

**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, October 13, 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

**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:** Rich Miller, Thomas Mangan, Heather Gallant, Tom & Darlene Lang, Brian Winant, Angela Markham, Jim & Joan Hamlin, Pete & Susan Smith, Margay Blackman, Pam & Greg Ketchum, Norm Giancursio, Cheyenne Sylvestre, Harry Snyder, Fred Webster, Krystina Galbaski

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

Mayor Castañeda extended the Village's sympathies to the family of Village resident and former Village employee Herbert Burley on his passing.

Mayor Castañeda shared that Pauline Johnson began October 4<sup>th</sup> as part time Deputy Clerk-Treasurer. She welcomed her and said Clerk Morelli and Treasurer Lovejoy feel she has hit the ground running and will be a real asset to Village Hall. She is stationed out front and Clerk Morelli has been moved to the office formerly occupied by the Deputy.

**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:**

- Heather Gallen of SUNY College at Brockport Student Social Work Organization – annual Take Back the Night Procession – Thursday, 10/28 7pm – requested permission for the annual procession to raise awareness about domestic violence and sexual assault.

→ Motion by Trustee Blair, seconded by Trustee Hannan, carried 5/0 to approve the procession permit.

- Cheyenne Sylvestre of SUNY College at Brockport – Make A Difference Day – shared that the Community Development Office oversees 3 aspects and focuses on service. In August they had a Saturday of Service in which 700 first year students participated in various community service projects and got to know the area. On Saturday, October 23<sup>rd</sup> they will have Make A Difference Day from 1pm to 4pm. They are excited to make the community a cleaner and better place. She said they are open to ideas for volunteerism throughout the year. She can be contacted at 395-5412.

Mayor Castañeda thanked Cheyenne and the many volunteers who have helped thus far. She put her in touch with DPW Superintendent Donahue and Parks Committee Chair Andrea Perry for projects. She said she had also previously shared with Cheyenne a suggestion of raking leaves in the yards of senior citizens that are unable to do so themselves.

→ Motion by Deputy Mayor Kuhn, seconded by Trustee Hannan, carried 5/0 to allow the SUNY Community Development Office to have volunteers do work in the community on October 23<sup>rd</sup> and throughout the academic year as appropriate.

**PUBLIC COMMENT:**

- Margay Blackman of Park Avenue – reported that the Tree Board's fundraising event October 8<sup>th</sup> was a success. There were 40 very generous attendees. A total of \$1,400 was netted towards the 21 trees needed for next Arbor Day. Sara's Garden Center generously donated 3 \$200 gift certificates for raffling. The raffle winners all donated the certificates back for trees.

- Brian Winant of the Brockport Police Stetson Club – read the following prepared statement into the record.

As President of the Stetson Club I feel compelled to respond to comments made by the Mayor during the last board meeting of September 22, 2010.

I have been in law enforcement for almost 21 yrs now. I have been a former President of the Alleghany County Deputy Sheriff's union as well as a former member of the Alfred Police Departments PBA. In all my years as a union member or leader I have never once experienced the disingenuous and totally unprofessional comments made by the head member of an organization as those made on Sept. 22. Never have I heard of a request to open or in this case reopen contract negotiations done in a public forum. The professional way I am use to having matters like this handled is with a phone call, email or a letter stating the request.

**MINUTES OF VILLAGE BOARD MEETING HELD October 13, 2010 continued.....page 2**

Since the Mayor stated that she and then Deputy Mayor Martin negotiated the Stetson Clubs last contract, which resulted in part of a projected savings of \$160 thousand dollars in the area of health care savings alone, I would like to recap the other areas of savings.

- 1- Health care savings of 160 thousand dollars to which approx 60 thousands could be attributed to the Stetson Club. Did the Stetson Club ask to share in any of that saving with the village? NO! Unlike the Locust Club when they reached a new insurance agreement with the city the Locust Club asked for and received a large portion of the health care savings for their members.

The Stetson Club was told by the Mayor and then Deputy Mayor that if we agreed to make the change in insurance that the VILLAGE would provide FREE health care coverage for the current members for the length of the contract. It was not something the Stetson Club asked for. It was offered by the Mayor!

The Stetson Club with the new health care insurance plan in place and saving the village tens of thousands of dollars did what no other Police Dept in NYS has ever done:

- 2- We voluntarily took a 2% pay cut. Thus saving the village an additional \$25,000 or equal to a 1% tax reduction to the taxpayers. Now the tax payers did not see that tax reduction this year (2010) because the Mayor having the contract in hand prior to the dead line for the budget to be voted on did NOT present the contract to the rest of the board to be voted on until after the budget was passed. The Stetson Club also agreed to NO pay raise in 2011 which would easily equal another \$25,000 minimum in saving for 2011 or another 1% tax decrease
- 3- During a 45 day period of time while the village and the state were awaiting the final paperwork to come thru on Officer Chris Curley's medical retirement the Stetson Club agreed to allow a part-time officer to fill the vacant shifts created by Officer Curley being off the schedule. This again a voluntary move by the Stetson to help save the village tax payers money equated to \$9,683.20 in saving for the village.
- 4- The union agreed to a one time only agreement not to push the contract item that calls for the replacement of a police vehicle once it reaches 75 thousand miles, as long as the vehicle is in safe working condition. An additional saving of not less than \$25,000
- 5- The Stetson Club agreed to reduce the starting pay of new officer (IF the village every decides to hire a new officer) by 10% saving the village \$7,117 in salary per officer. We also prolonged any new officers reaching top pay by adding more steps.
- 6- The Stetson Club also agreed that any new officers would have to pay toward their health care. An unknown amount of savings. Changes in the NYS law also requires that new officers will have to pay into their retirement. Saving the Village money again if they hire.

