

Regular (plus annual organizational) 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, July 19, 2010 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli, Police Chief Daniel P. Varrenti, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Fire Chief Scott Smith

EXCUSED: Treasurer Mary Beth Lovejoy

ALSO PRESENT: Village Attorney David Mayer, Sweden Supervisor Jack Milner, Clarkson Supervisor Paul Kimball, Jarl & Doris Boyst, Jackie Henry, D. McFarland, Pat Nisdeo, Joy Levandowski, Bill Andrews, Bernie & Karen LoBracco, Thomas Mangan, Jim & Joan Hamlin, Ray & Jackie Morris, Ed & Johnnie Lehman, Harry Hamlin, Art Appleby, Pam Ketchum, Peter & Susan Smith, Darlene Krause Lang, Daniel Kuhn, Diane Wood, Steve & Danielle Mesiti, Norm Giancursio, Mary Jo Nayman, Francisco & Linda Borrayo, Harry Snyder, John Bush, Randy Dumas, Merv Beaney, Rudy Aceto, Fred Webster

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

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

GUESTS:

- Randy Dumas of Brockport Kiwanis – soapbox Derby – street closure request – 6pm Friday, August 27 to 6pm Sunday, August 29 – Randy Dumas reminded the Board of his appearance at the last meeting and asked if they had sufficient time or further questions about the street closure request.

Trustee Blair said he was not at the last meeting, but took from the minutes that the options were the South Avenue extension or Oxford Street. Mayor Castaneda said yes, and that South Avenue is wider, in better condition for such races which would not require any resurfacing by DPW. This is an expense the Village does not need to incur. Further, it is the safer option.

Trustee Hunsinger asked DPW Superintendent Donahue for his feedback and commented that Oxford Street is shorter than Smith Street that has been used in the past. R. Dumas said that is correct. He expressed concern about the bottom of the little hill on Oxford Street and the issue of having to disrupt 8 driveways. DPW Superintendent Donahue asked R. Dumas if there is enough of a hill on South Avenue. R. Dumas said yes and that there would be a ramp to get started.

Trustee Blair said he recalls that when it was held on Smith Street, a couple of people stayed overnight in Corbett Park. R. Dumas said yes, as some come from Buffalo or Syracuse and either stay in a hotel or stay overnight to watch the gear.

Trustee Hannan said she concurs with Mayor Castaneda that the South Avenue extension is the better and safer option for the racers and the spectators while only a slight inconvenience to traffic. She would be concerned of racers ending up in State Street if they used Oxford Street.

Trustee Hunsinger asked Chief Varrenti for his feedback. Chief Varrenti said they can give some special attention to the traffic detour, but they can't dedicate an officer to it.

→ Mayor Castañeda moved, Trustee Hannan seconded, unanimously carried 5/0 to grant the request of the Brockport Kiwanis to hold its Soap Box Derby August 28th & 29th and close South Avenue from Owens Road to Brook Terrace – 6pm Friday, August 27th through 6pm Sunday, August 29th.

Although the applicant indicated having contacted and received the blessing of property owners in the area, Clerk Morelli will mail a notice to the property owners of the affected section of South Avenue in mid-August.

- Bill Andrews - Historic Preservation Board – a) made a special presentation to Historian / Museum Director Jackie Morris of 27 recently acquired sheets of a ledger of August and September of 1834 related to canal traffic which gives a good idea of commerce on the canal at that time. J. Morris gladly accepted on behalf of the Emily L. Knapp Museum and Library of Local History b) request approval and authorization for Mayor to sign CLG grant agreement for the nomination to register the Oliver Middle School on the State and National Registers – the next step in the process of getting the Oliver Middle School on the State and National Registers is for the Board to authorize the Mayor to sign the contract to receive a \$1,100 grant to hire a consultation to prepare the nomination. B. Andrews shared that the Village of Brockport is one of only 75 Certified Local Governments in New York State. This is the 12th CLG grant for Brockport – a record for NYS. Brockport is the only CLG that has

succeeded with every project as it has never had an application turned down, nor has it ever returned any grant funds. It is one of only 14 awarded this year. B. Andrews referred to the project budget of which only \$283 is estimated as in-kind service from the Village. This is estimated personnel time for the Treasurer, Clerk, copying and postage. He is putting in 120 hours of volunteer labor on the project.

B. Andrews shared that the project was initiated by past BCSD Superintendent Fallon and endorsed by current BCSD Superintendent Stone. A letter indicating such is forthcoming.

Mayor Castaneda shared that she asked B. Andrews for a letter from BCSD showing that they are in favor, as such designation somewhat ties the hands of BCSD in the future. She asked that any approval be contingent on receiving such documentation.

Mayor Castaneda said she commends the grants work done by B. Andrews, but expressed concern of the limited time of the Treasurer and Clerk as they are short staffed. Previous grants files have not always been in good order for the successor Treasurer to make sense of. There are several grants the Treasurer is trying to complete administration of. It was found that grants were not always accounted for properly. B. Andrews said he has received no such complaints from the current or past Treasurers. He has offered to meet with the current Treasurer at any time. He said in his many years volunteering for the Village he has always made adequate time and effort and that the same should be expected of paid employees. Trustee Hunsinger concurred and said especially when the current Treasurer makes \$50 per hour.

→ Trustee Hunsinger moved, Trustee Blair seconded, Trustees Blair, Hunsinger, Hannan in favor, Trustee Legg and Mayor Castaneda opposed, carried 3/2 to approve and authorize for Mayor to sign the CLG grant agreement for the nomination to register the Oliver Middle School on the State and National Registers.

- Bill Bird – Brockport Fire Department – authorization for monument on Village property using volunteer labor – B. Bird was unable to attend due to a fire call. Board proceeded with the matter. B. Bird had submitted a rough hand sketch of the proposed monument on Village property in front of Fire Department Headquarters at 38 Market Street.

Trustee Blair asked if the Fire Department's memorial funds had reimbursed the Village for the ~\$4,300 in DPW labor and equipment. Clerk Morelli said yes.

Mayor Castaneda referred to Opinion 91-12 of the Office of the State Comptroller and GML §204-a which authorizes "fire companies" to engage in certain "fund raising activities". It says in part:

"Moneys raised by a fire company through activities conducted under the authority of General Municipal Law §204-a belong to the fire company to be used for the lawful purposes of the fire company."

"We note that a volunteer fire company of a village fire department, in accordance with General Municipal Law, §204-a(8)(a), is required to give written notification to the village board of its intent to conduct fund raising activities. The village board then has 30 days to take action to prohibit the fund raising activity (General Municipal Law, §204-a[6][a], [8][a]). The village board is also authorized to require the fire company, at the fire company's expense, to provide any insurance protection which the village board deems necessary to protect the village against claims and actions for damages by third parties arising out of or in connection with the fund raising activity (General Municipal Law, §204-a[6][b])."

Trustee Legg asked Village Attorney Mayer if funds must be used for a specific purpose and whose hands the funds should pass through. Village Attorney Mayer said it strikes him that best practice would be that all funds go through the Village Treasurer as opposed to the Fire Department. Trustee Legg said GML 204 specifies that the Village Board has the authority to decline fundraising. He said this has not been past practice. Chief Smith said it will be from this point forward.

Trustee Legg commented that that the rough hand drawn schematic doesn't provide much information and he would want a clearer understanding. Mayor Castaneda asked the size.

Chief Smith said maybe 10' x 10'. DPW Superintendent said more like 15' x 20'. It's the area between the truck apron and the sidewalk, right in front of the building. Chief Smith said the bell from the original fire hall and the stone from the other side would be moved there. There would be no flowers and weeding to keep up with.

Trustee Blair asked if there was a fundraiser specific to this monument.

Fire Chief Smith said no. It's from funds donated over time to the memorial fund in memory of lost loved ones. For example, when people put in obituaries "in lieu of flowers, donate to the Brockport Fire Department".

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Trustee Blair asked what fund drive money is used for. Chief Smith said many things including helping to fund the annual banquet and picnic to show appreciation of the volunteers and their spouses.

→ Mayor Castaneda moved, Trustee Hunsinger seconded, Mayor Castaneda, Trustees Blair, Hunsinger, Hannan in favor, Trustee Legg opposed, carried 4/1 to allow continuation of the project on Village property using volunteer labor.

PUBLIC COMMENT:

- Tom Mangan of Utica Street – a) apologized for a mistake in the statement he read under public comment at the last meeting. The Town of Sweden has not been late on 10 of the last fire contract payments to the Village. They were late on the last 3 payments. b) shared that on July 10th volunteers hung the flower baskets on Main Street in the Historic Commercial District and have been watering them ever since c) commended some Stetson Club and CSEA members for helping with watering last weekend on their own time.

- Karen LoBracco of Adams Street – read the following prepared statement into the record:

Question #1: What is the status and plan for the reconstruction of Route 19? Events have been relocated from Main Street this summer. What is happening?

Question #2: What is the status and expected completion date of the Smith Street Bridge repair?

- Jacqueline Henry of Brockview Drive – read the following prepared statement into the record:

After attending the last board meeting, I feel compelled to address the board.

The individuals sitting on this board were elected by residents of this village. You are the people who were chosen to serve this community. As members of the board, it is assumed that all issues pertaining to this village will be discussed as a board for the benefit of this community.

It was quite clear that the board is voting against the mayor, whether it is a good idea or not. Connie Castaneda was elected Mayor. Ms. Castaneda is the mayor who was elected and chosen by the residents of this community for this position, no one else.

The Mayor made a suggestion at the last board meeting regarding the 5 minute public comment session at the beginning of the meeting and it was shot down without any discussion. Well Mayor, I think it was and is a wonderful suggestion to have a 3 minute public comment session at the beginning and a 2 minute public comment session at the end. It is one of the many positive changes this board could make at no additional expense.

Expense...I am thoroughly disgusted with the ignorance this board continues to display in regards to a budget for this village. To hear that a meeting was scheduled with the village accountant and for trustees to vote for meeting adjournment without discussing a thing indicates that this board is dysfunctional. Furthermore, police contracts should not have been signed until a budget was in place to cover this continued additional tax burden.

Nothing irritates me more than someone who continues to misuse taxpayer money and then turn around and ask for more.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

CERTIFICATES OR PROCLAMATIONS:

- Adopt 5 year service certificate for Paid Ambulance Department's Robert Blank
- Adopt 10 year service certificate for Dispatch Department's Ralf Kurzowski
- Adopt 10 year service certificate for Dispatch Department's Bernard Maier
- Adopt 20 year service certificate for Police Department's Bambie Zimmerman
- Adopt 35 year service certificate for Public Works Department's Gary Hugelmaier

→ Mayor Castaneda moved, Trustee Blair seconded, unanimously carried 5/0 to adopt the service certificates.

Mayor Castaneda said the employees were invited to attend to accept the certificates. She presented the certificates to their Department Heads to give to them.

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES**

→ Mayor Castañeda moved, Trustee Hunsinger seconded, Trustee Blair abstained due to absence, carried 4/0 that the minutes of the July 7 meeting be approved as written.

- **AUDIT – PAY BILLS**

Treasurer is on vacation. No bills were prepared for review and approval.

- **PERSONNEL**

- Appointments

- Appoint to fill 1 EMT-Advanced vacancy

→ Mayor Castañeda moved, Trustee Blair seconded, unanimously carried 5/0 to hire Lee Brown off the Civil Service certification of eligibles list for Emergency Medical Technician-Advanced at a rate of \$15.77 per hour for a maximum of 24 hours per week, no benefits.

- Temporarily assign payroll processing to part time Codes Clerk: + 16 hours/month
- Temporarily assign accounts payable processing to part time DPW Clerk: + 16 hours/month

Mayor Castaneda referred to the recommendation of the Treasurer to temporarily assign some of the work done by the former Deputy Clerk-Treasurer to the part time Codes Clerk and the part time DPW Clerk. She said this needs further review and Board discussion in Executive Session.

- Volunteer Drops/Adds

- Fire / Ambulance – none
- Welcome Center Greeters –

Clerk Morelli provided the Board with a list of drops per Bill Andrews, coordinator of the Welcome Center Greeter program. These are not resignations, but drops due to relocation or inactivity.

→ Mayor Castañeda moved, Trustee Legg seconded, unanimously carried 5/0 to accept the drops of the following from the Welcome Center Greeter program with thanks for their past service: Shirley Abel, Marcia Betlem, Barbara Cline, Sara Cook, Robert & Ann Getz, Linda Hall, Paul & Nan Hoy (Nan recently passed away), Brianna Kandor, Joel Kutz, Pete Maxson, Rick Nicholson, Anthony Rios, Mort Wexler, Scott Winner.

→ Mayor Castañeda moved, Trustee Legg seconded, unanimously carried 5/0 and upon recommendation of Bill Andrews to appoint the following as Welcome Center Greeters: Walter Borowiec, Krista Cameron, Brittany Knight.

- Walk Bike Brockport Action Group members –

Clerk Morelli provided the Board with a list of drops per Ray Duncan, Co-Chair of the Walk Bike Brockport Action Group. These are not resignations, but drops due to relocation or inactivity.

→ Mayor Castañeda moved, Trustee Legg seconded, unanimously carried 5/0 to accept the drops of the following from the Walk Bike Brockport Action Group with thanks for their past service: Mike Andriatch, Steve Appleton, Sue Bucholz, John Brugger, Judy Czerenda, Nancy Duff, Kendra Gemmett, Ed & Judith Gucker, Linda Hall, Benton & Sara Hart, Jennifer Hecker, Mark Jaekle, Phyliss Kloda, Justin Laird, Michael & Christine LaMonica, Tami McGraw, Jackie Morris, Derek Puff, Sara Silverstone, Michelle Spagnola, Lynda Sperazza, Louise Stein, Chris Swanson, Barbara Thompson, David Wagenhauser, Doug Wolcott, Nadine Young.

→ Mayor Castañeda moved, Trustee Legg seconded, Trustee Blair abstained, carried 4/0/1 to appoint Trustee Kent Blair to the Walk Bike Brockport Action Group.

- Substitute Videographer -

Mayor Castaneda referred to the position interest form submitted by Norm Giancursio for substitute volunteer videographer for when John Bush is unavailable. He has been filling in on occasion for some time. Trustee Legg had suggested that an appointment be on the record as had been done with John Bush. Trustee Blair asked if the position had been advertised. It had not. Board directed the Clerk to post the vacancy before any appointment is made, as this has been past practice.

- Terminations
 - Resignations –
 - Ethics Board – Carol Hannan

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→ Mayor Castañeda moved, Trustee Legg seconded, unanimously carried 5/0 to accept the resignation of Carol Hannan from the Ethics Board, as she is now a Trustee.

- Library Board – Jeff Davignon

→ Mayor Castañeda moved, Trustee Hunsinger seconded, unanimously carried 5/0 to accept the resignation of Jeff Davignon from the Seymour Library Board with regrets and thanks for his past service.

