

**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 19, 2009 at 7:00pm.**

**PRESENT:** Mayor M. Connie Castañeda, Vice Mayor/Trustee Kelly A. Smith, Trustee Kent R. Blair, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli, Treasurer Gina M. Tojek, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Scott Smith

**EXCUSED:** Trustee Hal S. Legg, Village Attorney Michael Leone

**ALSO PRESENT:** Jo Matela, Kathy Snyder, Jack Wahl, Scott Speer, Gene Webster, Jason Foote, Norm Giancursio, Jim & Joan Hamlin, Christopher martin, Mary Jo Nayman, Tom Lauffer, Rich Miller, Jim Goetz, John Bush, John Lessord, Francisco & Linda Borrayo, Fred Webster, Dave Moore, Jeff Woodin, Bruce Hovey

**CALL TO ORDER:** 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."

**APPROVAL OF MINUTES OF PREVIOUS MEETING:** Mayor Castañeda called for any additions or corrections to the minutes of the last meeting.

- ➔ Trustee Hunsinger moved, Trustee Hunsinger, Trustee Smith, Mayor Castañeda in favor, Trustee Blair abstained due to absence, carried 3/0 that the minutes of the meeting held September 22, 2009, be approved as written.
- ➔ Trustee Smith moved, Trustee Smith, Trustee Hunsinger, Mayor Castañeda in favor, Trustee Blair abstained due to absence, carried 3/0 that the minutes of the meeting held September 28, 2009, be approved as written.
- ➔ Trustee Hunsinger moved, unanimously carried 4/0 that the minutes of the meeting held October 5, 2009, be approved as written.

The minutes of the 10/6 intermunicipal meeting will be approved at the next meeting.

**AUDIT – PAY BILLS:**

- ➔ Trustee Hunsinger moved, unanimously carried 4/0 that the bills be allowed and paid upon audit.

	<u>Date Paid</u>	<u>Beg. Ck #</u>	<u>End Ck #</u>	<u>Amount</u>
FUND (A):				
<u>General</u>	9/29/09	179488	179488	8,900.00
	10/20/09	179543	179592	\$21,783.80
	10/20/09	179596	179596	\$55.68
				<b>\$30,739.48 Total General</b>
<u>Reserves</u>	10/20/09	179593	179595	\$1,665.73
				<b>\$1,665.73 Total Reserves</b>
<u>Fire</u>	9/29/09	179489	179489	\$153.63
	10/20/09	179543	179559	\$11,873.02
	10/20/09	179554	179554	\$(621.55) void
	10/21/09	179599	179599	\$468.82
				<b>\$11,873.92 Total Fire</b>
<u>Ambulance</u>	10/20/09	1670	1685	\$14,522.28
				<b>\$14,522.28 Total Ambulance</b>
FUND (F):				
<u>Water</u>	10/20/09	2425	2432	\$1,897.99
	10/20/09	2429	2429	\$(621.55) void
	10/21/09	2433	2433	\$34.83
				<b>\$1,311.27 Total Water</b>
FUND (H):				
<u>Capital</u>	10/20/09	2344	2346	\$301,872.90
				<b>\$301,872.90 Total Capital</b>
				<b>\$361,985.58 Grand Total</b>

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT:**

1. Gene Webster of Clinton Street said he stopped in to Village Hall a while back to suggest the Village establish a dog park. The Clerk recommended that he approach the Village Board with the idea. Scott Speer of East Avenue said his Boy Scout Troop would be willing to help build a dog park.

Trustee Blair asked if they had any research or plans. G. Webster said no. Mayor Castañeda suggested they leave their contact information for future follow up.

**GUESTS:**

1. Josephine Matela – Merchants Association 10/30 parade & Halloween Party – J. Matela requested a procession permit and use of the Market Street fire hall for the annual children’s Halloween parade and party. Members of the Merchants Association and of a SUNY class do the set up and clean up. The parade lines up at Lift Bridge Book Shop at 6:30pm and ends at the fire hall for the party which is done by 8:30pm. She asked for police assistance at the crosswalks as in the past. She spoke with Jason Foote of Chatfield Engineers who assured her that the construction project would be buttoned up for safety that evening.

→ Trustee Hunsinger moved, unanimously carried 4/0 to approve the annual procession permit and allow use of the Market Street fire hall on Friday, October 30th for the party.

J. Matela further commented that the merchants are adjusting to the construction and appreciate the enhanced communication that she forwards from the Village Engineer.

2. Jason Foote of Chatfield Engineers – Main Street sanitary sewer & water project update – J. Foote concurred that he is regular contact with Josephine Matela of the Merchants Association to keep them apprised.