The list could go on. The interesting part of this is that during the time the Mayor claims to be negotiating our current contract NOT ONCE did the Mayor or then Deputy Mayor ask the Stetson Club to remove the minimum staffing clause in the contract. The Mayor signed this contract less than four months ago and now the Mayor says that in the best interest of the village the Stetson Club should help the village out again and agree to reopen and remove the staffing clause. When you add up all the items I just mentioned it is over \$135 thousand dollars in savings this year alone by the actions of the Stetson Club.

So the big question the Mayor wants to know the answer to is: Will the Stetson Club be willing to reopen our current five-year deal? If the Mayor feels that it is "the best interest of the Village to do so" then as President of the Stetson Club I would ask the Mayor this question. If you have the best interest of the Village in mind would you be willing to have a revote in June for Mayor? If you do and you win then the Stetson Club would be willing to sit down and talk about reopening our contract.

- o Trustee Hunsinger – said he wished to place something in front of the Board for consideration at this point in the meeting. He said the Board has talked about having more efficient meetings and moving them along quicker. From his understanding neighboring municipalities get their business done and meetings are relatively short. He suggested amending the Village of Brockport's Village Board meeting procedures again.

Mayor Castañeda commented that this was not on the agenda and that she continues to request that Board members submit agenda items and providing supporting materials to the Clerk by the deadline.

**MINUTES OF VILLAGE BOARD MEETING HELD October 13, 2010 continued.....page 3**

→ Motion by Trustee Hunsinger, seconded by Trustee Blair to

Add to Section 6:

Once the Board has voted on a matter, the matter is closed and no member of the Board including the presiding officer may speak or comment on the matter.

When the presiding officer is out of order, he/she may be called out of order by any member of the Board.

Discussion:

Trustee Hunsinger stressed that when a matter is done it is time to move on and not continue to rehash.

Mayor Castañeda said if the door is open to a topic, Board members should be able to respond. It is not right to stifle the presiding officer. She reminded the Board that it is the Mayor's agenda and the Mayor runs the meeting.

Trustee Blair referred to an article in City Newspaper not long ago where the Mayor quoted something to the effect of – when a topic is done; it is time to move on.

Trustee Hunsinger said each Board member has the opportunity to speak their mind during discussion if a motion has a first and a second. However, once the vote is called to question, let it be. Be efficient. Do the business of the people. Stop rehashing.

Deputy Mayor Kuhn said he does not believe there are not a lot of items on this evening's agenda that would lead to protracted discussion. He said he would prefer to see the proposal in writing, digest it, and make sure it is ok procedurally. He said limiting discussion once a vote is taken is not necessarily a bad idea. However, he does not know that it needs to be incorporated into the meeting procedures.

Mayor Castañeda said she would solicit the opinion of NYCOM.

Call to question:

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

Carried 3/2.

→ Motion by Trustee Hunsinger, seconded by Trustee Blair to

Add to Section 9:

Members of the Board, including the presiding officer, may only speak or comment on the current subject before the Board. Members of the Board including the presiding officer may not speak or comment on any subject that is not currently before the Board.

Discussion:

Mayor Castañeda reminded Trustee Hunsinger that these proposed amendments were not even on the agenda. She said he is basically violating his own proposal as it is not really currently before the Board.

Trustee Hunsinger said these amendments are a step in the right direction. As we move forward, he will honor the request to place items on the agenda in advance. However, sometimes there is an opportune time to address certain things.

Trustee Blair reminded all that the Fire Chief expressed frustration at a recent meeting when the Mayor went way off on a tangent during his report and failed to stay to the agenda.

Trustee Hannan concurred and said anything that will make more efficient use of Board and staff time is a step forward.

Deputy Mayor Kuhn asked what would be the determination of when we're off topic. Trustee Hunsinger said any time we start out on "A" we should stay on it and talk about "B" only after we finish "A".

Mayor Castañeda said the Board is not on target now as this was not even on the agenda.

**MINUTES OF VILLAGE BOARD MEETING HELD October 13, 2010 continued.....page 4**

Call to question:

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

Carried 4/1.

Mayor Castañeda asked Clerk Morelli to contact NYCOM's Wade Beltramo to review these amendments.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**CERTIFICATES OR PROCLAMATIONS:** None

**CONSENSUS ITEMS:**

- **APPROVAL OF MINUTES:** 9/22, 9/27, 9/29

Board agreed to table approval the minutes of September 22<sup>nd</sup>, as they had not all had a chance to review them having just received them today since Clerk Morelli was on vacation.

