Attorney Frank Aloï has already gone over this and some fine tuning can be done with Attorney Leone. She reminded everyone of the petition signed by more than 200 Village residents in support of such moratorium.

Deputy Mayor Kuhn asked Clerk Morelli the number of rental residential applications currently before the Planning Board. Clerk Morelli said there is one scheduled to begin review at the December 21st Planning Board meeting. Deputy Mayor Kuhn said there is not a rash of rental residential applications in progress or expected.

Trustee Hannan requested that Mayor Castañeda recuse herself on the moratorium matter since the current application coming before the Planning Board involves her boyfriend.

Mayor Castañeda said she can ask. However, the application is before the Planning Board, not the Village Board.

Call to question:

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

Carried 3/2 to proceed with a public hearing January 26, 2011.

- Potential future staff reductions – Mayor Castañeda reminded everyone of the requirement to notify Civil Service at least 60 days in advance of possible layoffs of competitive class positions. If the Board is to consider layoffs, and if those layoffs are to have an impact on the 6/1/11 to 5/31/12 fiscal year budget, the process must begin.

→ Motion by Mayor Castañeda, seconded by Deputy Mayor Kuhn, to direct the Village Clerk to contact Civil Service to begin the notification process of potential future staff reductions.

Call to question:

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

Defeated 3/2 – motion failed.

NEW BUSINESS:

- Resolution re NYS – A Property Tax Cap Must Include Mandate Relief – Mayor Castañeda referred to a sample resolution NYCOM has encouraged municipalities to adopt and send to appropriate state officials.

Trustee Blair commented that it is a lot of pretty words, but he hopes state officials actually do something. All concurred.

→ Motion by Mayor Castañeda, seconded by Deputy Mayor Kuhn, carried 5/0 via roll call to adopt the following resolution:

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**VILLAGE OF BROCKPORT
RESOLUTION
A Property Tax Cap Must Include Mandate Relief**

WHEREAS the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS as a solution to New York’s property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Village of Brockport Board of Trustees that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Maziarz, Member of Assembly Reilich, and the New York State Conference of Mayors.

○ Finance Reports – motion requesting Treasurer supply complete reports including OT – biweekly – Trustee Blair referred to the monthly financial reports provided by Treasurer Lovejoy. The last ones the Board got were for period ending September 30th. He has previously encouraged the use of a more user friendly, easily understood format such as an Excel spreadsheet. He said Treasurer Lovejoy insists on using only the Village’s financial software and not creating anything additional – partly for fear of data entry error and that the Village’s software is the official record. He said he is frustrated that the Board and Department Heads have been told she can’t show overtime. Everyone has a right to know where the Village stands at any given point in time and that includes overtime.

→ Motion by Trustee Blair, seconded by Trustee Hunsinger to expect the Village Treasurer to provide complete financial information that shows each and every budget line on a bi-weekly basis.

Discussion:

Mayor Castañeda referred to the monthly financials the Treasurer provides.

Trustee Hunsinger said they are basically 15 pages of page ones. He suggested everyone take a look at the Village of Spencerport’s website. Their financial information is readable and understandable. He said our own DPW and Police Department have designed their own spreadsheets to track the finances of their departments. He said he has a hard time accepting the Treasurer’s statement that it can’t be done or that it would take too much time to do. He said the Village of Brockport Treasurer is paid a lot of money, more than any other Treasurer, and yet the Board, Staff and public can’t make heads or tails

of the financial information she provides.

Trustee Blair said he does not accept the Treasurer blaming the Board for approving her recommended change that got rid of the overtime line.

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Mayor Castañeda reminded the Board that Treasurer Lovejoy presented a work session in October on understanding the financials. She said Trustee Hunsinger failed to attend. Department Heads did not take advantage of the invitation to attend. The Board members had no questions for the Treasurer at that time.

Trustee Blair told the Mayor to hurry up. Mayor Castañeda called Trustee Blair out of order and rude.

Mayor Castañeda said she has repeatedly encouraged Board members to call and meet with Treasurer Lovejoy to no avail. She reminded the Board that the Village does not have the most up to date technology. There is no color capacity to print colorful charts and graphs. There is no central IT system from building to building and department to department. The financial software is what it is and can only do so much. The Treasurer needs to be given a clear understanding of exactly what the Board is looking for.

Trustee Hannan said she has met with Treasurer Lovejoy and does her best to understand the financials that are provided. She said they are not user friendly. It doesn't seem to provide a clear and comprehensive picture. The Board are not accountants. It needs to be clear and understandable.

Trustee Hunsinger thanked the Mayor for again pointing out that he missed the work session.