Water Main:

- Cleaning and relining of the existing water main between Coleman Creek Road and the south side of the railroad bridge is complete. Water main will be reinstated soon.
- Currently installing water services and making water main connections between the side streets and the newly lined water main within that area.
- The remaining section of water main to be cleaned and relined will be completed this week.

Sanitary Sewer:

- Sanitary sewer main and manholes installed from:
  - Monroe Avenue to almost Coleman Creek Road
  - Monroe Avenue to King Street
  - Clinton Street to Water Street
  - Approximately 50% complete
- Installation of sanitary sewer laterals continues. All sanitary laterals have been installed between Erie/State Street and Brockway Place.
- Sanitary sewer main installation to begin on East and West Avenue in the next few days.

Other:

- Approval of Pay Estimate #1 \$282,969.28
- Change Order for taller manholes and deeper sanitary sewer. Total amount is \$14,813.70 per Villager Construction quote.

J. Foote explained that they had no idea how deep 5 manholes were. They were 11 to 12’ deep rather than 5’ as they thought.

→ Trustee Blair moved, unanimously carried 4/0 to approve said change order (#2) in the amount of \$14,813.70.

Trustee Blair thanked J. Foote for his focus on this project. Mayor Castañeda thanked J. Foote for meeting with the merchants last week.

3. Thomas Lauffer of Raymond F. Wager CPA – Independent Audit Presentation – T. Lauffer distributed a financial executive summary for years ended May 31, 2009 and 2008 he prepared that summarizes the many financial statements in the audit. He said the Village Board has reviewed the management letter and prepared and adopted a corrective action plan regarding internal controls recommendations regarding material weaknesses (6), significant weaknesses (9), and control deficiencies (5). He provided an overview of the financial condition of the Village – revenues and expenditures of the general fund, water fund, sewer fund, capital fund.

T. Lauffer referred to the Village depleting its fund balance and reserves and spending significantly over budget and that tough decisions will need to be made – soon. As to the water fund, water rent revenues are down significantly and is a large area of concern. The 2009-2010 budget will have a gap between appropriations and anticipated revenues – meaning the Village will need more in fund balance than it has if it spends as budgeted and receives revenues as anticipated. In the general fund, \$626,606 more was spent than the Village had and in the water fund, \$109,652 was spent more than the Village had. There was very little activity in the sewer fund. As to the capital fund, the deficit regarding the BAN for the Main Street sewer and water project will be eliminated once the permanent bond financing kicks in.

Mayor Castañeda acknowledged receipt of the financial statements, thanked the firm of Raymond F. Wager for preparing the audit and thanked Treasurer Tojek for providing them with so much information and for doing an excellent job on the corrective action plan.

Mayor Castañeda referred to expenditures exceeding the budget by \$626,000 and inquired as to particular items and any recommendations. T. Lauffer referred to the summary of budget to actual and the categories in which the Village spent beyond what was budgeted. Mayor Castañeda noted that charges for services were way down. T. Lauffer said that is primarily the sale of water. The overall trend is that revenues were down and expenses were up. He said it is crucial to look at the 2009-2010 budget and project out where they think it will end up.

Mayor Castañeda said she feels it is important to look at the past few budgets estimated versus actual and commented that the past few budgets were not realistic. For example, look back to when the water fund was healthy. What was done differently? They haven't appropriated enough money in certain areas or raised water rates in several years. A DPW laborer was paid out of the water fund that didn't do water work.

Trustee Blair commented that assets dropped in half and that they can't do a budget based on 2008. He concurred that the Board has to make some very tough decisions to get this to work.

Mayor Castañeda stated that the budget process needs improvement and the Board and Department Heads need to more closely monitor the budget and identify areas or projects for reduction or elimination. What might have sounded reasonable at budget time, may not be now. We have to save and cut where we can. She said the Village ran out of money last March – before the end of its fiscal year. It will likely run out sooner this year if cuts aren't made. Spending must be prioritized and monitored.

**DEPARTMENT REPORTS:**

- A. PUBLIC WORKS – Superintendent Harry G. Donahue
  1. Amend prior acceptance of \$1,801 for CEO car & accept next highest bid of \$1,701 – Superintendent Donahue reported that the high bidder of \$1,801 backed out and has been removed from the Auctions International list of approved bidders. The next highest bidder came in at \$1,701 and went as low as \$25. He recommended the Board accept the next highest bid of \$1,701.

→ Trustee Smith moved, unanimously carried 4/0 to accept the next highest bid of \$1,701 for the former Code Enforcement Officer vehicle.