→ Deputy Mayor Kuhn moved, Trustee Blair seconded, Mayor Castañeda abstained due to absence, carried 4/0/1 that the minutes of the special September 27, 2010 meeting be approved as written.

→ Mayor Castañeda moved, Trustee Hannan seconded, Deputy Mayor Kuhn and Trustee Blair abstained due to absence, carried 3/0/2 that the minutes of the special September 29, 2010 meeting be approved as written.

- **APPROVAL OF BILLS TO BE PAID**

→ Mayor Castañeda 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>	10/14/10	\$24,370.04
FUND (F): <u>Water</u>	10/14/10	\$2,399.31
FUND (H): <u>Capital</u>	10/14/10	\$155,517.73
FUND (T): -	-	-
		\$182,287.08 grand total

**CLERK & TREASURER REPORTS:**

- Clerk
  - 2010 Village Tax Collection Update – Clerk Morelli updated the Board that the 92 delinquent taxes have gone to 78 as of today's date. The Village, through bank lockbox, collects through October 31<sup>st</sup>. Those Village taxes not paid by then are presented to the Board for submittal to Monroe County to relevy onto the 2011 Town/County tax bills.

- Treasurer
  - Understanding Financials – Mayor Castañeda shared that the Power Point presentation made by Treasurer Lovejoy at last evening's work session will be posted to the Village's website.

- Budget Transfers Amendments –

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 to authorize the following budget transfers / amendments.

<u>Account</u> <u>Number</u>	<u>From:</u> <u>Description</u>	<u>Account</u> <u>Number</u>	<u>To:</u> <u>Description</u>	<u>Amount:</u>
---------------------------------	------------------------------------	---------------------------------	----------------------------------	----------------

A2089.0000	Farmers Market Fees	A6520.4000	Farmers Market Manager Stipend	\$351.75
		A6520.4000	Publications	\$666.25

Purpose: amend Farmer's Market revenue and Expenses for the vendor fees collected

**MINUTES OF VILLAGE BOARD MEETING HELD October 13, 2010 continued.....page 5**

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 to authorize the following budget transfers / amendments.

Account Number	From: Description	Account Number	To: Description	Amount:
A2389.8000	CDBG Façade Improvement Program	A6410.4101	CDBG Façade Improve Program	\$4,225.48

Purpose: amend both revenue and expenditure codes for the receipt and payment of CDBG Façade Improvement Program – Dunn and Apicella

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

Account Number	From: Description	Account Number	To: Description	Amount:
A3410.4250	Office, copier supplies	A3410.4230	Air bottles	\$192.50

Purpose: to purchase 5 air bottles – account balance was short

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

Account Number	From: Description	Account Number	To: Description	Amount:
		A3410.4260	Equipment	\$900
		A2770.0000	Misc. Revenue	\$900

Purpose: to increase the revenue code and the expenditure code for the grant money received to purchase a Honda generator for the Fire Department

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

Account Number	From: Description	Account Number	To: Description	Amount:
A2389.3000	Monroe Cty DWI grant	A3120.0000	Police Payroll	\$5,000

Purpose: amend both DWI revenue and Police payroll for the amendment to the DWI grant approved at a previous board meeting

- Retirement Payment Projections for the 2011-2012 Fiscal Year – Mayor Castañeda shared the following from Treasurer Lovejoy.

They project the retirement payments for the 2011-2012 fiscal year based on projecting salaries using a trend. It is recommended that we use this information in conjunction with our budget planning for next year.

I wanted to point out the significant change that will be occurring...

**Police and Fire Retirement System**

There is a \$12,551 increase over our current budget amount of \$218,964 in the amount due even though our contract salaries are remaining stable. Since they have no way of projecting our overtime, this number could be higher.

**Employees' Retirement System**

There is a \$65,809 increase over our current budget amount of \$159,788.

These two increases total \$78,360 which is a 3.45% increase on our tax levy should all other items remain stable. This is just one example of items out of our control that will be affecting our budget for the 2011-2012 fiscal year.

- Grant – Mayor Castañeda said per Treasurer Lovejoy, the Village will be

receiving a \$725 grant for bullet proof vests.

**DEPARTMENT REPORTS:**

- Building / Zoning / Code Enforcement
- Police

**MINUTES OF VILLAGE BOARD MEETING HELD October 13, 2010 continued.....page 6**

- Public Works
  - Street lighting proposal for State and Main Street – Per correspondence from DPW Superintendent Donahue, as part of the Main Street rehab National Grid has had to relocate their poles. The overhead line that used to feed the Village owned street light pole on State Street next to the Strand Theater had to be removed. Before we could have it reattached we had to refurbish the base. In the process of doing that the anchor bolts were rotted out. Best decision was to eliminate our pole on the North side of State Street and have National Grid install a new light on their pole directly across the street. Their proposal came back that our current annual bill for our pole is \$180. If we have them put the light on their pole the annual charge would only be \$165. It would be a cost saving in maintenance, repairs and electricity.