- Retirements - none
- Terminations - none

CLERK & TREASURER REPORTS:

- Clerk
 - Health insurance changeover delayed to 9/1 start –

→ Mayor Castañeda moved, Trustee Legg seconded, unanimously carried 5/0 to delay the switching of all employees and retirees under age 65 from their current health plans to the Village’s new health plan: Excellus Healthy Blue High Deductible Health Plan with fully funded deductible via Health Reimbursement Account effective September 1st.

Mayor directed Clerk to notify affected employees and retirees by the end of July that the changeover will happen September 1st, not August 1st.

Trustee Hunsinger reminded the Board that they need to discuss in executive session the grievance of 6 Police Department retirees as to the health plan.

- Treasurer
 - Financials for period ending 5/31/10
 - June 2010 budget status report
 - Budget transfers & amendments

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

| Account From: | Account To: | Amount: |
|----------------------|--------------------|----------------|
| | A4540.4090 | \$2,050.00 |
| | A3089.7002 | \$2,050.00 |

Purpose: Member Item Grant to purchase AED – must be used by 7/31/10. AED has been purchased and invoice received.

DEPARTMENT REPORTS:

- Building / Zoning / Code Enforcement – Scott C. Zarnstorff
 - Proposed Local Law #1 – amendments to Chapter 51 – trailers – S. Zarnstorff referred to his memo to the Board and shared that Code Review Committee Chair Art Appleby is in attendance to explain and request a decision. He said Mayor Castaneda had brought to his attention a conflict between Chapter 51 and 58 (zoning code). Upon advice of counsel, the CRC will revise the minor conflicts in the industrial section of Chapter 58 at the time Chapter 58 is ready for amendments. The CRC plans to undertake the bulky Chapter 58 after it wraps up a few more minor chapters. Mayor Castaneda thanked them for addressing the concern.
 - Assistant Building/Zoning/Code Enforcement – Trustee Hannan commented that since the Board eliminated the regular hours of the Assistant Building/Zoning/Code Enforcement Officer, many property maintenance violations are going unaddressed. These include but are not limited to many quality of life and neighborhood issues such as tall grass, garbage, indoor furniture outdoors, and the like. She asked CEO Zarnstorff if it would be helpful to reinstate some of his Assistant’s hours.

S. Zarnstorff said it certainly would and that the numbers speak volumes. The loss of his assistant means 1,500 inspections or code enforcement stops will not happen. It has a definite impact. The assistant’s hours, though few, certainly benefit the community as a whole.

Trustee Hannan asked S. Zarnstorff to share how his department generates revenues.

S. Zarnstorff said fees are charged for building permits, certificates of occupancy, certificates of compliance, operating permits. Fines and penalties are obtained for non-compliance. The department, when operating at full strength, generates about \$25,000 in revenue per year for the Village. The loss of the assistant will likely impact that revenue.

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Trustee Hunsinger said the revenue part is important, but even more important is the safety and quality of life aspect. The safety of families, tenants, and what the Village looks like are important. He concurred with Trustee Hannan and likened it to trying to run a marathon with a leg missing.

S. Zarnstorff said he and the assistant had a good system in place for coverage. He and the community would benefit from restoring some of the hours.

- Police - Chief Daniel P. Varrenti
 - Traffic Safety Awards – Chief Varrenti reported having attended the annual AAA Crossing Guards and Traffic Safety Awards breakfast. The Brockport Police Department was awarded the platinum award for traffic safety. This is the highest award for the fourth year in a row.
 - Duck Derby – Chief Varrenti reported having been contacted by a representative of Lakeside Foundation regarding the annual Duck Derby fundraiser as part of the Brockport Summer Arts Festival. It is to be held at 4pm Sunday, August 1st. Although the festival has relocated to the SUNY campus, the Duck Derby is still planned for the Canal at the Main Street Bridge. Although it might be safest to close Main Street, it would be labor intensive for the brief event. He has no problem with it continuing to be in the same location.

Trustee Blair asked the number of people that would be on the bridge. Chief Varrenti said 10 people dump the ducks over the bridge into the canal. Of course, there will be many spectators along the banks of the canal. He believes, with special attention, it will be just fine.

- Village Court Feasibility – Chief Varrenti said he wished to clarify that he has never said the Village should create a Village Court. He said several years ago and continues to contend that it (the pros and cons) of creating a Village Court should be looked into. Researching such is labor intensive and time consuming. He looks forward to working with Trustee Hunsinger and the applicant of the Board's choosing as part of the Ad-hoc committee to investigate such.
- Fee Schedule – Chief Varrenti said he wasn't asked for feedback on the fee schedule, but he benchmarked parking ticket fees, and feels no changes are needed. Clerk Morelli said all Department Heads were asked at a Department Heads meeting and via e-mail to review their Department's fees and submit any proposed amendments.
- Grants – Chief Varrenti said he can appreciate where the Mayor is coming from

regarding her comments about grants and the work and time required by Village Hall staff such as the Treasurer and Clerk. He finds similar as Sgt. Philippy of the Police Department handles some of their grants. He said a lot goes into grants work – researching, applying, then administering. He said he feels badly that a volunteer such as Bill Andrews has to defend his grant efforts. He expressed concern that the Village has missed many opportunities for grant money. One big opportunity missed was after September 11th, Homeland Security would have considered funding the construction of one structure for the Village to house all of its operations: Village Hall, Police, Public Works, Fire, Ambulance. The Village could have sold all of its current buildings and put them back on the tax rolls. Grants can be handled more efficiently. One simply has to follow the lead of other municipalities and make the commitment.

- Public Works – DPW Superintendent Harry G. Donahue
 - Grants – DPW Superintendent Donahue shared that Genesee Finger Lakes Regional Planning Council has grant money available for stormwater improvements. He is looking into this, particularly for the Monroe Avenue drainage problems that were reaffirmed by NYSDOT in their design work for the Main Street reconstruction project.
 - Main Street Reconstruction – DPW Superintendent Donahue said NYSDOT informed him about 3 weeks ago that the construction portion of the New York State budget had passed and that this project was one of 100 considered a priority.

Trustee Hannan said she has a source in the construction business that said the construction company was willing to begin work and wait for payment, but would not be in a position to finish within the timeline. By not doing so, they would suffer a penalty. It would likely be deferred to next year. DPW Superintendent Donahue said Crane Hogan was the apparent low bidder, but had not yet been awarded the bid.

- Smith Street Bridge – DPW Superintendent Donahue said he has received no new information from NYSDOT regarding the rehabilitation of the Smith Street Bridge.

- Pedestrian Signage for Crosswalks – Trustee Hannan expressed concern of the pedestrian signs not being installed on Main Street this year. Many motorists don't stop for pedestrians in crosswalks and many pedestrians don't use the crosswalks.

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DPW Superintendent said the mounting hardware for the signage was removed when the water and sewer project took place last year. They were not re-installed; as it was expected NYSDOT would be commencing work on the Main Street reconstruction.

- Trash receptacles in Commercial District – Trustee Hannan expressed concern that the Village's trash cans on Main Street in the commercial district are overflowing on the weekends. It looks bad and smells bad – presenting a bad image. She said some of it seems to be personal bagged refuse from residences either above the shops or elsewhere. She said the trash receptacles used to have caps on them to prevent that.

DPW Superintendent Donahue said that is correct. There were small holes on the top, but these prevented a pizza box from being inserted, and then people piled cups, plates and the like on top and made them overflow.

- Fire / Ambulance / Dispatch – Chief Scott Smith
 - Calls for service – 1,098 EMS calls and 419 fire calls year to date. Chief Smith shared that recent calls of interest included a level 1 hazmat at 300 State Street (Allied Frozen Foods) at 8:24am on Sunday, June 26th in which they were on scene within minutes of the call, 911 reverse call back was used for the area north of the canal advising them to close windows. The neighborhood did not have to be evacuated, but shelter was in place if needed. Hazmat was on scene and the perimeter was expanded due to wind direction. Decon was in place. The leak was found and stopped. A valve had been forced open in a machine room. By 11am debriefing was taking place with County Hazmat and Fire Bureau. Hats off to Brockport Fire Department. Mayor Castaneda said she was there and was very impressed with the Department's work. Sam Dirosa of the County commended Brockport Fire Department. She thanked Fire Department leadership and volunteers for their dedication.

Chief Smith reported that injuries were down at last weekend's soccer tournament in comparison to past years. There was a motor vehicle accident with a minivan by Friendly's. Trustee Blair said he was there and was very impressed with the Department's work.

Chief Smith reported a fire today at 3pm on Route 31 east of Byrne Dairy. It was a heavy fire, but the house is still standing due to an amazing job by the department. Trustee Blair said he was there and was amazed at how fast the scene was handled and cleared. Chief Smith said it was a major fire and they cleared the scene in 4 hours. Mutual aid included Clarendon, Holley, Hamlin, Walker, Spencerport, Gates. Due to the heat, guys were rotated frequently. Trustee Blair said he knows there was a motor vehicle accident on East Avenue at the same time as the fire. Trustee Hunsinger said he got stuck in the traffic detour regarding the fire and asked what it meant when all trucks sounded their horns. Chief Smith said that is a "Code Red" letting all to know to exit the building by any means possible. Trustee Hunsinger said that is good to know and that he was very impressed by the Department's work. Trustee Blair concurred and reminded the public that this is a volunteer department – all done on their own time.

- Hose testing – Chief Smith shared that hose testing was done today and 8 lengths of 4" hose did not pass inspection. Replacement cost is \$4,999.92. However, Churchville has 800' of 4" hose they have offered to sell for \$500. Granted it is 20 years old, but it is in better shape than ours. Trustee Blair asked how old ours is that is labeled as bad. Chief Smith said some of it is over 20 years old and some is only 6 years old. They don't make it like they used to. Chief Smith said he would like to purchase the 4" hose and some 2 ½ " hose from Churchville. Mayor Castaneda commented that per the purchasing and procurement policy if it is under \$2,000, it doesn't need Village Board approval. Chief Smith said he will get some hard numbers and notify the Board. Trustee Hunsinger reminded him that they promised to keep Sweden and Clarkson informed on purchases as well.

- Box Book re Addresses – Chief Smith shared that they need to purchase updated software to Microsoft Vizio 2010 at a cost of \$234 as the box book re addresses in the County is broken into 9 different boxes. Trustee Blair said there is \$2,500 in the radio/communications upgrade line.

Chief Smith concurred that is the appropriate line to take it from.

- Grant for turnout gear – Chief Smith reported that they will be receiving a \$5,000 grant from Fireman’s Fund for 3 sets of turnout gear. The check is to be presented in August.
- Authorization to fundraise – Car Show – 7/31 – part of Arts Festival – Chief Smith shared that now that they know they need Village Board authorization to fundraise, they will do so. The Department has planned a car show as part of the Brockport Summer Arts Festival. It will be held on

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the SUNY campus in the parking lot west of the high rise residence halls off Commencement Drive. Each car will be charged a participation fee. The monies will be used for the department’s family picnic. Only 5 cars are pre-registered, but that is not uncommon for car shows as they are weather dependent. Dashboard plaques will be given to the participants who will vote on the 1st, 2nd, 3rd place winners.

→ Mayor Castaneda moved, Trustee Hunsinger seconded, unanimously carried 5/0 to authorize fundraising by way of a car show on July 31st as part of the Brockport Summer Arts Festival.

Trustee Hunsinger suggested the Department come up with a standardized form that details information on fundraising. Chief Smith said that is a good idea. Trustee Blair clarified that the Village is not “after” the fundraising monies, but simply needs to follow the law on authorizing fundraising. Mayor Castaneda said although the Board may not prescribe particular uses of the monies, it can impose conditions and request a financial reporting of fundraising activities.

OLD BUSINESS:

- Downtown Commercial District – watering of flowers – Mayor Castaneda reminded the Board that at budget time the entire Board made the decision to not appropriate funds this year for the purchase, hanging, or watering of flower baskets in the downtown commercial district. This was one of several lines cut or reduced including not having a Summer Serenades concert series. These were not considered essential during a time of fiscal distress. Since then the Board has discussed at great length several options proposed by the Brockport Merchants Association and provided them with the DPW labor and equipment costs that proved too costly. Mayor Castaneda said when the BMA purchased flower baskets, they did so of their own accord with no plan to hang and water. Trustees Hunsinger and Blair had volunteered their time to help hang the baskets. Then Trustee Hunsinger spoke again to DPW Superintendent Donahue to whittle down a watering schedule using less expensive seasonal labor from now until the end of August. Mayor Castaneda said she did not receive these numbers from Trustee Hunsinger and would have appreciated the courtesy of his sharing the information with the entire Board. She encouraged the Board to stick to its decision. Otherwise, find in the budget where the funds can be taken from. Thoughts included that DPW labor could water at the same time they empty trash receptacles, that seasonal labor was cut from 4 to 2 positions and are only working until the end of August, that full time labor costs would be considerably higher, that there are safety and liability concerns with volunteers hanging and watering, that lowering the baskets is an option, but that could pose safety and liability concerns if people walk into them or steal or vandalize them, that the light poles that the baskets hang on belong to the Village and that BMA should ask permission. Board concurred that the matter has been discussed ad nauseum and that too much time and energy has been spent on it at meetings, in e-mails, phone calls, complaints to Village Hall, etc. There are more serious things requiring attention.

Trustee Hunsinger read an e-mail from Jo Matela of BMA with the latest proposal for watering.

Trustee Hunsinger clarified that he went to DPW Superintendent Donahue as Board liaison, not to direct any work. He said he would be willing to put his August stipend towards it if other Board members do the same. Mayor Castaneda said BMA already came up with a solution last year when they proposed the purchase of Aqua Mate equipment for a few hundred dollars. If they put their resources into purchasing it, the merchants could do their own watering. The Village Attorney developed a hold harmless waiver for volunteers that do work on Village property need to sign off on. While it may be of questionable legal value, it has been put into practice recently in other situations. Trustee Hannan offered her personal watering apparatus for use by BMA volunteers. There are many officials, merchants, and volunteers willing to help.

→ Trustee Legg moved, Trustee Hunsinger seconded, unanimously carried 5/0 to allow the Brockport Merchants Association to hang onto the Village light poles, maintain, and then take down the flower baskets at the end of the season.

The Brockport Merchants Association will be informed again that the DPW will not be directed to conduct watering this year and that Trustee Hannan has offered use of her personal watering

apparatus until such time as the BMA purchases such. The Board considers this matter closed and will gladly revisit it during next year's budget preparation for June 1, 2011 to May 31, 2012.