Trustee Blair recommended future bid results include the top 3 bids and the Board accept the highest bid wording the motion to go to the next highest if that falls through. Superintendent Donahue concurred.

2. Main Street sanitary sewer and water main replacement project – Mayor Castañeda referred to a suggestion made by Archie Kutz of Lift Bridge Book Shop that the Village direct DPW to cover the few signs for reserved parking for fire and dispatch in the municipal lot by 38 Market Street so that shoppers have more room to park during the Main Street project. DPW Superintendent Donahue and Fire Chief Smith do not recommend such as there is still parking on Main Street, parking available in other municipal lots, and there needs to be some reserved parking for public safety purposes.

**MINUTES OF VILLAGE BOARD MEETING HELD October 19, 2009 continued.....page 4**

**B. POLICE DEPARTMENT – Chief Daniel P. Varrenti**

1. Update on Accreditation Examination – Chief Varrenti reported on the thorough and comprehensive October 6<sup>th</sup> – 8<sup>th</sup> re-accreditation exam conducted by 3 NYS Accreditation examiners. While the initial process 5 years ago put policies and procedures into place, the department now had to prove it by meeting 132 standards. A written report on the findings will be forthcoming that will show full compliance and that the department is being recommended for re-accreditation. He will go to Albany in December to accept the certificate. Chief Varrenti commented that while it was a good department prior to accreditation, it is a better department now. This was a free process. The assessors were provided by New York State.

Chief Varrenti thanked DPW for doing some needed exterior maintenance at the Police Department in preparation for the accreditation exam. He thanked Trustees Hunsinger, Legg and Blair for offering to help paint the interior.

2. Hiring to share part time hours with current employee at no additional cost – Chief Varrenti reminded the Board that he previously recommended that 2 part time clerks share the 20 hours per week, but only 1 was hired. He said while the one individual is doing fine, he cannot predict the future. He recommends the Board hire Rachel Blair who applied and interviewed 9 months ago to share the 20 hours with the current part time clerk. This will cost no additional money and will allow them to have 2 people trained in a position that currently only one person knows.

Mayor Castañeda said although the part time clerk position was budgeted for, she voted against filling the position because the Village needs to reduce expenses where it can. What might have seemed reasonable at budget time is no longer the case. Further, she feels it gives a bad perception to hire a Trustee's wife.

→ Trustee Smith moved to hire Rachel Blair as part time Police Department Clerk to share the 20 hours with the current part time clerk. Trustee Smith and Trustee Hunsinger in favor, Mayor Castañeda opposed, Trustee Blair abstained due to his relationship with R. Blair. 2/1/1 Motion defeated.

Trustee Hunsinger said he would call from the same motion the next time there is a full board available to vote. Chief Varrenti said he will continue to request it, as the position is needed and it makes sense.

3. Village Court – Chief Varrenti reported that he and Trustee Hunsinger continue to look into the possibility of establishing a Village Court – costs versus benefits. More information to come.
4. Audit – Chief Varrenti questioned the cost of the recent independent audit. Treasurer Tojek replied \$9,000, just slightly more than previous years. Chief Varrenti said he believes some people thought this audit would solve the problems or make decisions. However, the Village Board needs to identify essential services. There is no magic wand.

Chief Varrenti said one item in the management letter referred to Department Heads needing to approve/sign their employees timesheets and needing to submit a timesheet for the Mayor to approve/sign. He said he cannot validate the accuracy of timesheets as his operation is 24/7/365. Similarly, the Mayor cannot validate the accuracy of Department Heads timesheets. He said he has been in law enforcement for 23 years and has never had to fill out a timesheet. He cautioned the Mayor and Department Heads on signing timesheets and said he will place the onus on his officers that they sign their timesheet under penalty of perjury. He commented that the issue of signing timesheets has nothing to do with the financial condition of the Village and suggested it is “smoke and mirrors”.

5. Broadcast of Village Board meetings – Chief Varrenti commended John Bush for volunteering his time to tape the Village Board meetings. He asked when and where they are broadcast. Mayor Castañeda responded that until recently they were regularly shown by Educable on Channels 12 or 15. On October 1st, Time Warner Cable took over that responsibility and notified the Village of the format tapes are to be provided. Educable Communications is very displeased with Time Warner Cable regarding this matter and wants the municipalities to fight on their behalf.

**C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff**

1. Codes Office Inspection Summary 2009 – CEO Zarnstorff referred to the information provided to the Board. It encompasses January 1<sup>st</sup> – September 30<sup>th</sup> and is broken down as to 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> quarter activity as well as by inspector (Zarnstorff and Vaughan). He said his department continues to work towards improvement and recommended the Board review it as it gives a good indication of work volumes.

