

**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, January 12, 2011 at 7:00pm.**

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

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

**ALSO PRESENT:** Jim & Joan Hamlin, Peter & Susan Smith, Brian Winant, Joy Levandowski, Margay Blackman, Tony Perry, Sriram Bakshi, John Hagenah, Norm Giancursio, Tom Mangan, Mary Jo Nayman, Pam Ketchum, Kristina Telles, Anna Rounseville, Dan Donovan, Kristina Gabalski, Larry Bradt, Kenny Tully, Tom Mayer, Michael Clark, John Bush, Kristina Gabalski

**CALL TO ORDER / PLEDGE:** Mayor Castañeda called the meeting to order and led the Pledge of Allegiance. Mayor Castañeda asked for a moment of silence to remember the recent shooting in Tuscan, Arizona. Flags are at half staff until sunset January 14<sup>th</sup>. She said the tragedy is an example of the importance of remembering that while people have differences of opinions, they should treat each other with respect and civility.

**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:**

- o Tony Perry – read the following statement into the record:

“Prior to the dissolution vote a number of trustees agreed to work together after being challenged by a number of people who were willing to get up and ask that the board unite to try and save Brockport from financial crisis. You all agreed that is exactly what needed to be done. The motion made by Hunsinger on December 22<sup>nd</sup> proved you have learned nothing and the backbiting, power struggling, personal agenda achieving goals will continue until you either bankrupt Brockport or you leave office. When will you get the idea that this is a college community that you need to exist within and not dictate rules and force ideas that will only lead to further lawsuits?”

Mayor, I ask that you make exception to the public comment time allowed and allow public comment at the end of this and every other board meeting to allow the public to comment, especially when a trustee can pull out a motion from his front pocket that was not on the agenda and continue to make Brockport the laughing stock of the County.

The motion made by Hunsinger on December 22<sup>nd</sup> which was passed by Blair and Hannan, in my opinion, was an act to try and discredit and intimidate the Mayor out of her position. The motion, three days before Christmas was just another example of how disgraceful these three Trustees actions have become. Once again showing why the Brockport community is considered the laughing stock of the County. To think that \$5,000 could actually reveal anything at their high priced attorney (Parrinello) hourly rate shows just how committed that are at “investigating”. Innuendos and potentially very damaging to public figures and the last Village witch hunt ended in taxpayers paying dearly to conclude a lawsuit. Why should taxpayers be forced to pay for disgraceful politics? To date only the three Trustees know what this investigation entails. If it were criminal, surely they would have taken their allegations to the District Attorney’s office. I also say that if the three Trustees have anything of real substance then \$7,500 is a small price to pay. Unless there is some sort of “smoking gun” I am curious if the three Trustees are willing to stake their Village Board positions and their personal checkbooks on the \$7,500 investigation.

It would seem the promises the Village Board members made to work together prior to the dissolution vote were empty promises.

Carol Hannan, you didn’t learn to watch your comments? The “rat bastard” comment wasn’t enough; you further embarrass the Board by, on camera, suggesting the Towns of Sweden and Clarkson are taking away the Village’s source of revenue. Do you even think about what you are saying? You become the best advocate for the two neighboring towns as the ambulance money should never even be considered revenue. Sometimes no comment might be a better alternative.

Kent Blair, you need to do your homework and learn some manners. Was there any reason to put the Monroe County Sheriff’s Department down by making a comment about the “cars with the stars who show up after the crime just to take a report? Was this called for? I work for a Police Department and worked in this very Village. There isn’t a Police Department that doesn’t take reports after the crime has occurred. In fact, even in this Village very little crime is caught in progress.”

Trustees Hannan and Hunsinger asked the Mayor to direct the speaker to address the Board as a whole and not individual Trustees. Mayor Castaneda said she always encourages such but has had to endure comments directed specifically at her over time, and the Trustees should have to do the same. However, the speaker has gone over the allotted time. She asked T. Perry to return at another time with the remainder of his statement. She would consider re-opening public comment at the end of the meeting.