→ Trustee Hannan moved, Trustee Hunsinger seconded, carried 5/0 to adopt the following resolution:

RESOLVED: National Grid is hereby authorized and directed to do the following work near the intersection of Main Street and State Street in the Village of Brockport:

- Remove 1 250 whps from billing: Village owned Pole #1 (SC 3 account 14938-82108)
- Install one 150 watt high pressure sodium cobra head streetlight on National Grid Pole #1 (SC2 account 17738-78109)

- Authorization to expend ~\$3,000 out of Playground Reserves – Per correspondence from DPW Superintendent Donahue he needs to be able to purchase wood chips for Utica Street, Barry Street and Corbett Park playground areas. It will take close to one load for each. Each load costs \$1,000 for sterilized wood chips from a vendor in Lockport. From a safety standpoint we need to have more chips under the equipment. We have some groups interested in doing some community service work on Saturday, October 23<sup>rd</sup>, so we could incorporate this work into their plans and save on man hours.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, carried 5/0 to authorize the expenditure of \$3,000 out of Playground reserves for wood chips.

- Fire / Ambulance / Dispatch
- **PERSONNEL**
  - Vacancies - none
  - Appointments
    - Re-appointment of Village Attorney & Environmental Attorney – quarterly basis –

→ Deputy Mayor Kuhn moved, Mayor Castañeda seconded to re-appoint the firm of Harris, Chesworth, O'Brien et al as Village Attorney for another quarter.

Discussion:

Trustee Hannan stated that there are several Code Enforcement matters pending before Town of Sweden Court and several new matters initiated. She said she contacted Frank A. Aloj, Esq. per the discussion at the last meeting. However, she has not received a return phone call. She said she does not know if he would be interested in serving as Village Attorney until the RFP process comes to completion.

Trustee Blair expressed concern that the current firm employed as Village Attorney has been apprised repeatedly of concerns of dragging their feet on many items needing attention. He said while he believes reappointing them for another 3 months is too long, the Board really has no choice since counsel is needed.

Trustee Hunsinger said the current firm was appointed for a 3 month term on July 19<sup>th</sup>. Therefore, a decision doesn't need to be made until October 19<sup>th</sup>. He suggested waiting for an answer from F. Aloj and then calling a special meeting.

Deputy Mayor Kuhn expressed concern of constantly changing counsel.

Trustee Hunsinger asked if the RFP has gone out. Clerk Morelli said it was approved by the Board and is ready to go out, but she is awaiting information as to who to send it to from Deputy Mayor Kuhn.

Trustee Hannan said the Village would be no better off to have to have F. Aloï backtrack to cover current matters in the meantime. She said much of what the Village Attorney handles is outside F. Aloï's area of expertise.

**MINUTES OF VILLAGE BOARD MEETING HELD October 13, 2010 continued.....page 7**

Trustee Blair reluctantly suggested riding it out with the current firm until the RFP results.

Upon roll call vote:

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

Carried 4/1

- Volunteer Drops/Adds
  - Fire / Ambulance – Clerk Morelli reviewed the membership changes she received.

→ Motion by Mayor Castañeda, seconded by Trustee Hunsinger, carried 5/0 to approve the following membership drops: Craig Hadden, Kendra Ewell, Paul Moon, Matthew Brice, Greg Gaulin, James Maziarz, Sarah Pesciotta; adds: Adam Wren to fire & ambulance, Connor Smith to fire & ambulance, Blake Trowbridge to fire & ambulance, Dylan Mackaravitz to fire & ambulance, Jordan Diaz to fire, Paul Moon to receive his Exempt Certificate, Jordan DiPonzio name change to Jordan Ray

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

- Terminations
  - Resignations – none
  - Retirements - none
  - Terminations - none

**OLD BUSINESS:** None

**NEW BUSINESS:**

- Addendum – appendix to the Master Agreement for Homeland Security Grants re equipment to Police Department -

→ Motion by Deputy Mayor Kuhn, seconded by Trustee Blair, carried 5/0 to approve and authorize the Mayor to execute the Monroe County Department of Public Safety STOP-DWI Program Amendment #1 – appendix to the Master Agreement for Homeland Security Grants.

**VILLAGE BOARD REPORTS:**

- Mayor M. Connie Castañeda
  - 2011 Fire Service Contracts –

→ Motion by Trustee Hunsinger, seconded by Trustee Blair to approve and authorize the Mayor and Fire Chief to execute the 2011 fire contracts between the Village of Brockport and the Town of Sweden and between the Village of Brockport and the Town of Clarkson.

Discussion:

Mayor Castañeda shared that the 2011 Fire budget totals \$729,100.

Upon roll call vote:

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

Carried 5/0

**BROCKPORT/CLARKSON FIRE PROTECTION CONTRACT  
FOR THE YEAR JANUARY 1, 2011 THROUGH DECEMBER 31, 2011**

THIS AGREEMENT, made in triplicate, the \_\_\_\_\_ day of \_\_\_\_\_ 2010 by and between the incorporated VILLAGE OF BROCKPORT, NEW YORK, by and through its Board of Trustees, party of the first part, and the Town Board of the Town of Clarkson, acting for the CLARKSON FIRE PROTECTION DISTRICT, a fire district located in the Town of Clarkson, New York, party of the second part, and the BROCKPORT FIRE DEPARTMENT and the BROCKPORT VOLUNTEER AMBULANCE CORPS, parties of the third part.