2. SUNY Task Force – CEO Zarnstorff shared that he got volunteered for a SUNY Brockport task force on their 2 year phase in program to make it a smoke free campus. He will accept and represent the Village unless he hears differently from the Village Board.

**MINUTES OF VILLAGE BOARD MEETING HELD October 19, 2009 continued.....page 5**

**D. FIRE / AMBULANCE / DISPATCH - Chief Scott Smith**

1. Calls for Service – 778 fire calls year to date and 1,658 EMS calls year to date.
2. Membership Drops & Adds – Chief Smith asked the Board to consider approving the following drops: none; the following adds to active fire only membership: Kendra Ewell, Christopher Graves, Brian Murray, Mark Rennard; the following exempt certificates: none.

→ Trustee Blair moved, unanimously carried 4/0 to approve the previously mentioned adds.

3. Authorize Fire Police equipment expenditure – Chief Smith reviewed his proposal to purchase 12 pair of safety green cold weather gloves at \$15.00 each for a total of \$180 and 20 flashback batons for traffic control at \$35 each for a total of \$700. The total expenditure for Fire Police safety equipment would be \$880. This budget line balance is currently \$1,020.

Trustee Hunsinger suggested double checking that nothing else is needed for that budget line. Chief Smith said they will not go over budget in this line.

→ Trustee Hunsinger moved, unanimously carried 4/0 to approve said expenditure of \$880 for Fire Police safety equipment.

4. Proposal – firefighter personal protective equipment – Chief Smith reviewed his proposal to properly outfit the volunteers and purchase 12 sets of turnout gear at \$21,947.04. Through this vendor 12 sets can be obtained compared to 8 sets through another vendor. He said this will leave \$652.96 in that budget line. He shared that per NFPA standards (an unfunded mandate), turnout gear must be deemed unusable after 10 years. A few years ago they got a grant for 50 sets.

Trustee Smith commented that this gear is good quality and will require less repairs.

→ Trustee Hunsinger moved, unanimously carried 4/0 to approve said expenditure of \$21,947.04 for 12 sets of turnout gear.

**E. TREASURER – Gina M. Tojek**

1. Letter of Credit Draw – Sunflower Landing Section 2 - Treasurer Tojek recommended approval of a \$60 Letter of Credit Draw.

→ Trustee Smith moved, unanimously carried 4/0 to approve said Letter of Credit Draw of \$60 for Sunflower Landing Section 2.

2. Cash Flow Analysis – Treasurer Tojek shared that she is in the difficult and tedious process of estimating cash flow.
3. Water Rate Analysis – Treasurer Tojek shared that she and DPW Superintendent Donahue are working on analyzing the water fund. The Board has not increased water rates in 4 years. The water fund is losing money and selling less water. There are not a lot of new customers. SUNY Brockport made some enhancements that has resulted in diminished water sales. She hopes to have a proposal to the Village Board for November action for a December rate increase.
5. Grants – Treasurer Tojek shared that she is working with Bill Andrews on many grants needing follow up.
6. NYS OSC Risk Assessment – Treasurer Tojek shared that NYS OSC is still in the processing of conducting a risk assessment which will be evaluated by State Auditors. They have referred the question of Ambulance Third Party Billing and the use of Third Party funds to their legal department. The determination will be either to continue to use Third Party Funds on ambulance only or to be able to use Third Party Funds for general fund purposes. Currently the Village cannot take in any more in revenue than needed to support the ambulance.
7. Long Range Financial Plan – Treasurer Tojek reported that she, Mayor Castañeda and Trustee Legg participated in a conference call with Bernard P. Donegan Municipal Finance regarding the long range financial plan they will be preparing.
8. Independent Audit – Treasurer Tojek said she would be remiss if she did not respond to Chief Varrenti's earlier comments regarding the independent audit. The Village paid ~\$7,000 per year the past several years and utilized the same local CPA for many years to do its annual audit.