The remainder of the statement submitted in writing by T. Perry was as follows:

“Then Blair and the Building Inspector high five each other over the proposed Code Enforcement Points and Penalties system. There are some huge flaws with the newly drafted program which are very old problems. The Building Inspector is very aware of the Village Code 58-20 controversy. If he didn’t explain it he should have as Village Code 58-20 has been visited numerous times already and the one word misconstrued once again is “extension”. The Village is and never will be in any position to grant an extension in time for any non-conforming use property. This issue has been discussed by people with much more history than even your existence in the Village. The definition has been determined by the Zoning Board of Appeals and it is not close to what you have described in the points and penalties program. I only wonder what other sections of the program have also been aggregated to the point you are only encouraging future lawsuits.

I will say this again. Your personal agendas and poorly conceived programs to rid the Village of rental property will only lead to further lawsuits. This Village has been a college town, renting to college students since the founders of the Village. Renting is part of the history of the Village. Without renting there would not be the very makeup of people that have gone on to buy homes here themselves. There are many rental properties rented to families and couples. It is becoming very clear that as opposed to finding solutions for all taxpayers you are choosing to push your personal agendas to the demise of the Village.”

- o Margay Blackman of Park Avenue – read the following statement into the record:

“Revenue is critical to the financial health of this village. We are not going to solve our problems by only cutting and cutting and cutting from the budget, nor by unaffordable tax increases. Challenging as it is, we need to continue to aggressively search for additional sources of revenue. Trustees Blair, Hunsinger and Hannan have been doing this with the ad hoc committees, and I commend them on the depth and thoroughness of their research to date.

Walking down Market Street this afternoon on my way to the gym I was reminded of the revenue issue when I saw a Monroe ambulance pull into the driveway at the fire hall. At the November 10<sup>th</sup> meeting Trustee Hunsinger reminded the board that a Monroe ambulance sits in our fire hall free of charge because a contract with Monroe couldn’t be agreed upon and was dropped. I hope Monroe will soon be paying, handsomely and retroactively, for this space.

I am especially concerned about the matter of hiring a grant writer, which could be a substantial source of revenue, something which I spoke to the board about in June. On September 22<sup>nd</sup>, an RFP for a grant writer was agreed upon with a November 8<sup>th</sup> application deadline. However, the RFP was poorly advertised, appearing only in the Suburban News and on the Village’s website. Hardly the way you want to attract a body of qualified applicants. Eventually 4 applicants met the deadline, two of them well known firms that have an excellent record of accomplishment for western NY municipalities. Those two firms only applied at the last minute, and only because two people outside the board (I was one of them) contacted them and urged them to apply. They had not, of course, seen the RFP because of how it was advertised. Two months later the applicants for this position have received only a notification that their applications were received. I have to say, having served on and chaired numerous search committees over the course of my career, you can review a lot more applicants than this, very thoroughly, in much less time.

The majority of people in this community are determined to see this village succeed financially. If you don’t act and act soon on hiring a first rate grant writer you are virtually guaranteeing that that won’t happen.”

- o Pam Ketchum of Park Avenue - read the following statement into the record:

“Three cheers for the Brockport Village Board! It is easy to complain, say “we can’t do this, we can’t do that...”, but it is not easy to come up with solutions. Ad hoc committees have put in endless hours of hard work and brain storming to study and provide creative solutions to promote positive village living.

- Sewer fee: If you are a senior citizen home owner you will not pay the same sewer fee as the landlord who is renting the 3 bedroom home next door to you and is making \$12,200/year. Next

door, they take showers and flush the toilet more than you do. Why should your tax bill be as much as the landlord's next door to support the maintenance of Brockport's infrastructure? You have very little control over your home's assessed value and therefore the taxes of your property. You do have some control over how much water you use and therefore how much goes down the drain.

- Rental Unit Licensing: If you need a license to fish, drive, cut hair, hunt or even sell real estate, you need a license to rent an apartment. The rental business is one of the biggest money makers in the village.

Every bedroom in the Village has the potential of making a minimum of \$337.50/mo or \$4,050/yr per bedroom. At that rate, a 3 bedroom house could be rented to 3 students for \$1,012.50/mo. Or \$12,150/yr. at a minimum.

If a house is kept clean and in good repair, the rates could go up to a maximum of \$2,000/semester/student x 2 semesters x 3 students = \$12,000/school year + \$1,350 (3 summer months) = \$13,350/yr or \$1,112.50/mo.