The Clarkson Fire Protection District embraces the following described premises: **The entire town of Clarkson EXCEPTING: Lots 7, 8, 9 10, 11, 12, and 13 of Section 15; Lots 6 and 12 of Section 18; and all lots comprising Section 19; or those portions of the Town of Clarkson lying within the bounds of the Walker Fire District and the Parma Fire District, respectively.**

WITNESSETH:

1. In consideration of the covenants and agreements hereinafter set forth to be performed on the part of the party of the first part, and said party of the third part to furnish fire protection through this contractual fee for service within the said Fire Protection District and will cause its fire department to respond to fire alarms or calls from persons within such Fire Protection District and will in response to such calls or alarms from residents or person of said Fire Protection District cause the necessary fire fighting apparatus as determined by the chief as set down in the department standard operating procedures, (SOP), to render the proper aid depending upon the circumstances, with a sufficient number of fire fighters, to be supplied by third parties, to properly operate such apparatus, to proceed to the scene of such fire and to do all that is needful and proper to assist in extinguishing such fire within such Fire Protection District, including the call for aid from other Village of Brockport fire fighting apparatus and members and such assistance as may be deemed necessary by the chief, under the mutual aid system of the County of Monroe, the County of Orleans and the County of Genesee, for the consideration hereinafter set forth.

2. It is further mutually covenanted and agreed that the Village shall furnish Ambulance Service to said Fire Protection District through the Brockport Volunteer Ambulance Corps of the Village of Brockport under the terms and conditions established through the long-term existing relationship whereby the Village has supplied such services, the only change being that the charge therefore shall be included in the consideration hereinafter set forth.

3. It is further mutually covenanted and agreed that upon request by the Town Clerk of the Town of Clarkson and/or the Village Clerk of the Village of Brockport, an accounting of expenditures and revenue of the immediate, past year of the Brockport Fire Department shall be provided. It is expected that the Village will provide an accounting covering each calendar year, to be provided on or before March 1 of the succeeding calendar year.

4. The party of the second part shall pay to the party of the first part the sum of TWO HUNDRED AND FIFTY THOUSAND, FOUR HUNDRED AND FORTY-FIVE AND 85/100 DOLLARS (\$250,445.85) in four (4) equal installments of \$62,611.46 each, due on March 30, 2011, June 30, 2011, September 30, 2011 and December 30, 2011.

5. The party of the second part covenants and agrees that the Board of said Town of Clarkson, pursuant to Section 184 of the Town Law of the State of New York, shall pay amounts due under this contract after fire protection district taxes are collected and paid over by the collector of the Town of Clarkson to the Supervisor thereof and that said Supervisor will pay the same amounts due under the contract to the Treasurer of the Village of Brockport.

6. It is hereby covenanted and agreed that neither the party of the first part nor any individual members of the Board of Trustees, or officers of said party of the first part or members of its Fire Department, nor the party of the second part nor any individual members of the Town Board or officers of said party of the second part, or members of the third parties hereto shall be liable under this agreement for any damages for failure to furnish fire protection pursuant to the agreement or for failure to furnish fire apparatus, or a sufficient number of fire fighters, or for the failure to do anything needful or proper in attending any fire pursuant to this agreement, or extinguishing the same, nor shall the party of the first part or said Board or any of said officers be liable in damages in any manner for carelessness or negligence in failing to respond to any fire calls or failing to attend any fires or for any acts or failure to do any act, in, under, and pursuant to this agreement.

7. It is further expressly mutually covenanted and agreed that in no event whatsoever shall any member of the Town Board of the Town of Clarkson be held individually, personally liable under this contract, or in any way be deemed to be a party hereto individually.

8. First party and third party shall be responsible for any loss or damage to fire or ambulance apparatus sustained in rendering firematic services, and to save harmless second party from any firematic claims arising from acts of the third party in answering calls within the borders of the second party.

9. It is further mutually covenanted and agreed that all the Laws of the State of New York relating to this contract and the Volunteer Fireman's Benefit Law of the State of New York relating to liability for the payment of injured volunteer fire fighters or the representatives of deceased volunteer fire fighters are applicable hereto.

10. This contract shall be for a term commencing January 1, 2011 for the calendar year 2011, and shall be deemed renewed on the same basis each calendar year thereafter for a further full calendar year, unless terminated as provided in Subdivision 4 of Section 184 of the Town Law, the term

of said contract to expire in any event on the 31st day of December 2015.

**MINUTES OF VILLAGE BOARD MEETING HELD October 13, 2010 continued.....page 9**

**BROCKPORT/SWEDEN FIRE PROTECTION CONTRACT  
FOR THE YEAR JANUARY 1, 2011 THROUGH DECEMBER 31, 2011**

THIS AGREEMENT, made in triplicate, the \_\_\_\_\_ day of \_\_\_\_\_ 2010 by and between the incorporated VILLAGE OF BROCKPORT, NEW YORK, by and through its Board of Trustees, party of the first part, and the Town Board of the Town of Sweden, acting for the SWEDEN FIRE PROTECTION DISTRICT, a fire district located in the Town of Sweden, New York, party of the second part, and the BROCKPORT FIRE DEPARTMENT and the BROCKPORT VOLUNTEER AMBULANCE CORPS, parties of the third part.