Upon her review and recommendation, she brought in an accounting firm with expertise in municipal government, which is distinct and unique as to its laws, responsibilities, and internal controls. Nothing about the audit was “smoke and mirrors”. An independent audit is required by law and is an extremely important financial document. She said the Village’s audit must be

**MINUTES OF VILLAGE BOARD MEETING HELD October 19, 2009 continued.....page 6**

conducted in compliance with GASB standards and entails two parts – internal controls and financial statements. Identification of internal controls must be very specific and can ultimately affect the Village’s financial position. This includes detection of fraud and how we conduct the business of the people. There is an obligation of the Village Board to protect assets which includes payroll. The auditors are required to report on internal controls. There is zero subjectivity on their part. The issue of timesheets was just one item. The Mayor is not attesting to a legal document. However, it is important for a Mayor to see how much time Department Heads are working, if they are taking sufficient time off, and the like. A Department Head or employee who rarely takes time off or doesn’t want others to open their mail or fill in for them sends a red flag. She said obviously a Department Head can’t know for sure when they are open 24/7/365. However, they can look for red flags.

Treasurer Tojek said the Village Board is solely responsible for the financial condition. Did we have an idea of where we were in April? Yes. This Village Board HAS to develop a plan to get us through. The Village was obviously over budget and has had a budgeting problem.

Mayor Castañeda commented that for the past 3 years she has asked for a better budget process and was met with resistance by then-Board members. The Board needs to begin working on the budget sooner, schedule budget meetings, meet with Department Heads, and set realistic goals. She said she believes revenues were overestimated, expenses were underestimated, and the tax rate was not sufficient to provide the services taxpayers have come to expect. Water rates did not keep pace and water meter upgrades were put off. She said the Village asked for a NYS OSC audit since the last one was in 2001 and there have been changes in Boards and Treasurers. Perhaps some of our problems could have been mitigated earlier. We need to get back on our feet. She reminded the Board that Treasurer Tojek recommended a 22% tax rate increase in order to meet the budget. The Board worked to cut various budget lines and went with a 12% increase. However, we’ll still come up short. The Board needs to determine essential services and eliminate or consolidate where it can. We can’t continue to provide services but not budget properly for them or raise enough taxes to pay for them.

Chief Varrenti said he appreciates Treasurer Tojek’s explanation and is confident that she knows what she’s talking about. He said part of his frustration is that an audit talks about the past instead of the future and won’t really tell you how to get out of the problems. He said it is unfortunate that employees continue to hear about the Village running out of money. It’s time to come up with answers and see what can be done.

- F. CLERK - Leslie A. Morelli
- G. VILLAGE MANAGER – (vacant)
- H. ECONOMIC DEVELOPMENT COORDINATOR – (vacant)
- I. VILLAGE ATTORNEY – Michael Leone, Esq of Harris, Chesworth, O’Brien, Leone, et al. (excused)

**VILLAGE BOARD REPORTS:**

- A. Mayor M. Connie Castañeda
  - 1. 2010 Seymour Library request for funding – Mayor Castañeda referred to the October 13<sup>th</sup> letter and proposed 2010 Library budget from President Jeff Davignon. The cost share for the Village would be \$190,273, a 7% increase from 2009. They request a funding decision by November 15<sup>th</sup>.

Trustee Hunsinger suggested tabling decision until Trustee Legg is here since he is the Library liaison. Trustee Blair questioned how the split among Brockport, Sweden, Clarkson is determined. Treasurer Tojek said it is based on population and uses the last census figures (2000). The Census will be updated in 2010. She will ask if they plan to do so this year. Mayor Castañeda said unfortunately an increase in funding does not seem possible from the Village this year. Trustee Blair commented that the Library budget is almost as big as the Fire Department budget. Trustee Blair said he’d like to see a more detailed budget breakdown. Mayor Castañeda shared that in the past, the Library Board did a budget presentation to the 3 Boards.

- 2. 2010 Fire Service Contracts – Mayor Castañeda referred to the October 6<sup>th</sup> intermunicipal

meeting in which the Village Board passed a motion 3 to 1 (with 1 absence) to provide a written response by October 13<sup>th</sup> to the Towns of Sweden and Clarkson as to their 5 issues. She called for a special meeting and was unsuccessful in getting a quorum or getting a unified Village response. She forwarded a letter on October 13<sup>th</sup> that outlined potential possible 3 year or 5 year restitution of surplus funds plan and promised further follow up after this evening.

**MINUTES OF VILLAGE BOARD MEETING HELD October 19, 2009 continued.....page 7**

She shared that she met with Supervisors Milner and Kimball on October 14<sup>th</sup> and although there was disagreement on the amount, it was determined that \$143,266 would be the figure used – not \$223,000+. Further, since some Village Board members had concern with paying back the Towns, they came up with another option - to place the money into the fire equipment replacement capital reserve. She said the Supervisors agreed that the money belongs in the fire line.

→ Mayor Castañeda moved that the Village Board hereby approves an expenditure in the amount of \$143,266 representing Fire Department operational surpluses for contract years 2003 through 2008, such expenditure to be paid over a (5) year period in the amount of (\$28,653) per year and, Further Resolved, that such expenditure shall be included in the annual budgets as a transfer to the Fire Department Truck Replacement Capital Reserve (#22), which sum shall be in addition to transfers to the Fire Department Truck Replacement Capital Reserve (#22) approved as part of the annual Contract for providing fire service to the Towns of Sweden and Clarkson.

Discussion:

Trustee Hunsinger said he likes the intent and where this is headed, but expressed concern that this is the first he's heard of this option and would like some time to mull it over and to include Trustee Legg who was called away for a family emergency and could not attend this evening's meeting.

Mayor Castañeda said only 1 Trustee is missing. There is a quorum.

Trustee Blair also expressed concern of having just received this right now.

Mayor Castañeda said she met with the Supervisors on October 14<sup>th</sup> and was waiting to hear back from them to get feedback from their Boards. She said she truly believes this is the fair and appropriate way to handle the matter and put the money where it rightfully belongs.

Once this is resolved, the Village can proceed with 2010 fire contracts.

Trustee Blair questioned the need for the grandstanding intermunicipal meeting held October 6<sup>th</sup> if this is now the proposed solution. Mayor Castañeda said it was apparent that some Trustees were opposed to paying back the Towns. The Towns won't let this go and who can blame them? If it were in reverse, the Village wouldn't let it go. She said the Towns have indicated that they will take legal action if necessary. She said that while language regarding surpluses and deficits may not have been in the contract, that it was the practice of rolling over surpluses and deficits to the following year until 5 years ago. Trustee Blair said shame on them for lack of oversight. Mayor Castañeda said shame on the Village as well. There's enough blame to go around. Trustee Blair said the Village was not legally obligated to roll over surpluses. Mayor Castañeda said that may be true, but Supervisor Kimball insists that their legal counsel said past practice (back to 1977) can be considered part of the contract. She said she believes that whether it is technically legal or not, it is the right thing to do. Monies collected for fire service should have only been used for fire service – not to go to the Village's general fund. It was a disservice to Sweden and Clarkson taxpayers and the Fire Department. Village taxpayers benefited from it.

Trustee Blair asked how this is different than the joint municipal Library. Mayor Castañeda said they are very different. Trustee Blair said Mayor Castañeda makes it sound like the Village is holding on to those funds. It doesn't have the money. Mayor Castañeda said she knows that, but the Village took monies from Sweden and Clarkson intended for fire protection and used it in its general fund. Trustee Blair asked Mayor Castañeda what happened over the last 5 years as she was a Trustee for 4 of them. Mayor Castañeda said she did not know this had happened. This information did not come to light until recently. She said the Village cannot continue to take monies intended for one thing and use it for another. The 2010 fire contracts will have language that addresses this.

Trustee Smith said it is not worth the Village burning its bridges with the Towns (no pun intended).

Trustee Hunsinger said there's no other place he'd like to see that \$143,000 go than to the fire department. He said he simply wants some time since the Mayor just proposed this to the Board. He reminded Mayor Castañeda that there have been several times she has been

given things on short notice and was uncomfortable voting on. Mayor Castañeda asked when the Board might feel comfortable with this proposed solution.

Trustee Blair said this is the 3<sup>rd</sup> set of numbers he's seen. Mayor Castañeda said these numbers are in the Village's favor. He said he recognizes that.

→ Call to Question: In favor: Mayor Castañeda, Trustee Smith Opposed: Trustee Hunsinger, Trustee Blair 2/2 motion died.

**MINUTES OF VILLAGE BOARD MEETING HELD October 19, 2009 continued.....page 8**

3. 2009-2010 Sweden Senior Center contribution – Mayor Castañeda reminded the Board of the invoice from the Town of Sweden for 2009-2010. The invoice was for \$12,000, but the Board approved \$6,000 in its budget. She suggested the Board consider a zero contribution this year due to the Village's financial condition.

→ Mayor Castañeda moved to forego the Village's Sweden Senior Center contribution at this time.

Discussion:

Trustee Blair questioned Mayor Castañeda's willingness to move to appropriate \$143,000, but not \$6,000. Mayor Castañeda said the difference is appropriating monies where they rightfully belong. Trustee Blair said either way the Village doesn't have the money.

Trustee Hunsinger asked Mayor Castañeda if she believes a zero contribution is in the best interests. Mayor Castañeda said yes and commented that although it's not a huge amount of money, the Village needs to start looking at each and every expense, small and large and cut where it can.

→ Call to Question: In favor: Mayor Castañeda. Opposed: Trustee Smith, Trustee Hunsinger, Trustee Blair. 1/3 motion defeated.

Payment will be processed for the \$6,000 budgeted.

B. Vice Mayor/Trustee Kelly A. Smith

1. Treasurer – Trustee Smith commended Treasurer Tojek for all of her work and all of the extra time she has put in to assist with the audits.
2. Videographer – Trustee Smith commended John Bush for volunteering his time to tape the Village Board meetings.
3. Public – Trustee Smith commented that it is nice to see a few new faces in the audience this evening and hopes that it is a sign of increased public interest in local government.
4. Fire Contracts – Trustee Smith reminded Trustee Blair that he voted in favor of preparing a plan for possible restitution of surplus fire monies when the amount was as high as \$260,000. The figure has been confirmed at \$143,000. She suggested the matter be put to bed once and for all.
5. Confidences – Trustee Smith said she was under the impression that matters discussed by the Village Board under Executive Session were to be kept confidential. She said she has been rattled that some of what she has said during executive session has been made public. She cited an example regarding the City of Batavia calling for the resignation of a Board member breaking confidentiality. She said she will call for similar resignation if need be.

Trustee Blair asked Trustee Smith what she was referring to, as general statements such as that really don't hold much weight. Trustee Smith said she certainly does not wish to divulge the content in public.

C. Trustee Kent R. Blair

1. Statement – Trustee Blair read the following prepared statement into the record.

Fire Department

Over the past few months the village board has been supplied with a portion of information regarding the "so called" surplus that has been collected from the towns of Sweden and Clarkson in reference to the fire service contract.

In September the Mayor called for a motion to "repay" the towns of Clarkson and Sweden the amount of \$261,000. This was presented with no plan of payment, no research included in the motion and she also indicated that the village is not obligated to do so legally, just that it's the right thing to do. This motion was tabled.

On October 6<sup>th</sup> the board of trustees attended a meeting with the towns of Sweden and Clarkson to

“review” the fire department so called “surplus” and to discuss the options in an open form.

During this meeting, we discussed many areas of the fire service contract, equipment needs, repairs needed to the ladder truck to protect the firefighter’s safety and the overall service that is provided. The two towns were very unyielding of wanting the money back for their taxpayers. This was very discouraging to me because of the financial challenges the village of Brockport is in currently. It was even more difficult to comprehend that the town boards demanded money within 3-5 years and wanted us to take out a loan to pay them back. It was even said that they wanted money and not credit on the contract because they felt the village could go bankrupt and the towns wouldn’t get their money. This **MINUTES OF VILLAGE BOARD MEETING HELD October 19, 2009 continued.....page 9**

proved to me that they had no concern of the residents of the village of Brockport.

The motion was passed to “entertain” restitution to the towns of Sweden and Clarkson.

The following day I received an e-mail that the mayor was given on September 17<sup>th</sup> that outlined the so called surplus and deficit. The actual numbers were not \$261,000 the towns were asking for, the correct amount is roughly \$68,000 – minus 22% removed for the village of Brockport – Meaning \$29,000 for Sweden and \$23,000 for Clarkson totaling the remaining 78%. The village has absorbed more than this amount in the previous years without knocking on the doors of the two towns looking for money.

The Mayor called for a special meeting at the village hall on Friday October 9<sup>th</sup> to review the so called “restitution”. I called and talked to our treasurer at 2:40pm on Friday to learn that she has not heard from the mayor for a few days, and in fact learned about the outcome from the meeting with the two towns from our village clerk. I decided not to attend this meeting due to the fact that once again, the mayor did not collect the correct information to continue this discussion.

I am completely uncomfortable with the events that lead up to paying the towns back for a service agreement and at a potential cost of \$193,000 more than we should have.

This was a complete recklessness of village taxpayers’ money and I cannot consciously associate myself with this type of leadership.

→Trustee Blair moved that the village board rescind the vote that was passed on October 6<sup>th</sup> that stated “provide the town of Sweden and the town of Clarkson boards with a written response to the 5 issues to include a plan for the restitution of surplus funds for 2003 – 2009 by Tuesday, October 13<sup>th</sup>”.

Mayor Castañeda said having been unsuccessful in getting a quorum of the Village Board to meet, and having promised possible restitution options to the Towns by October 13<sup>th</sup>, she, indeed, responded to the Towns with a letter on October 13<sup>th</sup>. She reminded the Board that the Mayor negotiates contracts. She then met with the Supervisors on October 14<sup>th</sup> at which time the 3<sup>rd</sup> option was brainstormed. She gave an overview of the differing numbers as they related to Village records and Town records.

Trustee Blair said this is a perfect example of why it was premature since the numbers are still being discussed.

Mayor Castañeda said the information has been available to all Board members and that if the Board were willing to get together to fully discuss this at a special meeting they could work towards a unified decision. She said she, too, works full time and is here many evenings, often after the staff has left. She sent e-mails requesting a special meeting.

Trustee Hunsinger said the meeting was called less than 24 hours in advance.

Trustee Blair encouraged interested parties to FOIL for the e-mails related to the “restitution”.

Trustee Hunsinger clarified that although the Mayor negotiates contracts, they still need to be approved by the Board.

→ Call to Question: In favor: Trustee Blair, Trustee Hunsinger. Opposed: Mayor Castañeda, Trustee Smith. 2/2 motion defeated.

#### Merchants Association – Construction process

As it was stated to me over the weekend from a few village residents, many of us were drawn to the Village for many reasons – be it the SUNY college, the close K-12 school campus, the canal and historical ambiance or the village restaurants and shops. Whatever it was that brought you here, we need to work together to ensure that we don’t create a Main Street to nowhere.

With this being said I had a correspondence with the Village Merchants association in reference to the steps they are taking -

Each merchant allocates a certain amount of money each year for promotion. That can take the form of mailers etc. We are all; I am sure spending quite a bit to promote our stores each in our own way that works best for our own store. I know that a few stores use direct mail, e-mail and print quite extensively. During the holiday last year we collectively had 16 merchants sign up for commercials on local TV channels.

I have discussed with several merchants the sharing of e-mail and snail mail lists. This is something we are thinking about. We have shared coupons in several incidents at several holidays. We have and do use cross marketing.

**MINUTES OF VILLAGE BOARD MEETING HELD October 19, 2009 continued.....page 10**

We will be getting together to discuss our "Main Street Rocks" promotional plan for next year. We are well on our way to plan on how to get customers downtown. However, the burden should not be totally on the merchants. My question to you is, "what is the village doing or planning to do to help maintain a vibrant downtown during this time?"

Everyone is in agreement that we need to get this done. However, it can be done with the greatest of care and consideration for all parties involved. Many merchants were at the construction update meeting and we appreciated being included. We should also have input and communication with regards to next year's construction. We would like to sit down with the board and discuss what can be done collaboratively to minimize the financial impact. We are certainly willing to do our part but this is something we should not have to take on alone.

I ask the board and the village residents to help the local merchants thru this difficult time and specifically the 2<sup>nd</sup> phase of the construction process. Pass the word, stop by and visit the small wonders in your village and help generate business to keep our downtown business district vibrant. I will ask the board to set aside time to review this concerns.

Parks Committee

I will be meeting with the Parks Committee on October 31<sup>st</sup> to review each park in the village. We will be visiting and reviewing each park to go over the list of items that have been noted in need of repair to ensure these repairs have taken place and also to see what else is in need of repairs to provide safe equipment for the children and families that use these parks. More information to follow.

D. Trustee Scott W. Hunsinger

1. Communication – Trustee Hunsinger apologized to those in the audience and those who may watch the broadcast of this meeting for the debacle. He said promises were made that things would change, that communication among Board members would improve. He said he is committed to doing his part, but the passion is being sucked right out of him and he hopes it can be re-kindled. He said some regular attendees chastise the Board for not working together, but he said he is truly doing his best. As to Trustee Smith's earlier comments, he, too, finds it sad when confidential matters discussed by the Village Board gets out.
2. Code Enforcement – Trustee Hunsinger commended Scott, Larry and Pam in Code Enforcement for their work and for the activity report.
3. Police Department Re-Accreditation – Trustee Hunsinger commended Chief Varrenti and the department for a successful re-accreditation process.

E. Trustee Hal S. Legg (excused)

**Executive Session:**

⇒ At 9:15pm, Trustee Smith moved, unanimously carried 4/0 that the Board of Trustees of the Village of Brockport enter into an executive session with DPW Superintendent Donahue to discuss a potential DPW Union grievance matter per (d) "discussions regarding proposed, pending or current litigation". Mayor Castañeda asked Clerk Morelli to sit in.

⇒ At 9:45pm, Trustee Hunsinger moved, unanimously carried 4/0 that the Board of Trustees re-enter the regular meeting.

**ADJOURNMENT:**

➔ Trustee Blair moved, unanimously carried 4/0 that the meeting be adjourned at 9:45pm.

---

Leslie Ann Morelli, Village Clerk