

Special 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, June 28, 2010 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Deputy Mayor Christopher R. Martin, Trustee Kent R. Blair, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli, Treasurer Mary Beth Lovejoy

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

ALSO PRESENT: Trustee-Elect Carol Hannan, Fire Chief Scott Smith, Deputy Fire Chief Mike Henry, Assistant Fire Chief Don Marenus, Past Fire President Bill Bird, Jim & Joan Hamlin, David & Karen Zok, Norm Giancursio, Tom Mangan, Dian Wood, Francisco & Linda Borrayo, Joan Marcello, Merv Beaney, Brian Winant, John Bush, Kristina Gabalski

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

APPROVAL OF MINUTES OF PREVIOUS MEETING:

→ Motion by Mayor Castañeda, second by Deputy Mayor Martin, Trustee Hunsinger abstained due to absence, carried 4/0 to approve the June 7, 2010 Village Board meeting minutes as written.

→ Motion by Mayor Castañeda, second by Deputy Mayor Martin, Trustee Hunsinger and Trustee Legg abstained due to absence, carried 3/0 to approve the June 13, 2010 Village Board meeting minutes as written.

Fire Department Matters -

Mayor Castañeda reported that she and Treasurer Lovejoy met with Town of Clarkson Supervisor Kimball, Town of Sweden Supervisor Milner, Town of Sweden Finance Director Strabel, and Sweden and Clarkson special Attorney Hou on June 22nd at 3:30pm. The purpose of the meeting was to come to an agreement with regards to outstanding excess funds from prior years fire contracts. They presented documentation that indicated that the Village owed the Towns over \$260,000. After reviewing the documentation and calculations, it was concluded that if the Village were to return \$175,000 to the Fire Truck Replacement Reserve over the next five years or sooner, we could begin negotiations of the new fire contracts. Mayor Castañeda said she believes this amount to be fair and reasonable and that the plan to reimburse the reserve over 5 years will have the least financial impact on the Village. Moving forward with negotiations of new fire contracts, the Village is aware it must meet its fiscal plan and that the budget, including dispatch, needs to be clearly defined and communicated to the Towns representatives.

Trustee Hunsinger asked Treasurer Lovejoy if she believes \$175,000 to be an accurate number. Treasurer Lovejoy said it is a fair and reasonable number having reviewed the information available from the Treasurer's Office dating back to 2003.

Mayor Castañeda said the numbers originally provided to the Towns was \$267,807, then after further review \$225,507, then \$143,000. She and the Supervisors compromised at \$175,000. The Towns are not asking the Village to cut them a check. They are fine with the funds being placed in the Fire Department Truck Replacement Reserve over 5 years. Mayor Castañeda thanked Sweden and Clarkson for being good partners and working together to come to an agreeable resolution to this matter.

Trustee Blair said this \$35,000 would begin this fiscal year and is not budgeted. Treasurer Lovejoy said it can be done as a year end measure.

Trustee Hunsinger inquired as to opinion of the Village's legal counsel. Treasurer Lovejoy said Village Attorney Leone met with the Towns special Attorney Hou and that it was up to the municipalities to come to consensus as to the dollar amount.

Treasurer Lovejoy said resolving this matter clears the way for the Village to start negotiations with the Towns on new fire contracts. It was made clear by the Towns that there would be no moving forward until this is put to rest.

Trustee Blair said that if this is resolved, he would expect that negotiations start right away. Deputy Mayor Martin concurred. Trustee Hunsinger said it is vital since the Village failed to successfully negotiate contracts for 2009 and 2010, leaving it to accept the 2008 contract numbers.

Treasurer Lovejoy concurred. She commented that the Village's fire budget has been over inflated January through December instead of being in its own fiscal year June through May. However, she learned that the Towns cannot enter into a contract that isn't in their fiscal year which is January through December. Therefore, the Village has to build its budget to stabilize it in its fiscal year June through May. The Village's budget will meet that need. This isn't a cost center that increases/decreases. Discussions regarding dispatch and ambulance must be had with them. Again,

the Towns won't discuss anything until this matter is resolved.

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Trustee Legg read the following prepared statement:

This issue is a fantastic example of why it's important to re-evaluate our positions as new information comes to light and circumstances change. The possibility that the amount Sweden and Clarkson had agreed to pay Brockport for fire protection over several years had caused the village to profit from its agreements with the towns surfaced last summer. At that time, Brockport already was looking at a significant year-end budget deficit, and there was no clear idea of how much revenue may have been generated by the fire protection contracts, and why this might have happened in the first place.