The Sweden Fire Protection District embraces the following described premises:

The entire Town of Sweden, excluding the incorporated Village of Brockport.

WITNESSETH:

1. In consideration of the covenants and agreements hereinafter set forth to be performed on the part of the party of the first part, and said party of the third part to furnish fire protection through this contractual fee for service within the said Fire Protection District and will cause its fire department to respond to fire alarms or calls from persons within such Fire Protection District and will in response to such calls or alarms from residents or person of said Fire Protection District cause the necessary fire fighting apparatus as determined by the chief as set down in the department standard operating procedures, (SOP), to render the proper aid depending upon the circumstances, with a sufficient number of fire fighters, to be supplied by third parties, to properly operate such apparatus, to proceed to the scene of such fire and to do all that is needful and proper to assist in extinguishing such fire within such Fire Protection District, including the call for aid from other Village of Brockport fire fighting apparatus and members and such assistance as may be deemed necessary by the chief, under the mutual aid system of the County of Monroe, the County of Orleans and the County of Genesee, for the consideration hereinafter set forth.

2. It is further mutually covenanted and agreed that the Village shall furnish Ambulance Service to said Fire Protection District through the Brockport Volunteer Ambulance Corps of the Village of Brockport under the terms and conditions established through the long-term existing relationship whereby the Village has supplied such services, the only change being that the charge therefore shall be included in the consideration hereinafter set forth.

3. It is further mutually covenanted and agreed that upon request by the Town Clerk of the Town of Sweden and/or the Village Clerk of the Village of Brockport, an accounting of expenditures and revenue of the immediate, past year of the Brockport Fire Department shall be provided. It is expected that the Village will provide an accounting covering each calendar year, to be provided on or before March 1 of the succeeding calendar year.

4. The party of the second part shall pay to the party of the first part the sum of THREE HUNDRED AND TWELVE THOUSAND, ONE HUNDRED AND TWENTY-SEVEN AND 71/100 DOLLARS (\$312,127.71) in four (4) equal installments of \$78,031.93 each, due on March 30, 2011, June 30, 2011, September 30, 2011 and December 30, 2011.

5. The party of the second part covenants and agrees that the Board of said Town of Sweden, pursuant to Section 184 of the Town Law of the State of New York, shall pay amounts due under this contract after fire protection district taxes are collected and paid over by the collector of the Town of Sweden to the Supervisor thereof and that said Supervisor will pay the same amounts due under the contract to the Treasurer of the Village of Brockport.

6. It is hereby covenanted and agreed that neither the party of the first part nor any individual members of the Board of Trustees, or officers of said party of the first part or members of its Fire Department, nor the party of the second part nor any individual members of the Town Board or officers of said party of the second part, or members of the third parties hereto shall be liable under this agreement for any damages for failure to furnish fire protection pursuant to the agreement or for failure to furnish fire apparatus, or a sufficient number of fire fighters, or for the failure to do anything needful or proper in attending any fire pursuant to this agreement, or extinguishing the same, nor shall the party of the first part or said Board or any of said officers be liable in damages in any manner for carelessness or negligence in failing to respond to any fire calls or failing to attend any fires or for any acts or failure to do any act, in, under, and pursuant to this agreement.

7. It is further expressly mutually covenanted and agreed that in no event whatsoever shall any member of the Town Board of the Town of Sweden be held individually, personally liable under this contract, or in any way be deemed to be a party hereto individually.

8. First party and third party shall be responsible for any loss or damage to fire or ambulance apparatus sustained in rendering firematic services, and to save harmless second party from any

firematic claims arising from acts of the third party in answering calls within the borders of the second party.

9. It is further mutually covenanted and agreed that all the Laws of the State of New York relating to this contract and the Volunteer Fireman's Benefit Law of the State of New York relating to liability for the payment of injured volunteer fire fighters or the representatives of deceased volunteer fire fighters are applicable hereto.

10. This contract shall be for a term commencing January 1, 2011 for the calendar year 2011, and shall be deemed renewed on the same basis each calendar year thereafter for a further full calendar year, unless terminated as provided in Subdivision 4 of Section 184 of the Town Law, the term of said contract to expire in any event on the 31st day of December 2015.

- 2011 Proposed Seymour Library Budget – Mayor Castañeda asked if the Board wished to approve a 2% or 3% over actual as previously discussed. Actual was determined to be \$432,390. Bringing 2% over actual to \$441,038. This makes the Village’s portion \$180,825 which is a \$3,762 increase over 2010. A 3% over actual would make the Village’s portion \$182,598 which is a \$5,535 increase.

→ Motion by Mayor Castañeda, seconded by Trustee Blair to fund the Seymour Library at 2% over actual. Actual was determined to be \$432,390 bringing 2% over actual to \$441,038. This makes the Village’s portion \$180,825 which is a \$3,762 increase over 2010.

Discussion:

Mayor Castañeda commented that these are tough economic times and the Village is experiencing its share of financial difficulties and being forced to make some tough decisions. She said she realizes the Library has not had an increase in 2 years. While this is not the increase they proposed, it is something.