- Proposed Local Law #1 of 2010 – re amendments to Village Code Chapter 51 (trailers) – Code Review Committee Chair Art Appleby reminded the Board that they held a public hearing on amendments to Village Code Chapter 51 (trailers) recommended by the Code Review Committee and reviewed by the Village Attorney. Based on public comments received, the Code Review Committee convened to review and address those particular comments. Simultaneously, the Village Attorney made review. The revisions have been implemented. Public comments were as follows, as well as action taken:

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- 51-4 – Can the Village by local law prohibit the permanent placement of a trailer? - This was reviewed by the Village Attorney who stated the Village is not barred from prohibiting trailers as permanent structures in its local law. He revised the House Trailer definition which is now consistent with the NYS Uniform Code definition of a House Trailer.
- 51-5 B (3) – Confusing use of the phrase “Right of Way or public sidewalk” – The CRC concurs “Right of Way or public sidewalk” is redundant language in this section and recommends striking it out.
- 51-5 B (3) – Is the 15 feet front yard setback from the street too restrictive for some smaller Village lots? - The CRC felt that 15 feet was prudent, especially for safety reasons of adjoining driveways and egress sight lines. Furthermore, the current code is more restrictive at 25 feet; no change is recommended.
- 51-5 B (5) – Is the 4 feet side yard setback from property lines too restrictive for some smaller Village lots? - The CRC felt that 4 feet was prudent, especially for safety reasons of adjoining properties, and this is consistent with the NYS Uniform Code for setbacks from property lines for combustible structures, such as with a house trailer.
- 51-7 A & B – Order of the compliance process – The CRC felt the order of the compliance process regarding an informal compliance order and a written notice of violation needed to be tweaked for clarification purposes only.

Trustee Blair asked if setback is from the curb or center line. Chair Appleby said from the curb. Chair Appleby reminded the Board that the current code is more restrictive as to front setback than what is proposed here. Certainly, the ZB remains a mechanism for a variance under hardship conditions.

Chair Appleby shared that many municipalities have eliminated trailer parks.

Chair Appleby reiterated what CEO Zarnstorff said earlier – that the CRC will make necessary tweaks to related material in Chapter 58 when that chapter gets addressed.

→ Trustee Legg moved, Trustee Hunsinger seconded, unanimously carried 5/0 to adopt Local Law #1 of 2010 – amending Village Code Chapter 51 – Trailers, Trailer Camps and Camping.

- Ad hoc committees re Village Court, Points & Penalties, Sewer User Fee –

→ Mayor Castaneda moved, to increase the number of Village residents on the recently authorized ad hoc committees on Village Court, Points and Penalties and Sewer User Fee from 1 to 3. No second. Motion died.

Mayor Castaneda said she thought one of the ideas behind forming these committees was to research the pros and cons. She said more hands make light work. She expressed concern that a 3 member committee made up of a Trustee and a Department head that may already have their mind made up may prevent a single resident's voice from being heard. It is sad that the Board does not wish to allow more community input.

Trustee Hannan said she does not want to stifle input. However, it is way too early to find the 3-member committees insufficient. The committees are, indeed, to research the pros and cons, present both sides – not just one train of thought. Research committees look at both the positives and negatives. She said she is open to all opinions and would forward any feedback to the committees.

Trustee Blair said he is not necessary opposed to adding an additional resident or two, but thinks it best to get started. Sometimes too many hands make the work more difficult. He cited the example at the last budget time in which the Mayor formed an advisory committee that didn't do much of anything and then disbanded it.

Police Chief Varrenti asked if he could comment. Mayor Castaneda said no.

NEW BUSINESS:

- Annual EAP Services Agreement (for non-emergency personnel) – authorize Mayor to sign –

→ Trustee Legg moved, Trustee Blair seconded, unanimously carried 5/0 to accept and authorize the Mayor to sign the annual EAP (Employee Assistance Program) agreement for non-emergency personnel with Employee Health Systems for the period August 1, 2010 through July 31, 2011 for \$416 which provides comprehensive employee assistance services for 32 Village employees and their dependents.

The Village's Emergency (24/7) personnel are covered through an annual EAP agreement with UPMC.

- Fire Truck Replacement Fund Settlement Agreement – authorize Mayor to sign – Mayor Castaneda referred to the settlement agreement drawn up by special counsel of the Towns of Sweden and Clarkson. She noted two corrections needing to be made. The first is that the **MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 10**

amount is \$175,000, not \$170,000. The second is that payments shall commence in the 2011 fiscal year, not 2010.

Trustee Legg commented that he has been out of town and had not had time to adequately review the proposed settlement agreement. He said he is not prepared to vote.

Trustee Hannan commented that it may be inappropriate to sign such prior to settling new fire service contracts. Unfortunately, contracts were not successfully negotiated for 2009 or 2010, so the 2008 contract and rates are still in effect. The settlement agreement should be exchanged with new fire contracts.

Trustee Hunsinger commented that he appreciates Sweden Supervisor Milner and Clarkson Supervisor Kimball for being in the audience this evening. He asked them if they will commit to sitting down and negotiating with the Village on new fire service contracts. Supervisor Kimball responded that they've never said they would not sit down with the Village. Trustee Hunsinger expressed concern of operating on the 2008 contracts. He said while articles in the Suburban News and Town newsletters are great, the municipalities need to get past this and develop new contracts that benefit all 3 municipalities and the volunteer Fire Department. Supervisor Kimball said it is a good faith effort. This settlement agreement needs to be approved first. Trustee Hunsinger said he is not necessarily happy with this settlement agreement, but will support it so the Village can move forward with the Towns on new fire service contracts.

Mayor Castaneda said she offered a fire contracts negotiations meeting with the Towns Tuesday or Wednesday at 4pm. Trustee Hunsinger suggested the entire boards of the 3 municipalities be involved. Mayor Castaneda said, contrary to what has been alleged, there have been no secret meetings on these matters. She reminded the Trustees that the entire Village Board was invited to a joint meeting with the Towns on this matter last fall. Trustee Hunsinger did not attend. The Board has also met in Executive Session and all voices were heard. Trustee Hunsinger said the Village Attorney needs to be involved in the meetings. He expressed concern that the Village Attorney was not invited to the meeting that resulted in the proposed settlement agreement.

Trustee Blair expressed the same concern and said he has an e-mail from the Village Attorney indicating that he was not involved. Mayor Castaneda reminded him that this was cleared up at the last meeting. Trustee Blair quoted from the July 7th minutes, as he was absent.

Village Attorney Mayer said he would be happy to shed some light on this. He was at an earlier meeting and from his discussions with the Village Treasurer, Village Counsel felt it was appropriate for the Mayor and Treasurer to sit down with the Town Supervisors and hash out the financial figures. He said he was unaware there was still an issue with regards to the arrears. He thought the Village's position was there was no arrearage. That is not a legal question, but an accounting question. Trustee Hunsinger said the Mayor indicated acting on advice of legal counsel. Mayor Castaneda said the entire Board was in executive session with the Village Attorney and have all known the Towns were unwilling to negotiate new fire service contracts until this matter is resolved. She does not understand why Trustees are still confused. The Mayor negotiates contracts. Trustee Legg clarified that the Mayor negotiates labor contracts.

Mayor Castaneda said she was advised by the Village Attorney to bring the settlement agreement before the Board even though she could have signed such based on the recent resolution made by the Board. Village Attorney Mayer confirmed that was his advise and that it is best to bring the final written product before the Board rather to have the Mayor sign it with further input.

Trustee Hunsinger said he simply believes the Village Attorney should have been at the table.

Trustee Blair asked who wrote the agreement. Village Attorney Mayer said counsel for the Towns.

Mayor Castaneda shared that part of the problem the Village has is that too many individuals contact the Village Attorney. She reminded all of the directive she sent to Department Heads and copied the Board on as to going through the Mayor before contacting counsel and incurring expenses as well as copying the Mayor on communications. She said even the Attorneys get confused when so many people contact them. Mayor Castaneda said anytime a Board member doesn't like what they hear, they want to move on.

→ Trustee Hunsinger moved, Mayor Castaneda seconded, Trustee Legg abstained, carried 4/0/1 to accept and authorize the Mayor to sign the settlement agreement as follows:

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SETTLEMENT AGREEMENT

This Settlement Agreement is made this ___ day of July, 2010, by and among the **TOWN OF CLARKSON, NEW YORK**, the **TOWN OF SWEDEN, NEW YORK**, (collectively referred to as the "Towns"), and the **VILLAGE OF BROCKPORT, NEW YORK**. (the "Village", and all collectively referred to as the "Parties").

WITNESSETH:

WHEREAS, since 1993 the Towns have entered into their respective contracts for fire protection with the Village for their mutual benefit and for the benefit of the residents thereof, to receive, among other things, fire protection services from the Brockport Fire Department, ("Fire Department"), pursuant to New York Town Law Section 184 and New York Village Law Section 4-412; and

WHEREAS, a dispute having arisen between the Parties as to the annual accounting and reconciliation of surplus funds for the Fire Department received by the Village from the Towns pursuant to the aforementioned contracts for the years 2003 through 2009; and

WHEREAS, the Parties have agreed to fully and finally resolve the aforementioned dispute, with prejudice, on the terms and conditions set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed by and among all of the Parties, in consideration of the full, final, and binding resolution of the aforementioned dispute, that:

1. The Village agrees and has resolved to approve an expenditure in the amount of One-Hundred Seventy Thousand Dollars (\$175,000.00), representing Fire Department operational surpluses for the contract years 2003 through 2009, in five equal yearly installments of Thirty-Five Thousand Dollars (\$35,000.00), as a transfer into the Village's Fire Department Truck Replacement Capital Reserve Fund, to be held in trust for the exclusive use of the Fire Department towards the purchase of capital improvements, including but not limited to, the purchase of fire trucks and other related equipment. Such expenditure shall be in addition to any transfers into said fund that the Parties may already be obligated to make under any existing contract.

2. The Village agrees that the aforementioned payments shall commence immediately, beginning in the Village's 2011 fiscal year.

3. The Village agrees that the aforementioned payments shall continue to be made notwithstanding the creation or subsequent existence of any separate fire district encompassing the Towns.

4. This Settlement Agreement shall constitute the full agreement of the Parties concerning the subject matter hereof. No term or provision of this Agreement may be amended, waived, superseded, or deemed unenforceable because of estoppel except by a writing signed by all parties hereto.

5. In the event a dispute arises regarding the interpretation of this Settlement Agreement, the Settlement Agreement shall be construed as one jointly and equally drafted by all Parties hereto. If any term, provision, covenant, or condition of this Settlement Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

6. The Parties mutually agree to execute, acknowledge, and deliver any and all such other agreements, documents, and instruments, and to perform any and all such acts and things as may be reasonably necessary and proper to consummate the transactions contemplated by this Settlement Agreement.

7. The Parties have been represented by legal counsel in the negotiation and preparation of this Settlement Agreement, have discussed the terms of this Settlement Agreement with counsel, and understand the obligations imposed hereunder.

8. The Parties acknowledge that the undersigned have been granted the necessary legal authority to execute the Settlement Agreement on behalf of the Towns or Village.

9. This Settlement Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be executed as of the date and year first above written.

- Handling of anonymous complaints or information – Mayor Castaneda said she wished to consult the Board to get a consensus as to how they wish to handle anonymous complaints or information. Such was received recently and the Board seems to want to do nothing with the information. Such was received last year (related to the use of a Fire truck for a personal purpose) and the Board jumped all over it and even made policy (on use of Village vehicles and equipment). Chief Varrenti commented that he had been made aware of the recent anonymous e-mail and that it was a second party hearsay allegation with no basis of knowledge. A matter was previously handled internally. As to use of Village vehicles, he has authorized such transports under certain circumstances. Board discussion resulted in no need for policy, but common sense, case by case basis handling.

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- Intra-office communications – Mayor Castaneda urged the Board and Department Heads to refrain from including the public in on intra-office communications. Such should be kept amongst appropriate officials. She cited some examples including specifics of Stetson Club contract negotiations ending up on a blog/website. While there was no gag order, information should be deemed confidential. She said it is her understanding that misdemeanor charges could result in certain cases. Chief Varrenti commented that he would be more concerned with what is discussed with landlords within 15 minutes of the Board meeting in an executive session. He said there are first amendment rights and there are laws that preclude sharing of some information. He said the Mayor has been concerned of possible listening devices in Village Hall. He said in his time here he has learned there are no secrets in the Village of Brockport.

Trustee Legg reminded the Mayor that there is no motion on the floor and asked if she wishes to implement a rule.

→ Trustee Legg moved, Trustee Hunsinger seconded, carried 5/0 to limit this discussion item to one more minutes.

Mayor Castaneda said she is concerned with several things: that the Board conducts conversation and some business via e-mail, that they had previously eliminated work session meetings, and that it refuses to discuss certain matters. She questioned how the Board can make decisions without needed discussion. She said she shouldn't have to direct people not to share intra-office communications.

RECESS:

→ At 9:40pm, Trustee Legg moved, Trustee Hunsinger seconded, unanimously carried 5/0 to take a short recess.

→ At 9:50pm, Mayor Castaneda moved, Trustee Hunsinger seconded, unanimously carried 5/0 that the Board of Trustees re-enter the regular meeting.

VILLAGE BOARD REPORTS:

- Mayor M. Connie Castañeda
 - Counsel's written opinion on recusal request – Mayor Castaneda said a couple of residents have requested she recuse herself from matters related to the lawsuit brought by the Landlords Association. She read into the record the following opinion by Village Counsel.

FACTS: The Village of Brockport enacted a local law amending certain Village Code provisions regarding enforcement of real property maintenance standards. A group has instituted legal proceedings challenging the substance and procedures of the amendments. It is asserted, and for the sake of this opinion it is assumed to be true, that a member of the Board of Trustees maintains a close personal relationship with an officer of the group.

QUESTION PRESENTED: Must the member recuse him/her self from consideration of litigation brought by a group headed by a person with whom the member has a close personal relationship?

ANSWER: The member is not required to recuse him/her self from participation in discussion and communication regarding the litigation unless the member has a direct financial interest in the officer's property, or the member's finances are so intertwined with the officer's finances as to constitute one economic unit.

ANALYSIS: The Village Mayor and other members of the Board of Trustees have an affirmative obligation to represent the Village citizens who elected them. Village Law §§400, 412; 11 Op. State Compt. 286, 1955. This obligation applies in every case, except where the Mayor or Board member has

a substantial, direct personal interest in the outcome of the matter at hand; Op. Att. Gen. 2002-9. Such an interest, in order to disqualify the Mayor or Board member, must be a “personal or private one, not such an interest as he has in common with all other citizens or owners of property”; Id; and recusal is not required where the Board member’s interest is not so direct or is not so significant that the Board member’s judgment will be exercised in favor of a party other than the Village.

In the case at hand it is not asserted that the Board member has a direct interest in any property that is affected by the litigation. Nor is it asserted that the Board member’s finances are intertwined with litigation group leader so as to create a direct financial interest in the outcome of the litigation.

The Board member’s interest, therefore, in our opinion, is no different than any member of the general public, and the Board member is not, in our opinion, required to recuse him/her self from matters involving the litigation in question.

Respectfully submitted,

HARRIS CHESWORTH O’BRIEN JOHNSTONE WELCH & LEONE

David F. Mayer, counsel

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- Report on Office of Community Renewal meeting – Mayor Castaneda reported on having attended a workshop on local government efficiency and grant opportunities.

- Accuracy – Mayor Castaneda said an internet article pegs her as having voted against the formation of all 3 ad-hoc committees. This is not the case and the minutes reflect such. She commented that while on the surface gossip might seem amusing or intriguing, it can be dangerous and harmful and comes with consequences. She cautioned all to refrain from such.