Students pay \$6,400/school yr. plus food plan for a 2 person dorm on campus.  
Students pay \$8,160/school yr. for a 4 person town house on campus.  
Students pay \$7,908/school yr. for a 4 person town house off campus on Redman Rd.

By comparison, renting a bedroom in the historic core of Brockport is much more affordable for students, plus, students are closer to village amenities and are less dependent on a car.

- Village Court: We have an excellent, community sensitive and involved police department. If tickets are written, the Village should receive the funds that are generated. The safety of the core of Brockport radiates out to the surrounding municipalities of Clarkson and Sweden. We want to continue to maintain confidence in the safety and positive living in our community. A village court would also be highly attuned to the necessity for appropriate behavior and uniform enforcement of village ordinances from all segments of this high density community.
- Moratorium on the conversion of single family properties to rental: We have incredible assets in the historic core of Brockport, the value and use of which is being compromised by inconsistent development and regulation. We need to recognize the merits of our districts and create guidelines that will allow best use and enjoyment for the entire community. Additionally, the development of rental properties should not interfere or reduce with the value, use and enjoyment of other homes and neighborhoods in the village.
- Combining Code Enforcement and Police Department – will allow for a high energy, quick, streamlined response for inspections, code enforcement and noise, vandalism, blight and quality of life issues.

These are just a few of the ideas that have been put forth for discussion and possible implementation to improve financial stability and quality of life.”

- Sriram Bakshi of Evergreen Road – asked that the Board, at an appropriate point, provide answers to the public as to the Town of Clarkson and Town of Sweden decisions to contract with Monroe Ambulance and to pursue the formation of a Fire District. The public needs to know the facts.

**PUBLIC HEARINGS:**

- Consider accepting dedication of Havenwood Meadows Section 3 Phase I (McCormick Place Section 1) –

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to close the regular meeting and open the public hearing.

Mayor Castañeda asked Clerk Morelli to read the following legal notice.

Clerk Morelli stated that the legal notice was published in the Village's official paper (Suburban News), and posted on the Village's official website and at the Village Hall.

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 7:00pm on Wednesday, January 12, 2011 in the Conference Room of the Village Hall, 49 State Street, Brockport, New York to consider acceptance of an offer of dedication of the streets laid out in a subdivision map entitled Havenwood Meadows Section III Phase I (also known as McCormick Place) and recorded in the Monroe County Clerk's Office on July 3, 2002 in Liber 312 Maps at page 89. Said public hearing will also consider acceptance of an offer of dedication to the easterly 105 feet of Candlewick Drive.

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

Mayor Castañeda invited the public to comment. No public comment.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to close the public hearing and re-open the regular meeting.

→ Mayor Castañeda moved, Trustee Hunsinger seconded to adopt the following resolution:

Resolution to accept Havenwood Meadows – Phase One Streets and a Portion of Candlewick Drive as Public Streets

WHEREAS, a resolution was duly adopted by the Village Board for the Village of Brockport, Monroe County, New York for a public hearing to consider acceptance of McCormick Lane and Cyrus Lane within Havenwood Meadows Subdivision, Section 3 Phase 1 and of the easterly 105 feet of Candlewick Drive as public streets; and

WHEREAS, notice of said public hearing was duly advertised in the Suburban News on January 3, 2011, and was duly posted on the Village Clerk's signboard at the Village Hall and on the Village website; and

WHEREAS, said public hearing was duly held at the Village Hall, 49 State Street, Brockport, New York on the 12<sup>th</sup> day of January, 2011, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said acceptance;

WHEREAS, the Village Board of Trustees finds it in the best interest of the Village to accept such dedication;

NOW THEREFORE, the Village Board hereby accepts the dedication of McCormick Lane and Cyrus Lane as shown on the map of Havenwood Meadows, Section 3 Phase 1, and of the easterly 105 feet of Candlewick Drive, and directs the Village Clerk to cause same to be recorded in the Monroe County Clerks' Office.