At that point, I voted against paying Sweden and Clarkson any money to settle their claim against the village because the towns had entered into the contracts in question voluntarily, the village had rendered the services described by the contracts, I hadn't been a party to the contracts, which were lawful and proper, and the notion of paying the towns a questionable sum when the village appeared to be running out of money, especially without legal obligation, seemed contrary to sound financial management of Brockport's assets, for which I, as a trustee, am responsible.

Fast forward to today and the village and towns have agreed that based on an audit of fire department expenses and revenues, Brockport made \$175,000 over the course of several years by selling fire protection to Sweden and Clarkson. I can't answer questions regarding how or why this happened: I wasn't in office at that point.

But I am now. And regardless of what happened back then, the village is financially strong enough to return this \$175,000 profit to the towns and should do so because the goal of contracting our fire department's services is ensuring public safety, not accumulating wealth. Furthermore, I don't object if the towns wish for these funds be deposited into a reserve fund for the future purchase of a fire truck.

I hope that this action opens the door to a more thorough budgetary process for the fire department that includes further consideration of the elimination of local emergency dispatch, an idea that I continue to support as a reasonable means by which to lower costs without impacting the provision of service.

Of equal importance, let us reaffirm that the fire department remains a unit of the village, and as such, the village shall continue to operate it. The challenge for this board will be stewardship that is in collective best interest of the three municipalities that fund the fire department. I do not want to pass on to those who serve this village years from now this conundrum, which we inherited. Therefore, let us be accountable today, put this issue to rest, and move ahead to the next challenges.

→ Motion by Mayor Castañeda, second by Trustee Legg:

Be it resolved that the Village of Brockport Board of Trustees agrees to consider \$175,000 as outstanding excess funds from prior years fire contracts with the Towns of Sweden and Clarkson and to return \$175,000 to the Fire Department Truck Replacement Reserve over the next five years – at \$35,000 per fiscal year beginning with the 2010/11 fiscal year.

UPON ROLL CALL VOTE:

Mayor Castañeda	Voting	yes
Deputy Mayor Martin	Voting	yes
Trustee Blair	Voting	no
Trustee Hunsinger	Voting	no
Trustee Legg	Voting	yes

Carried 3/2.

Unauthorized work on Village property at Fire Department Headquarters

Bill Bird, Past-President of the Brockport Fire Department, asked for the opportunity to address the Board. He referred to a letter of explanation provided by current President John Rombaut as to work on Village property at Fire Department Headquarters at 38 Market Street. He said planning for the project started about 3 years ago when he was President. The garden timbers were rotting and the landscaping was not being kept up. They were to be replaced by a monument with a bell and historical sign to serve in memory of those who have served the Fire Department. The project was dropped and recently started up again. One vital component that was missing was that no one came to the Village Board to request permission to do such project on Village property or to use the help of DPW. He said he accepts responsibility and asked that the Board not blame the Fire Chiefs or DPW Superintendent, as they assumed all was taken care of. It was he who didn't follow through. He understands that the Village Board placed a stop work order on the project at their June 21st meeting. He asked that the stop work order be lifted, approval be granted, and work proceed using volunteer labor. The project will be paid for by the Fire Department's private memorial account.

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Trustee Hunsinger shared that he and Trustee Blair, as Fire Department liaisons, met with the Chiefs and President on June 25th. All were apologetic for the situation. It is important to note that the old way of doing things is in the past. There needs to be open lines of communication at every level on everything.

Trustee Blair said from his understanding this is just another example of how loose things ran in the Village in the past. This is, indeed, a new era of communication, transparency, and accountability.

Mayor Castañeda concurred on the need for communication and accepts the apology. She said the Board would take all under advisement and revisit the matter at the next meeting. She reminded the Board that when they meet with departments in their liaison capacity, it is their responsibility to report back to the Mayor and rest of the Board. She further reminded that no single Board member has the authority to approve the expenditure of public funds. She said she would have hoped Trustees Hunsinger and Blair would have apprised her on their recent meeting with the Chiefs and President.

Trustee Hunsinger and Blair said that was their plan and they have done so this evening. They would have contacted her sooner, but she was out of commission for a few days.

EXECUTIVE SESSION:

→ At 7:15pm motion by Deputy Mayor Martin, second by Mayor Castañeda, unanimously carried 5/0 to enter into executive session to discuss the following a) paid ambulance personnel matter b) pending litigation matter c) Library Director vacancy d) request for retiree insurance buy out option.

→ At 7:50pm motion by Trustee Hunsinger, second by Mayor Castañeda, unanimously carried 5/0 to exit executive session and re-enter the regular meeting.

ADJOURNMENT:

→ Mayor Castañeda moved, Trustee Legg seconded, unanimously carried 5/0 that the meeting be adjourned at 7:50pm.

Leslie Ann Morelli, Village Clerk