- Trustee Kent R. Blair

- Parks Committee – Trustee Blair reported as Liaison to the Parks Committee. They submitted a comprehensive report and recommendations to the Board and DPW Superintendent. He said Chair Andrea Perry met with Mayor Castaneda. Some safety concerns were highlighted. He encouraged Mayor Castaneda to direct DPW Superintendent to replace some playground equipment parts or remove or replace as necessary so as to avoid injuries. The fence at Barry Street Park needs repair. He said Chair Perry spoke with Treasurer Lovejoy about the MOU (memorandum of understanding) regarding funds for Barry Street Park, as there should be some monies left over. He recommended he, Mayor Castaneda, Chair Perry, and DPW Superintendent Donahue have a follow up meeting on the Parks Committee report and recommendations and that Treasurer Lovejoy look into what funds are left from the MOU. He asked about the old rock building in the corner of the Utica Street playground. Mayor Castaneda said it is not historical. It was used for storage.

- Trustee Carol L. Hannan

- Learning the Ropes – Trustee Hannan said she is doing a lot of reading and has begun meeting with Department Heads and areas to get to know their operations. She met with the Treasurer regarding the proposed settlement agreement with the Towns re fire monies. She met with the Code Enforcement Officer and went on a home inspection. She will be asking to do a Police ride-a-long. She began volunteering as a Welcome Center Greeter and was amazed how many people stop by and have such positive things to say about the Welcome Center and its amenities. These folks help provide financial support by visiting the merchants and services.

- Code Enforcement – Trustee Hannan expressed concern of the reduction of personnel handling Code Enforcement and the impact it has on the community.

→ Trustee Hannan moved, Trustee Hunsinger seconded, to return part time Assistant Building Inspector/Code Enforcement Officer/Fire Marshal Vaughan to 10 hours per week.

Trustee Hannan said the Village ended the year in the black, and while there is certainly still work to be done, the quality of life and safety of the community is vital. Sufficient staffing is needed to conduct safety inspections and property maintenance checks.

Mayor Castaneda said she does not disagree, but the Village is not out of the woods financially and that the Board looked at several departments where it could save money and agreed that reducing /eliminating this position’s hours was one of them.

Trustee Hannan said while she hates to equate safety with money, this department brings in revenue. She wouldn’t suggest increasing expenses, but not doing the inspections may actually decrease the revenue.

Mayor Castaneda urged the Board to stick to its decisions and fully consider the implications of reinstating hours. Even though that department makes money, it will not improve the financial situation of

the Village which is still in fiscal distress.

Trustee Legg reminded the Board that there has been no substantive discussion on the draft CIP (Capital Improvement Plan) issued in December. It detailed \$5.2 million over 5 years in improvements and equipment. While the Village is not obligated to spend a dime, it may be prudent to make some capital improvements. This year's budget made no appropriations for capital improvements. Much money is needed to fund reserves. One example is the Smith Street Bridge. Approximately \$10,000 per year for 10 years would be needed for it to be maintained properly in the future. The Village can't forecast what State aid will look like in the future or how it may be able to increase revenues. He cautioned the Board on spending without having addressed the CIP and State aid issues. He said if the Board increases taxes significantly again next year, any decision to spend monies may bite them. He said he doesn't question code enforcement, but does question this Board's ability to deal with the consequences of not sticking to its decisions.

Trustee Hannan said deficiencies in code enforcement could result in legal action being brought against the Village. She cited an example of the incident at the Roxbury. Mayor Castaneda said there has been no legal action brought against the Village in that case.

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Trustee Legg said the Village will likely be sued by someone for something and it can't prepare for every contingency. However, once money is spent, it's gone. There may be something even more necessary than re-instating the hours of the Assistant CEO. Absent new revenues, he can't see how the Board could see their way to such.

Trustee Blair reminded the Board that it now has a \$35,000 commitment for 5 years due to the settlement agreement with the Towns as to fire monies. He suggested tabling the motion.

→ Trustee Blair moved, Trustee Hunsinger seconded, Trustees Blair, Hunsinger, Hannan in favor, Mayor Castaneda opposed, carried 4/1 to table the motion to return part time Assistant Building Inspector/Code Enforcement Officer/Fire Marshal Vaughan to 10 hours per week.

Mayor Castaneda said she believes the Board need not table the motion, but vote against it and stick to its earlier decision. She commended Trustee Legg of doing an excellent job expressing the financial concerns and priorities. The Village definitely needs to look at the CIP.

- Trustee Scott W. Hunsinger
 - 311 – Brockport Benchmarks Service Request Program – Trustee Hunsinger reminded everyone that the Village has a service request program in place. Residents can call 637-5300 X311 and leave a voice mail detailing their service request or concern or they can enter such from the home page of the Village website at www.brockportny.org. After Village Manager Coyle left, Clerk Morelli took over the responsibility of checking these lines regularly and forwarding the information to the appropriate Department Heads and following up with the callers. However, this is not the means for requests for police service.

- Ad Hoc Committees – Trustee Hunsinger encouraged people to apply for the resident positions on the Ad Hoc committees on Village Court, Points and Penalties, and Sewer User Fee. Position interest forms should be turned in to Clerk Morelli by early August.

- Volunteerism – Trustee Hunsinger thanked the merchants and citizens who assisted with the hanging of the flower baskets in the Downtown Commercial District. It was nice to see people working together to make good things happen.

- Trustee Hal S. Legg
 - Farmers Market – amend rules and regulations as to hours of operation – Trustee Legg shared that upon request of the Farmers Market vendors, the Co-Managers recommend the hours of operation be changed from 8am to 2pm to 8am to 1pm on Sundays mid June to end October.

→ Trustee Legg moved, Trustee Hunsinger seconded, unanimously carried 5/0 to amend the Farmers Market rules and regulations changing the hours of operation to 8am to 1pm.

- Final statement – Trustee Legg read the following prepared statement into the record.

Ladies and gentlemen, this is my final report as a trustee of the Village of Brockport. As prescribed by law, I have tendered my resignation in writing to the village clerk; it will become effective before this board's next regular meeting.

Although it has seemed, especially for the last several months, that my position here is full-time, I actually don't earn my livelihood working for the village. Over the last few weeks, I have been pursuing a career opportunity that will make my continued residence in Brockport impractical. I have chosen, therefore, to focus my energy on relocation, which, turns out, is no small task. This is why I am stepping down.

My departure from both this board and our community shall be bittersweet. Exciting professional challenges lie ahead of me. However, after having thrown myself into the tricky task of preserving the integrity of our historic canal village what I'll leave behind seems unsettled.

I mention the canal. For a few years during its construction, the western terminus of the Erie Canal was Brockport. During that time, it was the frontier for the flow of commerce. Walking the canal path now, it may be hard to visualize how significant the eventual completion of Clinton's Ditch was, but trust me – or don't take my word for it, ask Historian Emeritus Bill Andrews, he'll tell you and in great detail, too – it was a big deal, revolutionizing the way things moved from Point A to Point B.

Today Brockport is on a frontier of sorts once again, having survived the first dissolution referendum forced by voters under New York State's Government Reorganization and Citizen Empowerment Act, a piece of legislation that, in my opinion, could be improved. I can't help but wonder how many villages will follow and, of those, which will fall, and when they do, what that will mean to their residents.

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In any event, Brockport remains. And being an optimist, I see it now moving from Point A to Point B much like canal barges used to. Interestingly, I've also been informed repeatedly and by several parties lately that those commercial boats of old were pulled along the same way our village is: slowly and by mules plus the occasional ass.

What I am trying to say cleverly here is that I do believe your village government can continue making progress. That's what I'd like people to keep in mind during the months ahead. I regret that it can't move as fast as some folks think it ought to. Returning just once more to my Erie metaphor; please don't blame the mules for the weight of this barge; we didn't pack it.

For this mule, or ass if you've been reading a village-oriented blog lately, the journey now ends. As it does, there are several people I must recognize for their support, encouragement, guidance, and criticism.

My service to Brockport would not have been possible without my wife, Leigh Zimmerman. Although Leigh and I have shared a few moments of doubt about my involvement in the village, we agree that local government is important work. Nevertheless, she and my kids, Edison and Caelan, will be glad to have me back home.

Beyond my family, a group of people brought me into the political fold a few years ago because each of them was keenly interested in improving Brockport, and they thought I could help advance the cause. While the following list is by no means exhaustive, I especially thank Carrie and Pete Maziarz, David Wagenhuaser, and Hanny Heyen. As a trustee, sometimes I followed their advice. Sometimes I didn't. Regardless, I have been blessed so often to have good counsel.

Whatever I have achieved as your trustee I have achieved as part of a collective. My running mate Scott Hunsinger, Kent Blair, who I recruited to serve, Connie Castaneda, whose election I opposed twice, Chris Martin, who I hope will return one day to politics, and I might rightly have been described as the Bad News Bears of village government: a rag-tag bunch of misfits who couldn't get along, had no chance of winning, and were an embarrassment to watch. Ah yes, the early days of eight months ago...

Yet we worked it out, passing a balanced budget for the first time in years, settling labor contracts and old feuds with our neighboring towns, and looking ahead to plan what's next instead of reacting to what just happened. We yelled at one another in frustration. We compromised in good faith. We reconciled some but not all of our differences, which is how it ought to be, by the way. We lost countless hours of sleep and exhausted ourselves. I never knew week-to-week what this job would take, but more often than not, it took a lot. And whatever it took, we – and I mean each of us – gave. None of this has been easy. All of it has been worthwhile.

There's so much more to holding this office than what our televised meetings reveal, what the media report, and what bloggers post. I'll miss the many parts of the job unseen by the public; these give me a reason to feel ambivalent about departing. Another reason is that, assuming someone with no previous village board fills the vacancy I'll create, the mayor will appoint your 17th different village trustee since 2004.

I hope that my successor is demonstrably invested in or at least passionate about Brockport. The way I see it, this may be a tall order, not because there's a shortage of people who care deeply about the

village, but because many of the residents – and there are lots of them – who contribute to his community day in and day out do so in ways that they tell me are more rewarding than being a trustee is. Perhaps that's why only three people sought consideration for the job in last month's election (and one of those candidates resigned his position on one of the village's committees ostensibly because he recognized that this obligation conflicted with his campaign to abolish Brockport.

However the village board's roster shall read, the energy that defeated dissolution now ought to be transferred to lifting up Brockport. Examining ideas for strengthening the village's finances that arose during the last few months is the next step toward renewal. In this the village board has an ideal opportunity to engage interested citizens in shaping their community's future.

Finally, it would be productive to accept that disagreement is democracy's most conspicuous product. Whether the village's direction is determined by a unanimous, 4-1, or 3-2 vote is inconsequential. The mayor and trustees will stand or fall together. As they go, in all likelihood, so shall go Brockport.

What will stay with me from my tenure here, above all, is pride in what my colleagues and I accomplished together and the wish that whoever next sits in this seat will be able to depart with the same feeling I have. And as I say farewell, if based on my experience I have any advice to offer to my successor or the good people who believe in Brockport, it is this: embrace the best in one another, and forget all the rest.

With your village intact and now headed onward, I'll stop where I started, and leave you with the tow words – that ring truer perhaps than ever before – upon which I based my mercurial political career: community counts.

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(10:20pm) ORGANIZATIONAL - APPOINTMENTS & ADOPTIONS:

ANNUAL FENCE PERMITS –

⇒ Trustee Legg moved, Trustee Hunsinger seconded, carried 5/0 that the following annual fence permits be renewed:

- GE – 98 Lyman Street
- RG&E – Perry Street and Erie Street

ADVANCE APPROVAL OF CLAIMS –

⇒ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the Board authorizes payment in advance of audit of claims for non-discretionary costs such as insurances, public utility services, postage, freight and express charges.

MILEAGE ALLOWANCE -

⇒ Trustee Legg moved, Trustee Hunsinger seconded, carried 5/0 that the Board authorizes reimbursement to Village officers and employees who use their personal automobiles while performing their official Village duties for travel at the current IRS rate per mile as indicated in the Employee Handbook.

ADOPT STANDARD WORK TIME FOR RETIREMENT PURPOSES -

It was noted that the former Deputy Clerk-Treasurer previously indicated that she does not believe this resolution provides what NYS ERS is looking for. Board agreed to adopt the resolution as it had last year and suggested the Mayor direct the person handling payroll and retirement (currently the Village Treasurer) look into this and report back on any changes needed to satisfy NYS ERS.

⇒ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 adopting the hours credited for NYS retirement purposes:

RESOLUTION
STANDARD WORK DAY/WEEK/MONTH
FOR NEW YORK STATE RETIREMENT PURPOSES

BE IT RESOLVED, that the Village Board be and hereby establishes the following as a standard workday for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System:

Full time:

RESOLVED; that the standard work time for the full time **Village Manager** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Village Clerk** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Village Treasurer** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Deputy Village Clerk-Treasurer** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Water Clerk** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Building Inspector / Code Enforcement Officer / Fire Marshal** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Police Chief** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for full time **Police Officers** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work time for the full time **Clerk (Police Department)** be established at eight (8) hours per day / forty (40) hours per week; and be it

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 17

RESOLVED: that the standard work day for the full time **Department of Public Works Superintendent** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard work day for the full time **Department of Public Works Foreman** be established at eight (8) hours per day / forty (40) hours per week; and be it

RESOLVED: that the standard workday for the full time **Department of Public Works Laborers** be established at eight (8) hours per day / forty (40) hours per week; and be it

Part time:

RESOLVED: that the standard work time for the part time **Mayor** (if enrolled in said retirement system) be established at six (6) hours per day / twenty (20) days per month; and be it

RESOLVED: that the standard work time for the part time **Trustees** (if enrolled in said retirement system) be established at five (5) days per month; and be it

RESOLVED: that the standard work time for part time **Planning Board** members (if enrolled in said retirement system) be established at sixteen (16) hours per month; and be it

Part time (maximum hours allowed for positions as created through Civil Service – not necessarily per fiscal year budget):

RESOLVED: that the standard work time for the part time **Crossing Guard** be established at twenty (20) hours per week; and be it

RESOLVED: that the standard work time for the part time **Assistant Building Inspector / Code Enforcement Officer / Fire Marshal** be established at twenty (20) hours per week; and be it

RESOLVED: that the standard work time for the part time **Secretary to the Planning/Zoning Boards (Building/Zoning/Code Enforcement Office)** be established at thirty (30) hours per week; and be it

RESOLVED: that the standard work time for the part time **Clerk (Department of Public Works)** be established at twenty (20) hours per week; and be it

RESOLVED: that the standard work time for the part time **Paid Ambulance Personnel** be established at twenty (24) hours per week; and be it

RESOLVED: that the standard work time for the part time **Dispatchers** be established at twenty (24) hours per week; and be it

RESOLVED: that the standard work time for the part time **Economic Development Coordinator** be established at twenty (20) hours per week

ADOPT VILLAGE STOP SIGNS & TRAFFIC SIGNALS -

⇒ Trustee Legg moved, Trustee Hunsinger seconded, carried 5/0 adopting the following stop signs and traffic signals for the Village of Brockport:

- 1) Adams Street at Chappell Street
- 2) Adams Street at Utica Street
- 3) Allen Street at Centennial Avenue
- 4) Anita's Lane at Anita's Lane
- 5) Anita's Lane at East Avenue
- 6) Barry Street at Fayette Street
- 7) Barry Street at Keable Court (eastbound and westbound)
- 8) Beach Street at Erie Street
- 9) Beach Street at Holley Street
- 10) Berry Street at Fayette Street
- 11) Beverly Drive at Idlewood Drive
- 12) Briar Rose Lane at Cailyn Way
- 13) Briar Rose Lane at West Avenue
- 14) Brockview Drive at Frazier Street
- 15) Brockway Place at Chappell Street
- 16) Brockway Place at Main Street
- 17) Brook Terrace at #24 Brook Terrace
- 18) Brook Terrace at Brookdale Road
- 19) Brook Terrace at South Avenue

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 18

- 20) Brookdale Road at Main Street
- 21) Burroughs Terrace at Fair Street
- 22) Candlewick Drive at Havenwood Drive
- 23) Carolin Drive at Clark Street (northbound and southbound)
- 24) Carolin Drive at West Avenue
- 25) Centennial Avenue at Allen Street
- 26) Centennial Avenue at Main Street
- 27) Central School Drive and Centennial Avenue
- 28) Chappell Street at Adams Street
- 29) Chappell Street at Centennial Avenue
- 30) Cherry Drive at Clark Street
- 31) Cherry Drive at Evergreen Road
- 32) Clark Street at Carolin Drive (eastbound and westbound)
- 33) Clark Street at Evergreen Road
- 34) Clark Street at Kimberlin Drive
- 35) Clark Street at Main Street
- 36) Clark Street at Smith Street (eastbound and westbound)
- 37) Clinton Street at Main Street
- 38) Cloverwood Drive at Candlewick Drive
- 39) Coleman Creek Road at Central School Drive
- 40) Coleman Creek Road at Main Street
- 41) College Street at Main Street
- 42) College Street at Utica Street
- 43) Commencement Drive at Holley Street
- 44) Cyrus Way at McCormick Lane
- 45) Erie Street at Beach Street (eastbound and westbound)
- 46) Erie Street at Perry Street (eastbound and westbound)
- 47) Erie Street at Utica Street (eastbound and westbound)
- 48) Evelyn Drive at Glendale Road
- 49) Evergreen Road at Clark Street
- 50) Fair Street at Quaker Maid Street
- 51) Fayette Street at East Avenue
- 52) Frazier Street at Fayette Street
- 53) Frazier Street at Glendale Road (eastbound and westbound)
- 54) Frazier Street at Keable Court (eastbound and westbound)
- 55) Gardner Alley at Clinton Street
- 56) Gardner Alley at King Street
- 57) Glendale Road at Barry Street
- 58) Glendale Road at East Avenue
- 59) Glendale Road at Frazier Street (northbound and southbound)
- 60) Gordon Street at Spring Street
- 61) Gordon Street at State Street
- 62) Graves Street at Clark Street

- 63) Graves Street at West Avenue
- 64) Havenwood Drive at East Avenue
- 65) High Street at Park Avenue
- 66) Hillcrest Parkway at Main Street
- 67) Holley Street at Main Street
- 68) Holley Street at Perry Street (eastbound and westbound)
- 69) Holley Street at Utica Street (eastbound and westbound)
- 70) Idlewood Drive at Clark Street
- 71) Idlewood Drive at West Avenue
- 72) Keable Court at Barry Street
- 73) Keable Court at Frazier Street
- 74) Kenyon Street at Monroe Avenue
- 75) Kimberlin Drive at Clark Street
- 76) Kimberlin Drive at West Avenue
- 77) King Street at Utica Street
- 78) Liberty Street at Fayette Street
- 79) Liberty Street at Main Street
- 80) Lincoln Street at King Street
- 81) Locust Street at Barry Street
- 82) Lyman Street at Fayette Street
- 83) Lyman Street at Locust Street
- 84) Market Street at Main Street
- 85) Market Street at Park Avenue
- 86) Maxon Street at Kenyon Street
- 87) Maxon Street at Utica Street
- 88) McCormick Lane at East Avenue
- 89) Meadowview Drive at Clark Street

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 19

- 90) Meadowview Drive at Evergreen Road
- 91) Mercer Street at Chappell Street
- 92) Monroe Avenue at Holley Street
- 93) Monroe Avenue at Main Street
- 94) Monroe Avenue at Utica Street (eastbound and westbound)
- 95) Morgan Court at Evergreen Road
- 96) Owens Road at State Street
- 97) Oxford Street at Spring Street
- 98) Oxford Street at State Street
- 99) Park Avenue at South Street (east and west of triangle)
- 100) Park Avenue at State Street (northbound and southbound)
- 101) Quaker Maid Street at South Avenue
- 102) Quarry Street at Locust Street
- 103) Queen Street at Clinton Street
- 104) Queen Street at Erie Street
- 105) Queen Street at Holley Street
- 106) Residence Drive at Kenyon Street
- 107) Smith Street at Clark Street (northbound and southbound)
- 108) Smith Street at West Avenue
- 109) South Avenue at Brook Terrace
- 110) South Avenue at Main Street
- 111) South Avenue at Owens Road
- 112) South Avenue at Quaker Maid Street
- 113) South Street at Main Street
- 114) South Street at Park Avenue
- 115) State Street at Park Avenue (eastbound and westbound)
- 116) Union Street at Park Avenue
- 117) Utica Street at Adams Street
- 118) Utica Street at Clinton Street
- 119) Utica Street at College Street (northbound and southbound)
- 120) Utica Street at Erie Street (northbound and southbound)
- 121) Utica Street at Holley Street (northbound and southbound)
- 122) Utica Street at Monroe Avenue (northbound and southbound)
- 123) Victory Drive at Barry Street
- 124) Victory Drive at Frazier Street
- 125) Washington Street at State Street
- 126) Water Street at Market Street
- 127) Westwood Drive at Glendale Road
- 128) Willowbrooke Drive at West Avenue
- 129) Winston Woods at South Avenue (privately owned)

Village owned and operated traffic signal – Adams Street at Allen Street

DISSOLVE COMMITTEES DUE TO INACTIVITY OR COMPLETION OF MISSION:

- ⇒ Trustee Legg moved, Mayor Castañeda seconded, carried 5/0 to dissolve the Village Advisory Committee with thanks to its members for their service.
- ⇒ Trustee Legg moved, Trustee Hunsinger seconded, carried 5/0 to dissolve the Main Street Rehabilitation Committee with thanks to its members for their service.

ACCEPT RESIGNATIONS / or do not wish to be considered for renewal / or inactive -

None submitted.

APPOINTMENT RENEWALS -

⇒ Trustee Legg moved, Trustee Hunsinger seconded, carried 5/0 that the following appointments be made:

- Official Paper**..... Suburban News
- Official Repositories**.....JP Morgan/Chase & HSBC
- External Auditor**.....one year term.....Raymond F. Wager, CPA, P.C.
- Village Attorney**.....on a quarterly basis...Harris, Chesworth, O'Brien, et al
- Environmental Attorney**.....on a quarterly basis.....Underberg & Kessler

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 20

⇒ Trustee Legg moved, Trustee Blair seconded, carried 5/0 that the following appointment be made:

- Village Historian**.....1-year term renewal.....Jacqueline Morris
- Museum Director**.....1-year term renewal..... Jacqueline Morris

⇒ Trustee Blair moved, Mayor Castañeda seconded, Trustee Hunsinger opposed, carried 4/1 that the following appointments be made:

- Planning Board**.....5-year term renew to 6/30/15.....Annette Locke
- Zoning Board of Appeals**.....5-year term renew to 6/30/15... John Bush
- Historic Preservation Board (Historian)** 3-year term renew to 6/30/13...Jacqueline Morris
- Historic Preservation Bd (Anthropologist)** 3-year term renew to 6/30/13.Margaret Blackman
- Ethics Board**.....4-year term renew to...6/30/14 Bernard LoBracco, Jr.
- Tree Board**.....4- year term renew to.. 6/30/14.....Jacqueline Morris
- Tree Board**.....4-year term renew to 6/30/14... Mary Pat Musselman
- Parks Committee**.....4-year term renew to 6/30/14.....Andrea Perry
- Parks Committee**.....4-year term renew to 6/30/14.....Sandi Henschel
- Code Review Committee (ZBA rep.)**. 5-year term renew to 6/30/15.....John Bush

Note: the following vacancies exist – to be filled soon – position interest forms available

- Library Board – 5-year term in progress (to 12/31/11)
- Ethics Board – 4-year term in progress (to 6/30/12)
- Ethics Board – 4-year term in progress (to 6/30/13)
- Code Review Committee – 5-year term (to 6/30/15)
- Ad-hoc committee on investigation of Village Court feasibility
- Ad-hoc committee on investigation of Code Enforcement points & penalties feasibility
- Ad-hoc committee on investigation of Sewer User Fee feasibility

ADOPT MEETING SCHEDULE -

Village Board considered the following:

- The Village Board held 34 meetings July 2009-June 2010. Only 24 of those were regularly scheduled. Suggestions include the following for planning purposes:
 - Incorporating built in monthly budget work sessions (January – April)
 - Incorporating built in annual budget hearing date in April (must be by April 15)
 - Incorporating built in monthly general work sessions (May – December)
 - Thoughts included: scheduled work sessions may limit the need for “emergency” meetings, as the Board would be meeting 3 times per month,

they may help to streamline and shorten the regular meetings, they would provide for an opportunity to engage in lengthier discussions on topics and invite guests or trainers or Department Heads in when needed, the corporate world holds specific budget work sessions, allocating the extra time won't really hurt anyone, they could be discussion-only oriented with action conducted at regular meetings, there is really no such thing as a work session as all meetings would allow action, if action is to be taken the Clerk should be in attendance (Clerk asked Mayor for direction on her attendance as this would add to her schedule and her workload), they could be quick meetings if there are no pressing discussion topics, that the Village Board is a legislative body and tends to get bogged down in other things.

- Changing Village Board meetings from the 1st and 3rd Mondays to either the 1st and 3rd or the 2nd and 4th Wednesdays or the 1st and 3rd Tuesdays for reasons stated previously upon strong recommendation of the Clerk and Treasurer who do the bulk of the pre and post meeting work and to avoid several Monday holidays. History this year showed that the public attended meetings held on nights other than Mondays.
- Not requiring Department Heads (Code Enforcement Officer, DPW Superintendent, Police Chief, Fire Chief) to attend Village Board meetings unless specifically requested or to continue with their attendance at the 2nd regular meeting of the month but limit the time they speak and further focus their reports. Thoughts included: Village Board liaisons could handle Department Head reports, Department Heads are best equipped and have the expertise to present certain information to the Board and public, it is a way to keep lines of communication open, some Department Heads might feel a need to speak on the number of items or length of time their colleagues do, Department Heads reports should be streamlined – possibly a 5 minute limit as is done with public comment, Department Heads should stick to their agenda items, only one Department Head receives comp time for attending Village Board meetings and it is not fair to the other salaried employees who do not receive such, Department Heads used to be required to attend every Village Board meeting.

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 21

- ⇒ Mayor Castañeda moved, Trustee Blair seconded, Trustees Hunsinger and Hannan opposed, Trustee Legg abstained, to hold Village Board meetings on the 1st and 3rd Wednesdays.
- ⇒ Mayor Castañeda moved, to hold Village Board meetings on the 2nd and 4th Wednesdays. No second. Motion died.
- ⇒ Mayor Castañeda moved, Trustee Blair seconded, Trustee Hunsinger opposed, Trustee Legg abstained, carried 3/1/1 to hold Village Board meetings on the 1st and 3rd Tuesdays.
- ⇒ Mayor Castañeda moved, Trustee Blair seconded, Trustee Legg abstained, carried 4/0/1 to hold Village Board budget work sessions on the 2nd Tuesday of January, February, March and the budget hearing on the 2nd Tuesday of April.
- ⇒ Mayor Castañeda moved, Trustee Blair seconded, Trustee Legg abstained, carried 4/0/1 to hold Village Board general work sessions on the 2nd Tuesday of August, September, October, November, December, May, July (none in June due to Village Elections).
- ⇒ Mayor Castañeda moved, Trustee Legg seconded, Trustees Blair, Hannan, Hunsinger opposed, defeated 2/3 to discontinue requiring Department Heads (Code Enforcement Officer, DPW Superintendent, Police Chief, Fire Chief) to attend the 2nd Village Board meeting of the month and having them attend only upon request.
- ⇒ Mayor Castañeda moved, Trustee Blair seconded, Trustee Hunsinger opposed, carried 4/1 to limit the time Department Heads may speak at Village Board meetings to 5 minutes as is done with public comment and work to further focus their reports.

August 2010 – July 2011
Village of Brockport Meetings

Village Board Meetings

Meetings begin at 7pm and are held at Village Hall

1st & 3rd Tuesday of each month unless otherwise noted

Submittal Deadline: Wednesday by Noon prior to meeting date

Note: Department Heads are in attendance only the 2nd regular meeting of each month.

| | |
|--------------------|-------------------|
| August 3, 2010 | January 4, 2011 |
| August 17, 2010 | January 18, 2011 |
| September 7, 2010 | February 1, 2011 |
| September 21, 2010 | February 15, 2011 |
| October 5, 2010 | March 1, 2011 |
| October 19, 2010 | March 15, 2011 |
| November 2, 2010 | April 5, 2011 |
| November 16, 2010 | April 19, 2011 |
| December 7, 2010 | May 3, 2011 |
| December 21, 2010 | May 17, 2011 |
| | June 7, 2011 |

June 21, 2011
July 5, 2011
July 19, 2010 (*organizational*)

Plus the following budget hearing the 2nd Tuesday of April:
April 12, 2011

Plus the following work sessions the 2nd Tuesday of the following months:

August 10, 2010
September 14, 2010
October 12, 2010
November 9, 2010
December 14, 2010
January 11, 2011
February 8, 2011
March 8, 2011
April 12, 2011 – NONE due to Village budget hearing (location to be announced)
May 10, 2011
June 14, 2011 – NONE due to Village Elections
July 12, 2011

Planning Board Meetings

Meetings begin at 7pm and are held at Village Hall

2nd Monday of each month unless otherwise noted (only upon application)

Submittal Deadline: Tuesday by Noon prior to meeting date

| | |
|------------------------------|-------------------|
| August 9, 2010 | January 10, 2011 |
| September 13, 2010 | February 14, 2011 |
| October 13, 2010 (Wednesday) | March 14, 2011 |
| November 8, 2010 | April 11, 2011 |
| December 13, 2010 | May 9, 2011 |
| | June 13, 2011 |
| | July 11, 2011 |

Zoning Board of Appeals Meetings

Meetings begin at 7pm and are held at Village Hall

4th Tuesday of each month (only upon application)

Submittal Deadline: Tuesday by Noon at least 3 weeks prior to meeting date

| | |
|--------------------|-------------------|
| August 24, 2010 | January 25, 2011 |
| September 28, 2010 | February 22, 2011 |
| October 26, 2010 | March 22, 2011 |
| November 23, 2010 | April 26, 2011 |
| December 28, 2010 | May 24, 2011 |
| | June 28, 2011 |
| | July 26, 2011 |

Historic Preservation Board

Meetings begin at 7pm and are held at Village Hall

3rd Thursday of each month unless otherwise noted (as needed)

| | |
|--------------------|-------------------|
| August 19, 2010 | January 20, 2011 |
| September 16, 2010 | February 17, 2011 |
| October 21, 2010 | March 17, 2011 |
| November 18, 2010 | April 21, 2011 |
| December 16, 2010 | May 19, 2011 |
| | June 16, 2011 |
| | July 21, 2011 |

Other Boards and Committees:

meeting schedules and locations vary

Seymour Library Board (3rd Tuesday 7pm at Library), Tree Board (2nd Tuesday 7pm at Library), Code Review Committee (4th Tuesday 6pm at Village Hall), Walk Bike Brockport Action Group (2nd Thursday 7pm at Village Hall), Parks Committee, Welcome Center Management Committee, Emily L. Knapp Museum & Library of Local History Committee, Board of Ethics

MAYOR TO APPOINT DEPUTY MAYOR -

Mayor Castañeda said she wishes to hold off appointing a Deputy Mayor, as her choice would have been Trustee Legg, but he is relocating and leaving. Once she appoints a Trustee in his place, she will give consideration as to a Deputy Mayor. She would like an opportunity to consider/interview other Trustees. Trustee Hunsinger made clear that he now has no interest in being Mayor Castaneda's Deputy Mayor.