The Village remains committed to Library service to our community and appreciates all staff and volunteers for their dedication.

Upon roll call vote:

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

Carried 5/0

- November bills – Mayor Castañeda said she received word from Deputy Clerk-Treasurer Johnson that in the month of November there is only one regular Board meeting (November 10<sup>th</sup>). Since the Village will be receiving bills requiring payment prior to the next regularly scheduled Board meeting (December 8<sup>th</sup>), will the Board hold a special meeting to approve vouchers or is it ok to process and pay the bills the week of November 22<sup>nd</sup> (short week due to Thanksgiving) and obtain Board signatures and on the record approval in the minutes of December 8<sup>th</sup>.

→ Motion by Mayor Castañeda, seconded by Trustee Blair carried 5/0 to authorize processing and payment of bills the week of November 22<sup>nd</sup> that are essential or have payment due dates prior to the next processing date.

- Trustee / Deputy Mayor Daniel P. Kuhn

- Library – Deputy Mayor Kuhn shared that he met with Interim Library Director Jeff Davignon. The intermunicipal library budget is based on population which makes the Village’s portion 41%. They are still working with the 2000 census results. He said J. Davignon is excited about 2011 and new programs and services.

- Tree Board – Deputy Mayor Kuhn thanked Tree Board Chair Margay Blackman for her explanation to the Board and to the public through her letter in the Suburban News about the trees and the NYS DOT Main Street reconstruction project.

- Trustee Kent R. Blair

- Accept bid for sale of “pool” car – Trustee Blair reminded the Board that the vehicle known as the Fire Department “pool” car was recently declared surplus and placed on Auctions International. The bid results are in. The top 3 bids are \$1,361, \$1,311, \$1,209. He recommended accepting the high bid of \$1,361 and also accepting the next 2 highest bids just in case the sale from the high bid falls through.

→ Motion by Trustee Blair, seconded by Mayor Castañeda carried 5/0 to accept the high bid of \$1,361 for the sale of the 2001 Ford Crown Victoria VIN #2FAFP71W91X132359 with 95,037 miles on it and further to authorize the next highest bids of \$1,311, \$1,209 if the high bid falls through. Proceeds to be placed into Fire Chiefs Truck Replacement Fund.

- Fire Department – truck repairs - Trustee Blair reported that 2 fire trucks have recently experienced major malfunctions. The ladder truck, which is over 20 years old, is in for a repair estimate. It could entail over \$4,000 in body work due to an ax becoming unlodged and getting stuck in the cab door. Trustee Blair said we are lucky no one was injured. We are required to have a ladder truck due to the high rise buildings at SUNY Brockport. Another fire truck has a broken axel. While there is a vehicle maintenance line, major repairs are unforeseen and unbudgeted.

Trustee Blair said he had asked the Fire Chiefs for a wish list of items if he had a magic wand. Deputy

Chief Henry forwarded a list of suggestions that he will share with the Board. This will help as there is currently no long term plan.

## **MINUTES OF VILLAGE BOARD MEETING HELD October 13, 2010 continued.....page 11**

Mayor Castañeda said they are awaiting the results of the independent survey / site assessment regarding the Fire Department. Trustee Hunsinger concurred and said the results will be able to be taken in various directions. He said it is encouraging to look at all the possibilities. Trustee Blair said the independent vendor conducting that survey will be meeting with the involved officials on October 22<sup>nd</sup> and 23<sup>rd</sup>. Trustee Blair reminded all that one issue needing resolution sooner rather than later remains the proper separation of fire and ambulance. The Village is still awaiting Village Attorney on this matter. Mayor Castañeda said it was recommended by NYS OSC and referred to the Village Attorney in December 2009.

o Trustee Carol L. Hannan

▪ Conversion of single family homes to multiple rentals – Trustee Hannan said many residents continue to be concerned with the conversion of single family homes into multiple rentals. There is no plan to address this. The Town/Village joint comprehensive plan does not address this. She said she is working on a proposal for a moratorium. She stated that winter is typically a less active time of year for home sales and would be the appropriate time to deal with it. A moratorium would require a public hearing. She will work with Code Enforcement Officer Zarnstorff on this. She said the Village needs to work on short and long term goals.

▪ SUNY – Trustee Hannan said she and Code Enforcement Officer Zarnstorff met with SUNY BSG representatives. She has been identified as a Village resident of long term. Discussion took place about the recent “glowfest” event and the excessively loud music that traveled off campus through the Village. She said students were/are under the impression that the Village only benefits by having students here and that there are no costs involved. She said they were under the impression that the Village receives vast amounts of taxes from all the rental properties. She said it was explained that while the Village benefits such as its merchants, there are definitely costs. She said she didn’t even mention that the Fire Department has to have a ladder truck due to the high rises. She said she thinks they have a better understanding now. She said she was asked if student behavior is better or worse than the “olden days”.

▪ Ad-hoc committee investigating the feasibility of a sewer user fee – Trustee Hannan said the committee met with Treasurer Lovejoy and found it very enlightening. They looked at many things and found it very productive. She said if it were to be implemented, it would not be until next fiscal year. She said they are looking for short and long term projections of expenses and projects.