Duly put to vote as follows:

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

Carried 5/0

**PUBLIC INFORMATION MEETINGS:** None

**CERTIFICATES OR PROCLAMATIONS:** None

**CONSENSUS ITEMS:**

- **APPROVAL OF MINUTES:** 12/22, 1/10

→ Trustee Hunsinger moved, Deputy Mayor Kuhn seconded, carried 5/0 that the minutes of the December 22, 2010 meeting be approved as written.

→ Trustee Hunsinger moved, Trustee Blair seconded, Mayor Castañeda abstained due to absence, carried 4/0/1 that the minutes of the January 10, 2011 meeting be approved as written.

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Mayor Castañeda said she wants noted for the record that on Friday, January 7<sup>th</sup> Trustee Hunsinger emailed the Board requesting a special noon meeting on Monday, January 10<sup>th</sup>. Seeing that I have a full time job during the day, I asked that he consider scheduling the meeting after 3pm or addressing the matters at the meetings already scheduled for January 11<sup>th</sup> or January 12<sup>th</sup>. The meeting gained a quorum and I was unable to attend.

**• APPROVAL OF BILLS TO BE PAID**

→ Trustee Blair moved, Trustee Hunsinger 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>	1/12/11	\$192,903.34
FUND (F): <u>Water</u>	1/12/11	\$33,985.81
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust &amp; Agency)</u>	-	-
		\$226,889.15 grand total

**CLERK & TREASURER REPORTS:**

- Clerk
- Treasurer
  - Budget Transfers Amendments –

→ Deputy Mayor Kuhn moved, Trustee Hannan seconded, carried 5/0 via roll call to authorize the following budget transfers / amendments.

Account Number	From: Description	Account Number	To: Description	Amount:
		A2860.0000	Insurance Recoveries	\$3,317.60
		A5110.4090	Street Maintenance Misc	\$3,317.60

Purpose: insurance recovery for guard rail replacement damaged by Dollar Store truck

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→ Trustee Blair moved, Trustee Hannan seconded to authorize the following budget transfers / amendments.

Account Number	From: Description	Account Number	To: Description	Amount:
		A6520.4010	Farmers Mkt - publications	\$326.20
A6520.4000	Farmers Mkt – Mgr			\$185.19
A6520.4090	Farmers Mkt – misc			\$9.72
		A2089	Farmers Mkt – fee	\$131.29

Purpose: adjust Farmers Market Budget to reflect actual spent as of 1/11/11

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→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 via roll call to authorize the following budget transfers / amendments.

Account Number	From: Description	Account Number	To: Description	Amount:
		A6410.4100	Clinton St Revitalization	\$13,944.59
		A4089.0001	Natl Park Svc	\$13,944.59

Purpose: adjust appropriations and revenues for the National Park Service Grant that was expended in 2011 fiscal year – total revenue received for the grant \$30,168.00

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→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 via roll call to authorize the following budget transfers / amendments.

Account Number	From: Description	Account Number	To: Description	Amount:
		A2680.0000	Insurance Recovery	\$12,728.19
		A1640.4000	Building Mtnce Contractual	\$12,728.19

Purpose: insurance recovery for Salt Barn – insurance recovery received was \$17,327...only doing budget amendment for cost of repair as we budgeted and were expecting \$6,000 in insurance recovery revenue – already received \$1,345.11 – for a total of \$5,943.92 toward our budget of \$6,000

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 → Trustee Blair moved, Trustee Hannan seconded, carried 5/0 via roll call to authorize the following budget transfers / amendments.

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Account Number	From: Description	Account Number	To: Description	Amount:
		A2389.8000	Monroe County CDBG	\$8,900.00
		A6410.4101	Face Improvement	\$8,900.00

Purpose: adjust both revenue and appropriation for the final payment of the Monroe County Community Development Block Grant for Façade Improvement

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○ 2011-2012 Budget Calendar – Mayor Castañeda referred to the budget calendar proposed by Treasurer Lovejoy which combines the Village’s Board meeting calendar including work session dates with information received from GFOA and the legal requirements.