ASSIGN VILLAGE BOARD LIAISONS to departments / areas / boards / committees –

Village Board considered the following:

- Limit those areas with 2 liaisons to 1. Thoughts included: those departments with 2 liaisons are large and complex enough to warrant and benefit from 2, the Liaisons benefit from having another to bounce things off of, Department Heads might find it easier to work with 1 liaison as

- they also need to report to the Mayor as their Supervisor.
 - More evenly distribute assignments so no single Trustee has too many. Thoughts included: Trustees feeling strongly about the areas they work with and that they can handle what they sign up for, Mayor needing Liaisons to keep her more informed and to then report on their assignments at Board meetings.
 - Take on only those you can commit to and attend their meetings and report back
- ⇒ Trustee Legg moved, Trustee Hunsinger seconded, Mayor Castañeda opposed, carried 4/1 that the following Village Board assignments be made:

August 2010 – July 2011

Village of Brockport

BOARD LIAISONS TO DEPARTMENTS / AREAS / BOARDS / COMMITTEES

| | |
|--|----------------------------|
| Personnel / Human Resources | Mayor Castañeda |
| Budget & Finance | Mayor Castañeda |
| Intergovernmental Relations | Mayor Castañeda |
| Department of Public Works | Trustee Hunsinger & Hannan |
| Police Department | Trustee Hunsinger & Blair |
| Fire / Ambulance / Dispatch | Trustees Hunsinger & Blair |
| Building / Zoning / Code Enforcement | Trustee Hunsinger & Hannan |
| Planning Board | Trustee Blair |
| Zoning Board of Appeals | Trustee Hannan |
| Historic Preservation Board | Trustee Hunsinger |
| Code Review Committee | Trustee Hannan |
| Emily L. Knapp Museum & Library of Local History | Trustee Hunsinger |
| Parks Committee | Trustee Blair |
| Economic Development (includes Downtown Merchants) | Trustee Hannan |
| Welcome Center Management Committee | Trustee Blair |
| Seymour Library Board | Trustee _____ (tba) |
| Tree Board | Trustee _____ (tba) |
| Farmers Market | Trustee _____ (tba) |
| Walk Bike Brockport Action Group | Trustee _____ (tba) |

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 23

AMEND FEE SCHEDULE -

Village Board considered the following:

- Raising the fees a bit for Canal front amenities (Welcome Center). Thoughts included: the fees are charged by boat size. Those with the larger boats would likely feel no pain from a small increase.
- Raising the Village Tax Search fee from \$10 to \$15 or \$20. Thoughts included: Village Clerk surveyed other Villages in Monroe County & found most charge \$20, a couple charge \$15. The \$10 fee has not been raised in approximately 12 years.
- Fee schedule and bills should state “All bills and charges are payable net cash within thirty (30) days. A delinquent charge of 10% will be added for non-payment by the due date.” and “Failure to pay may result in the re-levy of said charges plus delinquent charges on your next Village tax bill.” Thoughts included: this is the policy on water bills and should be the policy on other items like bills for special DPW services, annual waste hauler permits, etc.
- Raising the out of district sewer user fee/rate

DPW suggests the Board consider the following under Water:

- Adding “plus equipment and labor” to the frozen water meter fee of \$100
- Increasing the ¾” and 1” with 1” meter service connection from \$1,100 to \$1,880 to meet increased meter cost.
- Service Connections – Deleting the larger meter pricing and replacing with “per quote” (these are rare)
- Deleting “See Sub-Section 11.14” as it does not exist
- Increasing the ¾” and under size of service under “B” from \$200 to \$250
- Increasing the 1” from \$250 to \$300
- Increasing the 1 ½” from \$360 to \$500
- Increasing the 2” from \$530 to \$650
- Over 2” – deleting “See Sub-Section 11.14” as it does not exist & replace with “per quote”
- Last paragraph under “B” change to: “In addition to the fee charges set forth above for the service taps and water installation, there will be an additional charge if, upon installation, the Water Department has to supply any other necessary parts in order to effect the installation.”

DPW suggests the Board consider the following under Miscellaneous:

- Lawn mowing to read like garbage and trash pickup for repeat offenders with a 1-hour

minimum

⇒ Trustee Legg moved, Trustee Hunsinger seconded, carried 5/0 to adopt the following fee schedule as a work in progress and to re-visit the items under water service connections that are highlighted in oversized font at the August 17th meeting in which DPW Superintendent will be present.

**VILLAGE OF BROCKPORT
FEE SCHEDULE
Partially amended (work in progress) as of 7/19/10**

To be noted on invoices: All bills and charges are payable net cash within thirty (30) days. A delinquent charge of 10% will be added for non-payment by the due date. Failure to pay may result in the re-levy of said charges plus delinquent charges on your next Village tax bill.

VILLAGE BOARD FEES

- Rezoning application.....500.00
- Blasting permit.....\$200.00

ZONING BOARD OF APPEALS FEES

- Area Variance.....\$200.00
- Use Variance.....\$300.00
- Interpretation.....\$150.00
- Home Occupations.....\$25.00
- Travel trailer / dumpster approval.....\$25.00

- Other (special permit or authorization required by code).....\$150.00

PLANNING BOARD FEES

- Commercial / Industrial Change of use.....\$45.00
- Residential Change of use.....\$35.00
- Site plan (new construction) (less than 5 acres).....\$300.00
includes stormwater pollution prevention plan review
- Site plan (new construction) (greater than 5 acres)\$600.00
includes stormwater pollution prevention plan review

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 24

- Site plan (other).....\$250.00
includes stormwater pollution prevention plan review
- Residential subdivisions (less than 5 acres)\$200.00 plus \$50 per lot
includes stormwater pollution prevention plan review
- Residential subdivisions (greater than 5 acres).....\$600.00 plus \$50 per lot
includes stormwater pollution prevention plan review
- Re-subdivision.....\$50.00
- Residential Fences (front yard).....25.00
- Commercial / Industrial Fences (includes dumpster enclosures).....\$50.00
- Residential / Commercial / Industrial parking lots.....\$50.00
includes stormwater pollution prevention plan review
- Changes to or alteration of or extension of previous approvals.....\$50.00
- Special Meeting at request of applicant
.....\$50.00 in addition to application base fee
- Public Hearing if Board deems necessary
.....\$100.00 in addition to application base fee

ENGINEERING INSPECTIONS & STORMWATER INSPECTIONS

Engineering costs charged to the Village for site inspections or stormwater inspections shall be the responsibility of the applicant / developer. Village engineering inspections are based on time spent and will either be invoiced or utilized from the letter of credit. Village stormwater inspection fee is \$50 per inspection and will either be invoiced or utilized from the letter of credit

MISCELLANEOUS

- Tax Search.....\$20.00
- Copies.....\$.25 per page
- Returned Check Charge.....\$20.00
- Zoning Map (color).....\$5.00
- Sign Permit.....\$30.00 per sign
- Sidewalk Café Permit.....\$200.00
 - \$150 of the \$200 is returnable at the end of season if no violations.
- Hawking & Peddling Permit 1 to 7 days.....\$100.00

- 6 months or less.....\$250.00
- 1 year.....\$500.00
- Parade / Procession Permitno charge
- Fireworks Permit.....no charge
- Appliance with Freon.....\$25.00
- Garbage and Trash Pick-Up cost to Village plus \$50.00 for first calendar year (CY) offense, cost plus \$100 for second CY offense, cost plus \$250 for third CY offense.
- Garbage Cans Pick-Up.....\$25.00 per can
- Lawn Mowing.....\$150 per hour (1 hour minimum) per man plus equipment - plus \$50.00 for first calendar year (CY) offense, plus \$100 for second CY offense, plus \$250 for third CY offense.
- Weekly Commercial Waste Hauler Permit.....\$1,500.00 (annually)
- Other Commercial Waste Hauler Permit.....\$500.00 (annually)
- Facilities Use Permit\$25.00 deposit

CANAL FRONT AMMENITIES

- Boats 16' or less.....\$4.00
- Boats 17' – 30'.....\$6.00
- Boats 31' – 40'.....\$12.00
- Boats 40'.....\$15.00
- Commercial Boats.....\$20.00

POLICE DEPARTMENT FEES

- Copy of Police Report.....no charge
- Fingerprinting (NON-Village resident/merchant).....\$15.00
- Record Check.....\$5.00

Pay at Village Hall for fingerprinting or Brockport record check then go to Police Department.

- Parking
 - Illegally Parked.....\$30.00
 - Winter Parking Ordinance.....\$40.00
 - Fire Lane / Hydrant.....\$50.00
 - Handicapped Parking.....\$60.00*

Fines doubled if not paid or contested within 30 days.

*Applicable NYS surcharges may be applied by the adjudicating agency.

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 25

BUILDING / FIRE APPLICATION FEES

RESIDENTIAL NEW HOME CONSTRUCTION – includes Certificate of Occupancy inspection fee:

- 800 – 1,100 square feet.....\$350.00
- 1,101 – 1,300 square feet.....\$400.00
- 1,301 – 1,500 square feet.....\$450.00
- 1,501 – 1,700 square feet.....\$500.00
- 1,701 – 2,000 square feet.....\$550.00
- 2,001 – 3,000 square feet.....\$600.00
- 3,001 – 5,000 square feet.....\$650.00

RESIDENTIAL NEW CONSTRUCTION – (additions, remodeling) - includes Certificate of Occupancy inspection fee:

- Value of construction from \$0 - \$500.....\$45.00
- Value of construction from \$500 - \$10,000.....\$65.00
- Value of construction from \$10,000 - \$50,000.....\$85.00
- Value of construction from \$50,000 - \$100,000.....\$105.00
- Value of construction from \$100,000 - \$150,000.....\$125.00
- Value of construction from \$150,000 and up.....\$150.00
plus \$10.00 for each \$10,000 of construction value

COMMERCIAL NEW CONSTRUCTION – (additions, remodeling) – includes Certificate of Occupancy Inspection fee:

- Value of construction from \$0 - \$500.....\$65.00
- Value of construction from \$500 - \$10,000.....\$85.00
- Value of construction from \$10,000 - \$50,000.....\$105.00
- Value of construction from \$50,000 - \$100,000.....\$125.00
- Value of construction from \$100,000 - \$150,000.....\$150.00

- Value of construction from \$150,000 and up.....\$200.00
plus \$10 for each \$10,000 of construction value

RESIDENTIAL ACCESSORY STRUCTURES – includes Certificate of Compliance inspection fee:

- Decks.....\$30.00
- Above ground pools.....\$30.00
- In ground pools.....\$40.00
- Sheds (144+sf).....\$20.00
- Gas appliances i.e. hot water heater, furnace.....\$15.00
- Gas appliances..... i.e. fireplace, gas log sets, fixed piped home generators.....\$20.00
- Temporary Construction Trailer.....\$50.00

RENTAL PROPERTY CERTIFICATE OF OCCUPANCY / OPERATIONAL PERMITS

- Single family rental Code 210.....\$40.00
- Two family rental Code 220.....\$80.00
- Three family rental Code 230.....\$120.00
- Townhouses Code 411.....\$20.00 per unit
- Apartment building Code 411.....\$150.00 per building
- Inn / rooming house Code 418.....\$100.00

OPERATIONAL FIRE-SAFETY PERMITS & INSPECTION FEES

- Educational.....\$100.00 (annually)
- Place of Public Assembly 100 persons or greater\$100.00 (annually)
- Assembly uses 50 – 100 persons.....\$50.00 (annually)
- Manufacturing.....\$100.00(annually and/or as local conditions require)
- Fairs/festivals.....\$200.00 (annually)
- Repair/service garages.....\$100.00 (3 year intervals)
- Mercantile over 5000sqft.....\$100.00 (3 year intervals)
- Business use over 5000sqft.....\$100.00 (3 year intervals)
- Food service establishments.....\$35.00 (yearly and/or as local conditions require)
- Other.....\$100.00 (yearly and/or as local conditions require)

PLUMBING & SEWER FEES

- Plumbing License.....\$25.00
- Plumbing Permit.....\$40.00 plus \$3.00 per fixture
- Out of District Sewer Users

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If on Village water.....80 cents /1,000 gallons water used

If not on Village water.....\$50.00 per unit
(Unit = 50,000 gallons water per MCPW)

- Sewer Tap Inspection (Monroe County Pure Waters).....\$250.00 plus
If Village installed.....\$300.00
If contractor installed.....\$125.00

WATER:

Water Rate Schedule – Effective January 1, 2010 Billing
As Adopted November 16, 2009

Rates for the sale of water to all customers of the Board of Water Commissioners.

QUARTERLY METERED SERVICE WITHIN THE VILLAGE OF BROCKPORT:

All Water Usage \$ 4.66 per M gallons
Minimum Billing \$20.00 per quarter

QUARTERLY METERED SERVICE OUTSIDE THE VILLAGE OF BROCKPORT:

All Water Usage \$ 5.99 per M gallons
Minimum Billing \$25.00 per quarter

MONTHLY METERED SERVICE WITHIN THE VILLAGE OF BROCKPORT:

All Water Usage \$ 4.66 per M gallons
Minimum Billing \$20.00 per month

MONTHLY METERED SERVICE OUTSIDE THE VILLAGE OF BROCKPORT:

All Water Usage \$ 5.99 per M gallons

Minimum Billing \$25.00 per month

UN-METERED WATER:

The rate for un-metered water sales shall be \$6.00 per thousand gallons

TERMS AND PAYMENT:

All bills and charges of the Water Commissioners are payable net cash within thirty (30) days. A delinquent charge of 10% will be added to the bill for non-payment by the due date.