Trustee Blair said it just seems to be excuse after excuse from the Treasurer and that he would expect the Mayor to stick up for her. He said he oversees a \$6 million dollar budget using an Excel spreadsheet.

Trustee Hunsinger said if the Board has difficulty getting the financials it wants, he is concerned about upcoming budget preparation.

Mayor Castañeda asked Village Attorney Leone if the Board can direct this of the Treasurer.

Attorney Leone said the Mayor oversees the day to day operations, but the Board sets policy.

Call to question:

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

Carried 3/2.

Mayor Castañeda said she would ask Treasurer Lovejoy to attend the December 14th work session so the Board can clarify what exactly they would like in the way of financial reports.

VILLAGE BOARD REPORTS:

Mayor Castañeda reminded the Board that this portion of the agenda is simply for Board members to report on areas they are liaison to, areas they have been investigating or researching and functions they have attended. It is not meant for new business or motions to be brought to the floor. She encouraged all to adhere to the recently amended meetings procedures.

- o Mayor M. Connie Castañeda
 - Library – Mayor Castañeda referred to a personnel matter regarding the Library Director vacancy. She has kept the Village Board, Library Board and Town Supervisors apprised as to the process. We should know the results of the Civil Service Commission tomorrow.
 - Lakeside Health System – Mayor Castañeda referred to having been invited to a Town Hall meeting at Lakeside Health System November 19th. She was unable to attend, but sent Deputy Clerk-Treasurer Johnson to go on her behalf. She said it was an upbeat meeting and focused on Lakeside Health System as such a wonderful community asset. She has asked Clerk Morelli to

request the webmaster link the Village website to the Lakeside website.

- Holiday Events - Mayor Castañeda said this past weekend was filled with holiday events in the community. She attended the Western Monroe Historical Society Candlelight Christmas, the Senior Center Bazaar at which time she also toured the facility and the Village's tree lighting. She thanked all those who participated in the tree lighting, particularly Bill Andrews and Kathy Goetz for coordinating. She thanked Danielle Windus-Cook for being this year's guest of honor to light the tree. She served many years on the Sweden Town Board. She thanked DPW for their hard work decorating the downtown commercial district and Trustee Hannan for purchasing and decorating the wreaths for the lamp posts. Unfortunately due to severe weather, the High School Band, vocalists, Candlelight Walk and reception had to be cancelled. As the holiday season is upon us, please remember to support your local merchants.

- Mayor's Committee on Consolidation & Cost Reduction in Village Government – Mayor Castañeda announced the Mayor's Committee on Consolidation and Cost Reduction in Village Government. Mayor Castañeda said she is naming Deputy Mayor Kuhn along with Village residents Jacqueline Henry and Jonathan Keck. She said she looks forward to hearing back from one other potential resident.

- Sympathies – Mayor Castañeda extended sympathies to Treasurer Lovejoy in the unexpected loss of her mother. Mayor Castañeda extended thanks to staff who stepped up where they could during the Treasurer's absence.

- Trustee / Deputy Mayor Daniel P. Kuhn

- Mayor's Committee on Consolidation & Cost Reduction in Village Government – Deputy Mayor Kuhn thanked the Mayor for the opportunity to serve on this committee. He stressed the importance of keeping government out of the way of the residents as much as possible. Cuts to the budget and to services might not be popular, but being among the highest taxed community, are necessary. The Village needs to make sure it makes every cut possible.

- Library – Deputy Mayor Kuhn requested executive session at the end of the meeting to discuss a library personnel matter.

- I.T. – Deputy Mayor Kuhn referred to the Board having recently given Treasurer Lovejoy the charge of working towards consolidating and streamlining the Village's I.T. (computer) services and phone services where possible. He said he forwarded to her the name of a local expert in wireless communications who is willing to go through the cell phone bills free of charge and see if there are opportunities for cost reduction through various plans.

Trustee Hunsinger asked Clerk Morelli if there is a wireless (cell phone) policy in the Employee Handbook. Clerk Morelli said she thinks the handbook touches on it, but will check and advise.

- Trustee Kent R. Blair

- Paid Ambulance – Trustee Blair referred to the concept of hiring one full time Senior EMT Advanced (ALS Supervisor) to adequately cover the job and that could cover calls of an EMT Advanced when needed. The Village lost 11% of its call volume due to lack of coverage which is lost revenue that has gone to commercial ambulances. He is still working on the details of the proposal.

- Police Ride Along - Trustee Blair shared that he went on a ride along with Officer Cranston Friday 10pm to Saturday 4am. He listed the various calls they responded to. Some involved college students. Some did not. He said it would be absurd to consider eliminating the Brockport Police Department. What needs to happen is to cut overtime costs by adequately staffing the department.

- 2011 Fire Contracts - Trustee Blair shared that the Towns of Clarkson and Sweden signed the 2011 Fire Contracts. He urged the importance of getting the politics out of the Village being the monkey in the middle between the Towns. Trustee Blair expressed concern of the article in the Suburban News and the Mayor's response to the Town Supervisors as to whether the Village wished to participate in a Fire District. He said the Village should be taking part in those discussions. He said counsel suggested not sending such response.

Mayor Castañeda replied that the letter made clear that no Village Board had taken place and that it was from her, not the Board. As to the article in Suburban News, she was not quoted.

- Per Diem Snow Plow Drivers - Trustee Blair referred to Trustee Hannan's suggestion of looking at ways to cut costs at DPW and that per diem snow plow drivers be considered.

He shared that the DPW laborers can only work so many hours in a day and that per-diem hiring could relieve their hours and reduce overtime costs after regular working hours.

Trustee Hannan said many people with CDL's (commercial driver's licenses) are laid off in the winter and interested in part time or on-call work. Per Diem workers would only be used after Village workers put in their 40 hours or in a significant snow event. The Village could have a call in list ready just in case.

- Village Hall Staffing and Hours - Trustee Blair commented that the Board may want to revisit the concept of going to a 4-day work week and closing Village Hall on Fridays. This is due to the fact that staffing has changed significantly. Two positions were never replaced (Village Manager and Economic Development Coordinator). The Treasurer position was full time and is now part time. The Deputy Clerk-Treasurer position was full time and is now part time. The

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Building/Codes Clerk had her part time hours reduced. Only 3 positions at Village Hall remain full time:

Village Clerk, Water Clerk, Code Enforcement Officer. Trustee Blair suggested this be placed on the next work session agenda for discussion.

- Trustee Carol L. Hannan
 - Update on Ad-hoc committee investigating the feasibility of a sewer user fee – Trustee Hannan said the committee will present its findings and make its recommendation at the December 22nd meeting. She thanked DPW Superintendent Donahue and resident Harley “Skip” Perry for serving on the committee. She thanked Treasurer Lovejoy for meeting with the committee and being very helpful. She said decisions will be made by the Board, not the committee. Trustee Hannan distributed a summary report.

Summary Findings of the Ad Hoc Sewer Fee Committee, established by the Village of Brockport, Board of Trustees.

Committee members Harry Donahue, DPW Department Head; Harley “Skip” Perry, former Trustee and member Brockport Board of Water Commissioners; and Carol Hannan, Trustee; report the following:

- The sanitary sewer system is over 100 years old and in need of repair.
- Approximately 300 manholes are aged, need inspection, repair or replacement.
- Funding through property taxes places the entire financial burden on approximately one third of the system users.
- There is no relationship between property assessments and water usage. This leads to inequities. Some residents subsidize others and all residents who pay property taxes subsidize tax exempt entities.
- Paying for sanitary sewers with fees means that everybody pays only their share of the costs and everyone who uses the system helps maintain it.
- Fairness and water conservation are the two main reasons for funding with fees.
- We are surrounded by municipalities that fund their systems through fees.
- We must repay the debt for the mandated Main Street reconstruction, 60% of which is for sewer repairs.
- Planning for the future is a necessity, not a choice.

Recommendations:

- Establish a sewer rental fee;
- Create reserve funds for capital improvements and equipment;
- Fund the one-time bond administration fee and yearly operational expenses through rental fees; and
- Follow a timeline and plan for immediate and long-term system improvements.

Financial Analysis Summary (based on information available to date):

Assuming billable water subjected to a sewer fee at 173 million gallons, with the money needed to be raised totaling approximately \$179,400, a sewer rate of \$1.05/thousand gallons would be sufficient to meet expenses. $(\$179,400/173,000,000) \times 1,000 = \$1,037/\text{thousand gallons of water}$. The figure of 173 million gallons of water excludes college and public schools outside of the village.

A suggested fund distribution:	Debt service	\$115,000
	Reserve	15,000 (repairs/construction)
	Maintenance	15,000 (yearly operating expenses)
	Equipment	20,000
	Bond admin. Fee	\$14,400 (one time only)

Total

\$179,400

Example comparison of a moderate water user:

Single family home, 4 residents, with water usage of 48,500 gallons per year and a property assessment of approximately \$100,000.

Cost with sewer rate: @ \$50/year Cost with property tax funding: @ \$100/year

Example comparison of a low water user:

Single family home, 2 residents with water usage of 16,300 gallons per year and a property assessment of approximately \$100,000.