Trustee Hunsinger said the calendar looks good, but commented that additional meetings may be necessary. Mayor Castañeda concurred.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, carried 5/0 via roll call to adopt the following 2011-2012 Budget calendar:

**Village of Brockport  
 2011-2012 Budget Calendar**

Friday, January 14, 2011	Deadline for treasurer to notify department heads of the necessity for estimates of expenses for the ensuing fiscal year
Friday, January 28, 2011	Deadline for department heads to submit estimates to the treasurer
Tuesday, February 8, 2011	Board workshop to discuss department budget information
Wednesday, February 9, 2011	Board meeting – update public on budget process to date
Tuesday, March 8, 2011	Board workshop to discuss budget revisions
Wednesday, March 9, 2011	Board meeting – update public on budget process to date
Friday, March 18, 2011	Treasurer to file tentative budget with the village clerk
Wednesday, March 23, 2011	Board meeting – update public on budget process to date
Thursday, March 31, 2011	Deadline for Board to review and make preliminary alterations to the tentative budget
Friday, April 8, 2011	Deadline for publishing notice of public hearing on tentative budget
April 13, 2011	Public Hearing on 2011-2012 Budget
April 27, 2011	Board Meeting – adoption of budget-must be done by May 1, 2011

**DEPARTMENT REPORTS:**

- Building / Zoning / Code Enforcement
- Police
- Public Works

- Fire / Ambulance / Dispatch
- **PERSONNEL**
  - Terminations
    - Resignations – none
    - Retirements - none
    - Terminations – none

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- Vacancies –
  - Full time DPW laborer – application deadline 1/14
- Appointments - none
- Volunteer Drops/Addds
  - Fire / Ambulance –

→ Motion by Trustee Hunsinger, seconded by Trustee Blair carried 5/0 to approve the following membership changes: Drop: Caroline Murray; Adds: Todd Balmer to Fire only, James Burns to Fire only, Damian Flint to Fire only, Daniel Mros to Fire only, Aimee Mazurek to fire and ambulance.

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

**OLD BUSINESS:**

- 375 West Avenue – drainage easement – The Weinstein’s are happy with the papers and are ready to sign it. COMIDA’s attorney has billed the Weinstein’s \$250 for their services in the matter and the Weinstein’s have asked if the Village is willing to pay half (\$125). The Village has no legal requirement to pay it, but there is no legal prohibition against paying it. It could be justified as a cost of obtaining an easement that is of benefit to the Village. They will then sign the easement and the Village Clerk and Village Attorney will file it.

→ Motion by Mayor Castañeda, seconded by Trustee Blair, carried 5/0 via roll call to reimburse \$125 to the Weinstein’s for the \$250 COMIDA bill related to the drainage easement.

- Ad-Hoc Committee to study Water Department – authorization to contact MCWA re options

→ Motion by Trustee Hannan, seconded by Trustee Blair, carried 5/0 via roll call to authorize Trustee Hannan to contact Monroe County Water Authority as to possible consolidation of the Brockport Water Department.

Mayor Castañeda said she is not opposed to investigating all options and doing a thorough review of the Water Department. She said she would have considered transferring to MCWA prior to undertaking the million dollar water project. If MCWA would be willing to take that debt, it would be great. MCWA’s water rates would be less expensive for the users. When the Village last conducted a review it was deemed worthwhile to keep the Water Department. She said she will be interested to hear the findings.

- Ambulance – potential litigation - the Board will discuss in executive session.

**NEW BUSINESS:**

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**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.

- Mayor M. Connie Castañeda
  - Property Tax Cap if mandate relief – Mayor Castañeda shared that the Monroe County Association of Village Mayors continues to put pressure on state officials for mandate relief. She has proposed a joint letter with Town Supervisor Milner and School Superintendent Stone. She is awaiting their response.
  - Relocation of Building/Zoning/Code Enforce & proposed change in supervision – Mayor Castañeda said she is not ready to report on this.

- Possible elimination of dispatch personnel – Mayor Castañeda said in light of our financial position, I would like to suggest that we look at eliminating dispatch and paid ambulance staff. There are things that need to be decided prior to going forward. With regards to dispatch, there is \$43,000 built into our Fire Budget that is part of the contract with the Town of Sweden and Clarkson. I would like to have a discussion with the Town Supervisors offering the following options:

1. The funds allocated to the dispatch service will be applied to the Fire Truck Replacement Reserve

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OR

2. Your quarterly payments will be reduced by the pro-rated portion of dispatch service once dispatch has been eliminated.

→ Motion by Mayor Castañeda, seconded by Deputy Mayor Kuhn to authorize the Mayor to discuss these options regarding dispatch with Town of Clarkson and Sweden Supervisors.

Discussion:

Trustee Hunsinger said this was not on the agenda. He would want to talk with the Village Attorney first.

Mayor Castañeda said the Board has been discussing this and has consulted the Village Attorney along the way. She is asking to have a discussion with the Town Supervisors as to the options regarding dispatch.

Trustee Hannan said she is not sure it is wise to offer them these options. Neither benefits the Village financially.

Mayor Castañeda said it has recently been made clear that Third Party Billing funds cannot be used to offset the Village's budget. The Towns are not denying the Village revenues.

Trustee Blair said Fire Chief Henry is here to go into executive regarding the ambulance matter. He suggested they tie in dispatch as well as 75% of dispatch relates to ambulance calls.

Mayor Castañeda said the Village Attorney is not here this evening. Again, she is simply asking to have a discussion with the Town Supervisors as to the options regarding dispatch.

Trustee Blair said it can't hurt to have the conversation.

Upon roll call vote:

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

Carried 3/2.

- Possible elimination of dispatch and paid ambulance personnel – Mayor Castañeda said we need to decide whether we are going to eliminate the positions or just lay off staff. Clerk Morelli is awaiting a response from Civil Service as to the process of eliminating positions in their entirety or conducting layoffs.

- Support - Mayor Castañeda said she would like to thank the various members of the community that have demonstrated their support for her over the past several weeks. She said she appreciates that Trustees Hunsinger, Blair, and Hannan have decided to stop pursuing the unknown alleged complaints about her. She said the Village Board has to have some frank and open discussion regarding the services provided by the Village. These discussions need to result in decisions impacting our current budget as well as into the future. The time to act is now and she said she hopes the Board can get past the petty behavior and move forward with a plan to keep the Village alive.

- Trustee / Deputy Mayor Daniel P. Kuhn

- Request Executive Session – Deputy Mayor Kuhn requested an executive

session to discuss potential litigation regarding the ambulance matter.

- Trustee Kent R. Blair
  - Police Department Awards – Trustee Blair referred to having attended the recent 2009/2010 Brockport Police Department Awards ceremony. The 4 page awards summary will be posted on the Police Department website accessible from the Village website. Highlights included months where Officers Winant, VanDervort, McCracken and Cranston were Officer of the Month, a Commendation Award for Officer S. Mesiti, an Excellent Police Service award for Officer Wheat, a Life Saving Award for Officer S. Mesiti and Officer VanDervort, a Community Service Award for Officer Winant, an Excellent Police Service Award for Sgt. A. Mesiti, Sgt. Philippy, Lt. Cuzzupoli.
  - Budget – Trustee Blair referred to having recently gone through the current budget and having recommended changes to specific line items not being fully utilized. Treasurer Lovejoy has been meeting with Department Heads this week. The Board is awaiting information as to **MINUTES OF VILLAGE BOARD MEETING HELD January 12, 2011 continued.....page 9**

which line items can be reallocated.

Mayor Castañeda thanked Trustee Blair for reviewing the financials and making recommendations. Treasurer Lovejoy immediately contacted Department Heads to get their input, as it is crucial.

- Trustee Carol L. Hannan
  - Liaison report – Building/Zoning/Code Enforcement –

→ Motion by Trustee Hannan to place the following letter in Building/Zoning/Code Enforcement Officer Scott Zarnstorff's personnel file.

"Dear Scott:

In regard to the memo written by the mayor and placed in your personnel file on or about November 19, 2010, please be assured that we do not agree with its contents.

As there was no expenditure of money for legal fees, it was inappropriate to suggest that you were in violation of the law or in danger of arrest and prosecution. We sincerely regret the anxiety this memo understandably caused you and we appreciate your efforts on behalf of this village.

Sincerely,  
Carol L. Hannan, Trustee  
Kent R. Blair, Trustee  
Scott W. Hunsinger, Trustee"

Mayor Castañeda referred to a recent meeting in which these 3 Trustees presented a similar letter for Police Chief Daniel Varrenti's personnel file. After that meeting, she asked Village Attorney Leone if Village Board members have the authority to place letters in personnel files. He said no. She will follow up with him on this.

As to the memo referenced in the Trustees letter to S. Zarnstorff, Mayor Castañeda reminded the Board of the matter and that she forwarded a memo to the entire Board as follows: "It recently came to my attention that Trustee Hannan and Building Inspector/Code Enforcement Officer Zarnstorff solicited the assistance of Attorney Frank Aloï regarding the proposed moratorium. Please be reminded that a single member of a legislative body lacks the authority to make a decision to spend public funds. Pursuant to §51 of the General Municipal Law, those municipal officials whose conduct results in an illegal expenditure of public funds can be prosecuted. Mr. Aloï was not reappointed as Deputy Village Attorney, and until today (11/18) had failed to respond to my letter regarding the Board's September 8<sup>th</sup> decision to appoint him on an as-needed basis as Attorney to the Ad-hoc committee on investigation of Code Enforcement Points and Penalties feasibility. He was to advise of his rates and, if necessary, provide a written agreement for Board approval. Therefore, he is not even in place yet. His rate proposal will have to go to the next Village Board meeting for consideration."

He did respond and it went to the December 8<sup>th</sup> meeting. To date he has yet to take the Oath of Office as required of him and outlined in correspondence to him. Department Heads have continually been reminded of the directive to not contact the Village Attorney without authorization from the Mayor. This is a measure to keep costs down.

Mayor Castañeda questioned how 3 Trustees signed a letter, assuming that they met to discuss it. If so, it constitutes a quorum and requires an open meeting.

Trustee Blair said he signed the letter just before the Board meeting while in the kitchen reviewing bills. Trustee Hunsinger said he signed the letter just before the Board meeting at the dais.

Mayor Castañeda cautioned that they may be in violation of the Open Meetings Law and suggested the Board better acquaint themselves with it and review the legal papers they were recently served by her attorney, as it is apparent that 3 Trustees are discussing business and making decisions without benefit of open meetings and participation of the entire 5 member Board.

- Trustee Scott W. Hunsinger
  - Report of Ad-hoc committee investigating feasibility of Village Court – Trustee Hunsinger referred to the report presented at the December 22<sup>nd</sup> meeting. He said he thought they gave a good report that focused on insuring public safety and quality of life and which recognizes that the Village of Brockport has an incredible Police Department. He said the Committee will have a recommendation the Village Board can soon act on.

Mayor Castañeda said each of the Ad Hoc Committees were to meet with the Treasurer as to the financial implications. For the Village Court, information such as where the money would come from for  
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start up costs while awaiting revenues from fines is a factor. She questioned why the Committee failed to meet with the Treasurer.

Trustee Hunsinger said it was the unanimous decision of the committee to not meet with the Treasurer due to her public comments as to the creation of a Village Court. He said sound information will be provided at the time of a public hearing.

**EXECUTIVE SESSION:**

→ At 7:50pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into executive session to discuss potential litigation regarding the ambulance matter.

→ At 8:20pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the Board of Trustees re-enter the regular meeting.

**Ambulance:**

Deputy Mayor Kuhn said the Board has agonized over the ambulance situation - the Towns of Clarkson and Sweden deciding to contract with Monroe Ambulance as of 1/1/11. He has 2 motions he wishes to bring forward tonight. He commended concerned citizens for doing an excellent job expressing their wishes to the Towns of Clarkson and Sweden to no avail.

→ Motion by Deputy Mayor Kuhn, seconded by Mayor Castañeda, carried 5/0 via roll call to authorize Fire Chief Henry to form a committee comprised of community members and experts of his choosing for the purpose of exploring the conversion of Brockport Village Ambulance to an independent Ambulance Corps.

→ Motion by Deputy Mayor Kuhn, seconded by Trustee Hunsinger, carried 5/0 via roll call to direct Mayor Castañeda and Fire Chief Henry to discuss payment for use of any Village premises with Monroe Ambulance.

**ADJOURNMENT:**

→ At 8:22pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the meeting be adjourned.

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Leslie Ann Morelli, Village Clerk