Frozen meter fee \$100 (plus equipment and labor ?)

11.9 SERVICE CONNECTIONS:

A. The fees charged upon application for water service tap (including meter) to the Commissioner's are as follows:

| SIZE OF SERVICE | Fee Charge |
|--|---|
| 3/4" and 1" with 5/8" or 3/4" meter and under..... | \$1,000.00 |
| 3/4" and 1" with 1" meter..... | \$1,880.00 |
| 1 1/2" with 1 1/2" meter..... | \$1,500.00 (delete \$ & replace with per quote ?) |
| 2" with 2" meter..... | \$2,000.00 (delete \$ & replace with per quote ?) |
| Over 2"..... | See Sub-Section 11.14 (delete See Sub-Section 11.14 (as it doesn't exist) & replace with per quote ?) |

The Commissioners will install the service pipe and appurtenances on public streets from the water main to and including the curb box and shutoff. Easements acceptable to the Commissioners must be furnished to them for service installation if private property is involved. Water meters will be furnished and connected by the Commissioners and will remain the property of the Commissioners. (Section IV and Section V)

B. Where a tap already exists, or is being installed under a Main Extension, the fees charged are as follows:

| SIZE OF SERVICE | Fee Charge |
|----------------------|------------|
| 3/4" and under | \$250.00 |
| 1"..... | \$300.00 |
| 1 1/2"..... | \$500.00 |

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| | |
|--------------|---|
| 2"..... | \$650.00 |
| Over 2"..... | See Sub-Section 11.14 (delete See Sub-Section 11.14 (as it doesn't exist) & replace with per quote ?) |

In addition to the fee charges set forth above for the service taps and water installation, there will be an additional charge if, upon installation, the Water Department has to supply any other necessary parts in order to effect the installation.

C. DELETED

D. SERVICE DISCONTINUANCE

Any water service account which carries an unpaid balance for two billing quarters or more is subject to discontinuance of service, and a fee of \$100.00 will be collected prior to restoration of the service.

E. Any use or attachment to an unprotected, unmetered fire hydrant for other than fire-fighting purposes is subject to an Unauthorized Hydrant Use Fee of \$500.00.

F. The rate for unmetered water sales shall be \$6.00 per thousand gallons.

AMEND FACILITIES USE POLICY -

No amendments were submitted for consideration. Standard Facilities Use Agreement for the use of the Village Hall conference room and Sagawa Park last amended July 20,2009 remains in effect. Clerk Morelli noted that none of the Fire Stations (Village owned) are currently allowed

1. All garbage must be removed by USER.
2. The key must be picked up from the Village Clerk by 4:30 pm the day of the meeting and returned to the Village Hall drop box after the building is locked that evening.
3. Alcohol sales are prohibited. Alcohol consumption is prohibited unless approved by the Board of Trustees for a specific PURPOSE OF USE.
4. Turn lights off and assure doors are locked.

B. Sagawa Park:

1. USER shall vacate the park no later than 9:30 pm.
2. All garbage must be removed by USER.
3. The USER shall not disturb area church services.
4. The USER may not exclude members of the public from simultaneously using the park.
3. Alcohol sales are prohibited. Alcohol consumption is prohibited unless approved by the Board of Trustees for a specific PURPOSE OF USE.

4.1 ALCOHOLIC BEVERAGES: The USER agrees and acknowledges that the sale of alcoholic beverages at the PROPERTY is strictly prohibited. If alcoholic beverage consumption is approved by the Board of Trustees for a particular PURPOSE OF USE, then the USER may provide alcoholic beverages for consumption by the guests of the USER at the event by the USER purchasing the alcoholic beverages, and then the USER may provide the alcoholic beverages to the guests at the event, for free, and without any charge.

5. INGRESS/EGRESS: All portions of the sidewalks, entries, doors, passages, vestibules, halls, corridors, stairways, passageways, and all ways of access to public utilities of the premises must be kept unobstructed by USER and must not be used by USER for any purpose other than ingress to or egress from the premises.

6. DAMAGES AND REPAIRS: The USER agrees to be responsible for all damages to buildings, grounds, fields and equipment incident to the use of the PROPERTY. USER shall make no temporary or permanent modifications to the PROPERTY without the prior written consent of the VILLAGE.

7. COMPLIANCE: The USER agrees to use and occupy the FACILITY in accordance with all VILLAGE policies, regulations, rules, and practices and with all applicable municipal, state and federal laws, including but not limited to fire codes. USER may not use the VILLAGE's names or marks, or imply VILLAGE endorsement or support, without express permission from an authorized VILLAGE official.

8. PARTICIPANTS AND ATTENDEES: The USER is responsible for providing all necessary and appropriate safety instruction to all participants and attendees at USER'S activity. The USER is responsible for any and all damages to buildings, grounds, fields and equipment caused by participants and attendees. If the use of the PROPERTY is open to any non-members of USER, then no person shall be denied the equal privileges and enjoyment of having free and open access to the USER'S event on the basis of race, color, creed, religion, national origin or sexual orientation. Access may not be limited on the basis of age or sex except insofar as the goals or purposes of the activity require such

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limitation and are lawful.

9. ABANDONED PROPERTY: Any property left on the PROPERTY shall, after a period of ten days from the last day of the scheduled use, be deemed abandoned and shall become property of the VILLAGE to be disposed of or utilized at VILLAGE'S sole discretion.

10. PERSONAL: This agreement is personal and the USER shall not assign this agreement nor allow any other person, group or entity to use the PROPERTY during the scheduled time(s) without the prior written consent of VILLAGE.

11. FORCE MAJEURE: If the PROPERTY is rendered unsuitable for the conduct of the USER'S activity by reason of force majeure, the VILLAGE and the USER are released from their obligations under this contract. Force majeure shall mean fire, earthquake, hurricane, flood, act of God, strikes, work stoppages or other labor disturbances, riots or civil commotions, war or other act of any foreign nation, power of government, governmental agency or authority, or any other cause like or unlike any cause mentioned which is beyond the control of the VILLAGE.

12. INDEMNIFICATION

A. The VILLAGE shall have no responsibility for the safety and/or security of any property belonging to USER or to those persons participating in the use of the PROPERTY by USER. USER expressly releases and discharges the VILLAGE for any and all liabilities for any loss, injury, or damages to any such property.

B. The VILLAGE shall have no responsibility for the safety and/or security of any person participating in the use of the PROPERTY by USER except as may arise from the negligence of the VILLAGE. USER expressly agrees to indemnify and hold harmless VILLAGE, its officers, employees, students and agents, from all cost, loss and expense arising out of any liability or claim of liability for injury or damage to persons resulting directly or indirectly from their participation in USER'S use of the PROPERTY, regardless of whether such use was authorized or not, and regardless of whether the liability or claim of liability arises out of the act or omission of USER.

C. In the sole discretion of the VILLAGE, at all times during the use of the PROPERTY, USER may be required to have a policy of comprehensive liability insurance, including public liability, bodily injury, and property damage, written by a company licensed to do business in the state of New York, covering the use contemplated by this agreement with combined single limits of no less than \$1,000,000 per occurrence and \$3,000,000 aggregate. The USER shall name the VILLAGE, including its trustees, officers, agents and employees as Additional Insureds for the said purpose and use of this agreement. USER agrees that the insurance will be primary coverage and will contain no terms allowing the insurer to be subrogated to the rights of any injured or damaged person or entity insofar as said person or entity may have claims against VILLAGE. The USER shall also maintain Worker's Compensation insurance to meet the requirements of the Workers Compensation laws of New York where applicable. Certificates of Insurance evidencing such insurance coverage shall be provided to the VILLAGE.

D. If USER is a department, division, or other unit of VILLAGE, paragraph 12 and all requirements included within it are null and do not become part of the agreement between the parties. If USER is a state or federal government agency, indemnification is not required where prohibited by law. If USER is an individual, the comprehensive liability insurance certificate required by paragraph 12(C) shall not be required unless the VILLAGE finds, in its sole discretion, that the intended use may negatively impact the Village or its property.

13. CANCELLATION AND TERMINATION: The VILLAGE reserves the right to cancel or terminate the use and retain the use fees and security deposit paid to the VILLAGE if for any reason, within the independent and sole discretion of the VILLAGE, there is or will be, any violation of this agreement, of any rule regarding the use of the PROPERTY, any obligation of the user hereunder, or for any other reason based on health and safety concerns of the Village or its officials.

14. WHOLE AGREEMENT: This writing contains the whole and complete agreement between the VILLAGE and USER.

15. SEVERABILITY: The terms of this Agreement are severable such that if one or more provisions are declared illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.

The undersigned certifies that (s) he is authorized to sign this Agreement on behalf of the USER and the VILLAGE, respectively, and that the USER and the VILLAGE acknowledge and accept the terms and conditions herein and attached hereto.

Dated: _____ 20__ Dated: _____ 20__

USER: VILLAGE:

BY: _____ BY: _____

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Position: _____ Position: _____

For office use only:

_____ Approved _____ Denied
_____ Availability Confirmed with _____
_____ Notification Given to _____
_____ Security Deposit Collected (\$25)
_____ Fees Collected
_____ Received Insurance Certificate with Village as Additional Insured (Not required for individual use of facility)

AMEND PURCHASING / PROCUREMENT POLICY –

Village Board considered the following:

- There was a NYS change regarding competitive bidding that needs to be incorporated.
- Treasurer previously provided recommendations for Board consideration. Board did not act on those recommendations at this time.

⇒ Mayor Castaneda moved, Trustee Hunsinger seconded, carried 5/0 to make the following changes

to the purchasing / procurement policy last amended 7/20/09:

Guideline 2 (b)

From: Purchases which will exceed the threshold amount set forth in GML Section 103 (\$10,000 for equipment purchases and \$20,000 for Public Works Contracts) shall be formally bid pursuant to this law and shall be executed only after appropriate Village Board approval has been obtained.

To: Purchases which will exceed the threshold amount set forth in GML Section 103 (\$20,000 for goods *and equipment* purchases and \$35,000 for Public Works Contracts) shall be formally bid pursuant to this law and shall be executed only after appropriate Village Board approval has been obtained.

**Village of Brockport
Purchasing / Procurement Policy
Amended 7/19/10**

Section 104-b of the General Municipal Law (GML) requires every municipality to adopt internal policies governing all procurement of goods and services not subject to the bidding requirements of GML Section 103 or any other law. In accordance with that requirement, the following guidelines are established for use by the Village of Brockport.

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML Section 103. Every village officer, board member, department head or other personnel with the requisite purchasing authority (the Purchaser) shall adhere to this policy. An employee wishing to make a purchase on behalf of the Village must have the purchase authorized by the appropriate department head.

Guideline 2. All purchases of:

- (a) Goods, services, equipment or public works contracts shall be executed through a purchase order, which will be preceded by a Request for Purchase Order.
- (b) Purchases which will exceed the threshold amount set forth in GML Section 103 (\$20,000 for goods and equipment purchases and \$35,000 for Public Works Contracts) shall be formally bid pursuant to this law and shall be executed only after appropriate Village Board approval has been obtained.

Guideline 3. All purchases of goods, services, equipment or public works contracts:

- (a) Less than \$10,000 but greater than \$500 require a written request for proposal (RFP), written/fax quotes from three (3) vendors.
- (b) Purchases equal to or in excess of \$2,000 will also require approval of the Village Board.
- (c) Purchases of less than \$2,000 are at the discretion of the Department Head.

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- (d) Any written RFP shall be from a reputable vendor, and must describe the desired goods, quantity and particulars of delivery. The Purchaser shall use the Quotation Log to compile a list of all vendors from whom written/fax quotes have been requested; and the written/fax quotes offered, and all information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the RFP. The Quotation Log must be signed by the employee and the Department Head.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification as to why it is in the best interest of the Village and its taxpayers to make an award to other than the low bidder. If a vendor is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good faith effort shall be made to obtain the required number of proposals or quotations. However, if the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made. In no event shall the inability to obtain the required proposals or quotations be a bar to the procurement.

Guideline 6. In the event that there is only one supplier for a particular good or service, care must be taken to document that the item or service is unique in its benefits as compared to other items or service available in the market place. The Purchaser must be sure that no other item or service provides a substantially equivalent or similar benefit. These facts must be documented on the Quotation Log and filed with the purchase request.

Guideline 7. In the event a good or service can be obtained under a city, county or state contract bid, the Purchaser must document the **current year** contract number, whether it is a city, county, or state bid, the price per unit and the total cost of the purchase.

Guideline 8. Except when directed by the Village Board, no solicitations of written proposals or quotations shall be required under the following circumstances:

- (a) Emergencies;
- (b) Goods purchased from agencies for the blind or severely handicapped;
- (c) Goods purchased from correctional facilities;
- (d) Goods purchased from another governmental agency;
- (e) Goods purchased at auction - shall be done at or below any established limit agreed upon by the Village Board.

Guideline 9. Additional exceptions apply to the use of purchase orders by the Fire Department and the Ambulance Corps as follows:

- (a) The Fire Department and Ambulance Corps are required to use purchase orders for the purchase of new items in excess of \$50.00.
- (b) Fire Department and Ambulance Corps purchases of repair or replacement parts or services or of supplies can be made without the use of a purchase order.
- (c) Fire Department purchase orders must be signed by the Village Mayor.
- (d) Ambulance Corps purchase orders can be signed by the Village Treasurer.

Guideline 10. This policy shall be reviewed annually or as deemed necessary by the Village Board.

AMEND VILLAGE VEHICLE USAGE POLICY –

Village Board considered the following:

- to specify to not allow spouse or another of employee/volunteer to drive Village vehicle

⇒ Trustee Legg moved, Trustee Hunsinger seconded, carried 5/0 to make the one change to the Vehicle Usage Policy last amended 12/21/09 as follows:

**MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page
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**Village of Brockport
Vehicle Usage Policy
Amended 07/19/10**

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

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

- The village board shall authorize (whether on a case-by-case or continual basis) the purpose(s) for which a village vehicle may be used.
- A department head to which the village board has assigned a vehicle, including any related equipment, shall maintain the general administrative jurisdiction of said vehicle, including directing its use by a subordinate.
- A department head shall maintain under his control and jurisdiction all keys to a vehicle

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

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

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

- No more than two pieces of fire department apparatus may be used simultaneously at funerals without prior approval from the village board.
- At the discretion of the fire chief, up to two pieces of fire department apparatus may be used for a period of up to 8 hours for a former Brockport Fire Department member's funeral within Monroe County.
- At the discretion of the fire chief, one piece of fire department apparatus may be used for a period of up to 8 hours for a funeral within Monroe County's resultant from an emergency responder's line of duty death (LODD).
- Contingent upon prior approval from the mayor, one piece of fire department apparatus may be used for a funeral in any state adjoining the State of New York.
- Contingent upon prior approval from the mayor, 5 pieces of fire department apparatus may be used for a period of up to 8 hours in a parade or public display within Monroe, Orleans, Genesee and Livingston counties.
- Contingent upon prior approval from the village board, fire department apparatus may be used in a parade or public display within the State of New York, excluding Monroe, Orleans, Genesee

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 33

and Livingston counties, or within any state adjoining the State of New York.