▪ DPW – Trustee Hannan said she took Trustee Blair up on his suggestion and took a visual tour of DPW and compared the physical inventory finding everything on the paper list. She said this was very enlightening.

▪ South Avenue undeveloped properties – Trustee Hannan referred to having attended the Shovel Ready conference and learning of undeveloped parcels on South Avenue in light industrial zoning. She said she spoke to the attorney for those properties about making them more appealing to developers by implementing a Q overlay district which would allow for single family and multi family housing. This was done for the new subdivisions on East Avenue and West Avenue currently under construction.

▪ Downtown Commercial District – Trustee Hannan shared that the Brockport Merchants Association is going into the holiday season fairly low on funds. She said she will be hitting up each Board member for a \$10 personal contribution to total \$50 to have an honorary membership. She has personally cleaned out every Ollie’s Bargain store from here to Hershey, PA and purchased 40 holiday wreaths with lights. They will be able to be used year in and year out rather than purchasing live wreaths every year. Making the downtown commercial district festive will help encourage people to come and shop.

o Trustee Scott W. Hunsinger

▪ Assessment – Trustee Hunsinger shared that he and Trustee Blair will be meeting with the Town Assessor next week to ask some questions on sales, usage, classifications of properties, etc. They hope to get a clearer picture of assessment. Trustee Blair provided the Board and Clerk with an updated copy of the Assessment manual regarding classifications of property.

▪ Touring the Village - Trustee Hunsinger shared that he has been out walking and driving through all parts of the Village.

▪ Ad hoc committee investigating feasibility of Village Court – Trustee Hunsinger shared that the committee has had 2 meetings and gathered volumes of information. They are

interviewing experts, compiling expense lists as to start up and day to day costs, exploring locations and staff needs, and assessing revenues. There are many variables involved.

- BCS D Transportation - Trustee Hunsinger said he met with Joe Lamarca and Milt Way of BCS D Transportation to discuss how Village traffic will be changed when the bus garage moves to Owens Road in January / February. He said they will break early morning departure 3 ways – 1/3 to **MINUTES OF VILLAGE BOARD MEETING HELD October 13, 2010 continued.....page 12**

Route 31, 1/3 to South Avenue extension to Fair Street, 1/3 to State Street. Trustee Hunsinger commented that Fair Street is the thinnest street in the Village. They will try to offset departure times. The Crossing Guard at Centennial will stay. He said BCS D Transportation Department finds this an exciting time. Refueling and maintenance will go back to Owens Road requiring more trips. He said they will meet again soon and that they appreciated the Village asking questions. Trustee Hunsinger said residents may find they have more buses up and down their streets. They will be talking with NYSDOT regarding the impact of Main Street reconstruction on the buses. BCS D gets regular updates as to traffic from NYSDOT.

- Historic Preservation - Trustee Hunsinger said he met with Bill Andrews. The walking tour brochures are running low. They are a great guide and include a map. Changes will be made such as the welcome message being generally from the Village Board rather than locking in to a specific Mayor or Board members. They also plan to use the rendering of the new mural on the front of Lift Bridge Book Shop on the cover. It will cost \$1,800 to print 5,000 copies. B. Andrews will pursue sponsors that will have their ads or coupons inserted in the brochures. This will also serve as a way to help the merchants gain business.

Trustee Hunsinger said they also discussed that since the Brockport Republican ended, then the Brockport Democrat ended, then the Brockport Post ended, there is no real newspaper for the Village. No disrespect to Suburban News or Tri County Advertiser, but they simply don't provide information such as marriages, births, deaths, fires, or a profile of what happens in the community. B. Andrews wishes to implement a Brockport Village Chronicle Blog. It would not be tied to politics in any way. It would be a historical record of statistics and news that makes the Village special. It could be accessed from any computer as well as the one for visitors at the Welcome Center. There would be no Village Board or political involvement. Simply from a historical perspective.

Trustee Hunsinger shared that he met with Village Historian and Museum Director Jackie Morris and Museum Committee Member Doug Wolcott. They are excited about a new project in which members of the SUNY Anthropology Department will help catalog, categorize, photo and document what is in the museum. There is a computer in the museum now that is having the bugs worked out of it. They'd like to go to a 22" HD monitor. Our history is important and it is encouraging to have students interested in helping. The Anthropology Department's Neil Keating will head up the project and look into grants. They also may approach the Board about making the current Museum committee a 5 member active Board and seek out free consultants to be a part of it all. They hope to find grant funding or fundraising for a stair lift so that they become ADA compliant so that those who cannot handle the stairs can get up there.

- Capital Improvement Plan – Trustee Hunsinger suggested that the Board allocate some time to the C.I.P. at the November 9<sup>th</sup> work session. He suggested everyone review it between now and then so they can discuss it.

Mayor Castañeda referred to Trustee Hunsinger being absent at last evening's work session. She asked that he notify the Clerk in advance if he cannot attend a meeting. The Board has held 2 work sessions and he has not been able to make either one.

**EXECUTIVE SESSION:** None

**ADJOURNMENT:**

→ At 8:20pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the meeting be adjourned.

---

Leslie Ann Morelli, Village Clerk