Cost with sewer rate: @ \$17/year Cost with property tax funding: @ \$100/year

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Questions/Answers

1. Isn't a sewer rental fee really just another tax?
No. By law, tax exempt entities can't be taxed. They are, however, subject to user fees.
2. If this fee is such a great idea, why was it rescinded?
One reason given was a petition signed by 71 people. That's 0.9% of our 8,000 residents.
3. Will a sewer rental fee decrease my property taxes?
Many factors affect budgets. We can't make a blanket prediction or guarantees based on only one budget item.
4. Is it true that I won't be able to deduct this fee from my income tax?
That's correct. If you take a standard deduction, this change obviously won't affect your income tax. Any impact depends on your individual situation.
5. If the village were to dissolve in the future, wouldn't all these expenses be paid for by the Town of Sweden?
No. A sewer district would be created and the costs would be added to your taxes.
6. Isn't this whole idea just a "shell game" intended to raise our taxes?
These recommendations are based on facts, not deception. Remember, the most frequent reason given for implementing sewer user fees is "fairness".
7. Why should we put money in reserves?
In the April 2010 Comptroller's Report, the Board of Trustees was cautioned to fund "adequate resources...to handle any unforeseen events." The committee is following those recommendations.

- Liaison report: Economic Development/BMA, SUNY – Trustee Hannan shared that the Town/Gown meetings have been suspended until next semester. She said somehow people think she is the Economic Development liaison instead of just the Brockport Merchants Association liaison. She said she will bring forth what she can.

Mayor Castañeda said Trustee Hannan did accept being liaison to Economic Development, but has morphed it into focusing on the Brockport Merchants Association.

- Trustee Scott W. Hunsinger

- Lakeside Health System – Trustee Hunsinger reported that he and Chief Varrenti attended the open forum the Mayor referred to earlier. He said the community is fortunate to have such a great health system that ranks so high in customer satisfaction. He said LHS's Mike Stapleton wants to continue such public forums.

- Strand Theater – Trustee Hunsinger shared that he was interviewed by a local reporter recently. He said big box theaters are nice, but there is something to be said for a small, intimate local theater. The Strand is special. He encouraged supporting the local theater and the local merchants.

- Letter re Chief Varrenti – Trustee Hunsinger read into the record a letter signed by he, Trustee Blair and Trustee Hannan:

“It is the feelings of the majority of the board that the recent “memos” placed in your personnel file are inappropriate in nature and content. Although these memos to our knowledge are not disciplinary in any way; we feel that there could have been better dialogue and a more fitting resolution to any issues with your duties as Police Chief of the Village of Brockport. Please know that the majority of the board feels that you are doing an outstanding job running a First Class department. Keep up the good work.”

- Liaison report – Code Enforcement – Trustee Hunsinger referred to having proposed a location change and re-branding of sorts for Code Enforcement.

→ Motion by Trustee Hunsinger, seconded by Trustee Blair to move the Building/Zoning/Code Enforcement Office from Village Hall at 49 State Street to the Police Department at 1 Clinton Street, still under the supervision of the Mayor, by February 15th using minimal funds from available lines in the budget.

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Discussion:

Deputy Mayor Kuhn said that means moving that department’s staff and office.

Trustee Hunsinger said yes. It is only a location change.

Call to question:

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

Carried 4/1.

- Imagine – Trustee Hunsinger commented on it being the anniversary of John Lennon’s death. He stood for many different things and was a polarizing figure. However, whether you agree or disagree, “Imagine”...

EXECUTIVE SESSION:

→ At 8:20pm, Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into executive session to discuss a personnel matter involving paid ambulance, a personnel matter involving the Seymour Library, the RFP submissions for Grant Writer, the RFP submissions for Village Attorney, and potential litigation as to the current version of the proposed moratorium.

→ At 9:00pm, Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 that the Board of Trustees re-enter the regular meeting.

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 via roll call to appoint Michael P. Leone as Village Attorney through May 31, 2011.

ADJOURNMENT:

→ At 9:00pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the meeting be adjourned.

RE-OPEN MEETING:

Trustee Blair had already left, but question arose as to the Village Attorney appointment to May 31, 2011 or 2012 as proposed in the RFP submission.

→ At 9:08pm, Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 to reopen the meeting.

→ Mayor Castañeda moved to amend her motion, Trustee Hunsinger seconded, carried 4/0 via roll call to appoint Michael P. Leone as Village Attorney through May 31, 2012.

ADJOURNMENT:

→ At 9:08pm, Trustee Hunsinger moved, Deputy Mayor Kuhn seconded, carried 4/0 that the meeting

be adjourned.

Leslie Ann Morelli, Village Clerk