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

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

AMEND VILLAGE MEDIA RESPONSE AND SUBMISSION POLICY –

No amendments were submitted for consideration. Village of Brockport Media Response and Submission Policy last amended May 17, 2010 remains in effect.

Village of Brockport Media Response and Submission Policy

Adopted by Village Board 5/17/10

Policy Statement - The village board acts to ensure coordinated, coherent, professional, accurate, and reliable communication between the Village of Brockport and all media outlets. This policy is intended to sustain and reinforce a positive public image of the village by effectively disseminating timely, relevant, and interesting information.

General Standards – For the purpose of this policy, “statement” means spoken communication; “submission” means printed or electronic communication. Compliance with this policy requires observance of the following standards.

- § 1. Members of the village board are the official spokespersons of the village. Except as noted in § 7. below, other village officials, employees and volunteers shall not make official statements, whether unsolicited or in response to a media inquiry, except when authorized by the mayor or the village board, or to affirm or clarify facts that are part of the public record.
- § 2. Except as noted in § 7. below, only official spokespersons shall respond to media inquiries.
- § 3. Official statements to the media, whether unsolicited or in response to an inquiry, shall accurately reflect the village’s position as described by official documents such as, but not limited to formal plans, adopted policies, and approved meeting minutes.
- § 4. A village official, employee or volunteer who wishes to make a personal statement regarding any village-related topic must clearly inform the media that he is making such statement as an individual, that his/her statement does not necessarily represent the position of the village, and that they are not authorized to speak for, or on behalf of the village at the time of the statement.
- § 5. Any unsolicited submission to the media, such as a press release, must be approved by the village board or the mayor prior to its issuance. It shall include in its heading the date of such approval.
- § 6. Any direct quotation of a village official, employee or volunteer in a statement or submission to the media must be verified by official record or acknowledged as accurate by the party quoted prior to issuance of such statement or submission.

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 34

- § 7. Communications regarding fire department incidents issued by the fire chief or his designee, communications regarding police department incidents issued by the police chief or his designee, editorials, legal notices, and advertisements are not subject to § 1.-6. of this policy.

AMEND VILLAGE BOARD MEETING PROCEDURES –

Village Board considered the following:

- Modifying Section 5 – with dates agenda is ready if Village Board meeting nights change
- Modifying Section 5 - to state that an item may only be added to the agenda the night of the meeting if it is an emergency and must be added at the beginning of the meeting. The Mayor will call for additions/deletions to the agenda at the beginning of the meeting following the public

comment section.

- Modifying Section 8 - to include definition of new business, old business and board reports be added to the procedures/policy. Also add an additional public comment opportunity at the end of the meeting. Also Personnel to the list.
- Modifying Section 10 – to include public comment – modify times for beginning & end.
- Modifying Section 9 – to comply with Roberts Rules of Orders (per below)

- Robert's Rules of Order

Provides common rules and procedures for deliberation and debate in order to place the whole membership on the same footing and speaking the same language. The conduct of ALL business is controlled by the general will of the whole membership - the right of the deliberate majority to decide. Complementary is the right of at least a strong minority to require the majority to be deliberate - to act according to its considered judgment AFTER a full and fair "working through" of the issues involved. Robert's Rules provides for constructive and democratic meetings, to help, not hinder, the business of the assembly. Under no circumstances should "undue strictness" be allowed to intimidate members or limit full participation.

The fundamental right of deliberative assemblies require all questions to be thoroughly discussed before taking action!

The assembly rules - they have the final say on everything!
Silence means consent!

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- **Debate can not begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!**
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair! Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!

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- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made

- **Main Motion:** Brings new business (the next item on the agenda) before the assembly
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.
- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- **Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if preferred
- **Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified

Only the Chair in this case Mayor should be calling for an item to the floor for discussion NOT every member of the legislative body. It is upon the recommendation being brought to the floor that **MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 36**

discussion can begin. The items would be listed on the agenda as follows:

Example:

Be it resolved that the Village of Brockport establish an ad hoc committee to discuss the impact of a sewer fee. The committee will consist of a trustee, the supervisor of public works and a member of our community.

At the meeting, the Mayor would read the above statement, Someone would then say "so moved" and someone else would say "seconded". The mayor would then ask is there any discussion. If there is no discussion, the mayor would call for a vote. If there is a discussion that results in a change in the resolution, for example, there would be two community members instead of one, the mayor would ask

the individual that moved the resolution if he will amend the resolution to include the changes...if yes and the person who seconds agrees...you then call for vote.

If the person does not agree to the changes you must vote on the resolution that has been moved and seconded....

New Business - ALL business items that require board discussion, resolution and/or vote need to be placed on the agenda in this area. Items to be discussed need to be submitted to the Mayor and/or the Clerk(whomever you want to have receive the information) prior to the Board meeting. Items submitted must include topic "title" and sufficient information to describe the item.

Old Business - this area of the agenda will be used to discuss any item that has been discussed in the past and/or has been tabled from prior meeting.

Board Reports - this is the area where each board member may inform the community and other board members of the activities they have been involved in since the last meeting. This is NOT where items for board discussion and/or resolution may take place.

By making this change, all board members will be aware of the topics of discussion for an upcoming board meeting and can have time to prepare for the discussion if necessary.

Thoughts included: need to meet the deadline of getting agenda items and supporting documentation to Clerk by Noon the Wednesday before a meeting, this gives Board an opportunity to prepare and public an opportunity to review what items are on the agenda, Mayor's preference that Trustees not take action on items being brought up for the very first time that may benefit from waiting until the next meeting, that representation at functions/events/meetings/trainings attended as part of an official's responsibilities of representing the Village be shared, that Trustees make an effort to represent the Village at such as the Mayor is often the only Village Board representative, concern that public comment is sometimes used to beat up the Village Board and that the Mayor is the only one that can interrupt the speaker and should do so when it gets out of hand, that entire Board must be addressed during public comment so that it does not target an individual, that when one Board member is torn down, they all are, that belittling serves no purpose, that elected officials need to take the good with the bad, that the public has the right to voice their concerns, but that individuals should not be singled out, that some public comment is simply inaccurate and accurate information needs to be provided, that adding public comment to the end of a meeting would encourage emotionally driven comment that might be better to wait until the next meeting, that making public wait until the next meeting makes them leave upset or angry, that if the Mayor doesn't maintain decorum as to public comment, the Board may need to modify Section 9.

⇒ Mayor Castaneda moved, Trustee Blair seconded, carried 5/0 to modify Section 1 as to the meeting nights, Section 2 as to the work sessions, Section 5 as to the date the agenda is to be ready.

⇒ Mayor Castaneda moved, no second, motion died to modify Section 5 to state that an item may only be added to the agenda the night of the meeting if it is an emergency and must be added at the beginning of the meeting and that the Mayor will call for additions/deletions to the agenda at the beginning of the meeting following the public comment section.

⇒ Mayor Castaneda moved, Trustee Blair seconded, carried 5/0 to modify Section 8 to conform to the current agenda format recently implemented by the Mayor and Clerk.

⇒ Mayor Castaneda moved, no second, motion died to modify Section 8 to include definition of new business, old business and board reports.

⇒ Mayor Castaneda moved, no second, motion died to modify Section 8 to add an additional public comment opportunity at the end of the meeting.

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 37

⇒ Mayor Castaneda moved, no second, motion died to modify Section 9 to comply with Roberts Rules of Order.

⇒ Mayor Castaneda moved, no second, motion died to modify Section 10 to include public comment – modifying times for beginning and end.

**VILLAGE OF BROCKPORT
VILLAGE BOARD
MEETING PROCEDURES
Amended 07/19/10**

INTENT: Every public body has an inherent right to regulate its own procedures. Legislative bodies

need rules so that the will of the majority is expressed and the rights of the minority are protected.

Section 1. MEETINGS: The Board of Trustees for the Village of Brockport, New York shall hold regular meetings on the first and third Tuesdays of each month. Such regular meetings shall commence at 7:00pm and be conducted in the conference room of the Village Hall at 49 State Street, Brockport, New York. Any deviation of the foregoing paragraph shall be determined by the Board of Trustees.

Section 2. SPECIAL MEETINGS: The Board of Trustees for the Village of Brockport, New York shall hold work sessions on the second Tuesday of each month per the schedule adopted at the organizational meeting.

Special meetings of the Board of Trustees are all those Board meetings other than regular meetings. A special meeting may be called by a quorum of said Board as defined in section 3 Quorum upon notice to the entire board. Notice shall be given by telephone, in person, or in writing.

Section 3. QUORUM: A quorum shall be required to conduct business. A quorum of the (5) five member Board of Trustees shall be (3) three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

Section 4. EXECUTIVE SESSIONS: Executive sessions shall be held in accordance with the New York State Public Officers Law Section 105. All executive sessions shall be commenced in a public meeting.

Section 5. AGENDAS: The agenda shall be prepared by the Clerk at the direction of the Mayor. The Mayor or any Trustee may have an item placed on the agenda. Items for the agenda shall be given to the Clerk by the Wednesday at noon preceding the Monday meeting. However, items may be placed on the agenda at any time, including during the meeting. The agenda shall be prepared by noon on the Monday before the meeting. If necessary, a supplemental agenda shall be distributed at the beginning of the meeting.

Section 6. VOTING: Pursuant to Village Law, each member of the Board shall have one vote. The Mayor may vote on any matter but must vote in case of a tie. A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State Law. An abstention, silence or absence shall be considered a negative vote for the purpose of determining the final vote on a matter. A vote upon any question shall be taken verbally, and the names of the members present and their votes shall be entered in the minutes.

Section 7. MINUTES: Minutes shall be taken by the Clerk. Minutes shall consist of a record or summary of all motions, proposals, resolution and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon, provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law. (See attachment)

MINUTES SHALL INCLUDE THE FOLLOWING:

- Name of the Board
- Date, place and time of the meeting
- Notation of presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment.
- Name and title of other Village officials and employees present.
- Names of attendees.
- Record of communications presented to the Board.
- Record of reports made by Board or other personnel.
- Time of adjournment.
- Signature of Clerk or person who took the minutes if not the Clerk.

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 38

Minutes shall contain only a summary of the discussion leading to action taken but shall not include verbatim comments. Officials desiring that a verbatim statement be included must provide such statement electronically to the Village Clerk the day following the meeting.

Minutes shall be approved at the next Board meeting. Amendments to the minutes shall require Board approval.

Section 8. ORDER OF BUSINESS:

- Call to order
- Pledge to the Flag
- Guests

Public comment period
Public hearings
Public information meetings
Certificates & proclamations
Approval of minutes of previous meeting
Approval of bills to be paid
Personnel
Clerk & Treasurer Reports
Department Reports
Old business
New business
Village Board reports
Executive Session (if needed)
Adjournment

Section 9. GENERAL RULES OF PROCEDURE: The Mayor shall preside at the meeting. In the Mayor's absence, the Deputy Mayor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Board.

Board members shall not be required to rise but must be recognized by the presiding officer before making motions and speaking. Motions do not require a second. A member, once recognized, shall not be interrupted when speaking unless it is to call him/her to order. If a member, while speaking, were called to order, he shall be permitted to proceed.

There is no limit to the number of times a member may speak on a question.

Motions to close or limit debate may be entertained but shall require a two-thirds vote.

A motion shall be discussed or acted upon only if any member of the totally authorized voting power – except the member that made such motion – seconds such motion.

Section 10. GUIDELINES FOR PUBLIC COMMENT: The public shall be allowed to speak only during the public comment period of the meeting or at such time as recognized by the presiding officer.

Speakers must be visible.

Speakers must give their name, address and organization, if any.

Speakers must be recognized by the presiding officer.

Speakers must limit their remarks to (5) five minutes on a given topic or extended if recognized by the presiding officer.

Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

All remarks shall be addressed to the Board as a body and not to any member thereof.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

Interested parties or their representatives may address the Board by written communications in the event of creating a hardship to attend the meeting personally.

Section 11. AUDITING: The approval of the Board to pay the bills upon audit must be done by motion.

Section 12. ADJOURNMENT: The meeting shall be adjourned by motion.

Section 13. AMENDMENTS TO THE RULES OF PROCEDURE: The foregoing procedures may be amended from time to time by a majority vote of the Board.

ATTACHMENT TO Section 7.

OPEN MEETINGS LAW "SUNSHINE LAW"

Effective in New York State in 1977. Amendments that clarify and reaffirm the public's right to hear the deliberations of public bodies became effective on October 1, 1979.

MINUTES OF VILLAGE BOARD MEETING HELD July 19, 2010 continued.....page 39

A public body cannot close its doors to the public to discuss the subject of its choice, for the law specifies and limits the subject matter that may appropriately be discussed in executive session. The eight subjects that may be discussed behind closed doors include:

- (a) matters that will imperil the public safety if disclosed;
- (b) any matter which may disclose the identity of a law enforcement agency or informer;
- (c) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;

- (d) discussions regarding proposed, pending or current litigation.
- (e) collective negotiations pursuant to Article 14 of the Civil Service Law, (the Taylor Law);
- (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- (g) the preparation, grading or administration of examinations, and
- (h) the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

These are the only subjects that may be discussed behind closed doors; all other deliberations must be conducted during open meetings.

A public body can never vote to appropriate public monies during a closed session. Although a public body MAY vote during a properly convened executive session, any vote to appropriate public monies must be taken in public.

NOTE: If a vote is taken during a properly convened executive session, minutes of the executive session must be taken and included in the meeting minutes.

EXECUTIVE SESSION:

→ At 11:40pm, Mayor Castaneda moved, Trustee Blair seconded, unanimously carried 5/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss personnel matters involving Village Hall, , health care grievance re Police Department retirees, fire service contract negotiations, and a pending litigation matter.

Trustee Hunsinger suggested the Board conclude by 12:30pm, due to the late hour.

→ At 12:24pm, Mayor Castaneda moved, Trustee Hunsinger seconded, unanimously carried 5/0 that the Board of Trustees re-enter the regular meeting.

→ Trustee Hunsinger moved, Trustee Blair seconded, unanimously carried 5/0 that upon advice of Village counsel to allow 6 Police Department Stetson Club retirees (Curley, Cyr, Klinkbeil, Reitter, Rozzi, Ziegler) to remain on their current health plans as allowed by insurance and not require them to switch to the new health plan and HRA all other Village employees under age 65 will change to effective September 1st.

Mayor directed Village Attorney Mayer to respond in writing to the 6 retirees and their Attorney. Mayor directed Clerk to notify insurance and HRA representatives.

→ Trustee Hunsinger moved, Mayor Castaneda seconded, unanimously carried 5/0 that the resignation of Hal S. Legg as Trustee be accepted effective August 1st with regret and best wishes on his relocation and new job.

ADJOURNMENT:

→ At 12:25pm, Mayor Castaneda moved, Trustee Blair seconded, unanimously carried 4/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk