

Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, November 22, 2011 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Trustee Margaret B. Blackman, Trustee Kent R. Blair Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Manager/Treasurer Michael A. Giardino, Clerk Leslie A. Morelli, Police Chief Daniel P. Varrenti, Building/Zoning Officer Scott C. Zarnstorff, Fire Chief Michael J. Henry, Attorney Robert S. Leni, Esq.

EXCUSED: Superintendent Harry G. Donahue

ALSO PRESENT: Joan Hamlin, Kristina Gabalski, Norm Giancursio, Fred Webster, Rachael Blair, Brian Winant, Don Roberts, Pam Ketchum, Peggy Meeker

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

Mayor Castañeda mentioned that DPW Superintendent Donahue was excused. Everyone wished Happy Thanksgiving.

MOMENT OF SILENCE: to honor those that serve our Country, enforce our laws, & respond to emergencies

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

PUBLIC COMMENT: None

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES:**

→ Trustee Blair moved, Trustee Blackman seconded, carried 5/0 that the minutes of the 11/8 meeting be approved as amended.

- **APPROVAL OF BILLS TO BE PAID**

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the bills be allowed and paid upon audit.

A/P Clearing Account

	<u>Abstract Date</u>	<u>Amount</u>
FUND (A): <u>General</u>	11/8/11	\$48,186.92
FUND (F): <u>Water</u>	11/8/11	\$50,496.05
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust & Agency)</u>	-	-
		\$98,682.97 grand total

MANAGER/TREASURER & CLERK REPORTS:

- Manager/Treasurer – Michael A. Giardino
 - Financials – VM/T Giardino shared that he hopes to be able to close the books for fiscal year ending 5/31/11 by November 30th. He will then submit for external audit. Within 3 weeks of that he hopes to be able to bring the current fiscal year books up to date and produce a cash flow report.

Mayor Castañeda said Mike has not yet taken on a lot as to the Village Manager role, nor has Clerk Morelli yet been able to transfer some of what she handles to him. As has been necessary, his focus has been on the Treasurer role of closing out the FYE 5/31/11 books & getting required information to the State Comptroller's Office, External Auditor, and Financial Consultants. Once that gets accomplished, he will focus on 6/1/11 to date and providing the Board and Department Heads with financial reports. She said she wished to commend him on his work thus far as it has been challenging to go back and complete work started by someone else with little or no training/direction from the person that did the work or familiarity with the software and records. She said she also continues to be appreciative of all the work Clerk Morelli and Deputy Clerk Herzog have taken on due to limited staffing and the need for segregation of duties & checks and balances.

- Clerk
 - Reminder: Special Election re Fire District: Tuesday, 11/29 polls open 8am-9pm

○ 2012 Employee Benefits rates: health, dental, life, short term disability – Clerk Morelli referred to her memo to the Board and VM/T as to 2012 employee and retiree insurance rates. The Excellus Healthy Blue HDHP monthly premiums will increase ~18%. The MVP Gold monthly premiums will decrease ~1%. The Excellus dental monthly premiums will increase ~6%. The Guardian dental monthly premiums will increase ~3%. The Guardian life and short term disability monthly premiums will remain the same. Clerk Morelli said she checked HRA usage connected with the Excellus HDHP plan year 9/1/10 – 8/31/11 and only ~33% was used. We were hoping for low usage and got it! To date only 1 Stetson Club employee and retiree claimed out of pocket reimbursement re last plan year. CSEA and non-union are not eligible for such. Clerk Morelli said she believes switching plans and HRA last year was well worth all the effort. Further, getting all employees and retirees under age 65 on the same plan and all retirees over age 65 on the same plan is helpful from an administrative standpoint. Clerk Morelli said her annual benefits notice will be going out to employees and retirees the first week in December. She said she began doing this a few years ago as it is important to remind all of what their benefits include, what this costs the Village and what, if any, contribution they make towards their benefits. Currently only non-union are required to contribute (20%) towards their health and dental premiums. She referred to recommendations for the Board to consider the next time they negotiate Union contracts.

● **DEPARTMENT REPORTS:** (Department Heads are in attendance the 4th Tuesday of each month)

○ Building / Zoning / Code Enforcement – Codes Officer Scott C. Zarnstorff

▪ 10 King Street – CEO Zarnstorff shared that the property owners have contracted for debris removal November 28th through November 30th. He will meet with DPW Spt. Donahue first thing November 28th to coordinate with the contractors the use of King Street and parking of equipment. CEO Zarnstorff said Clerk Morelli has been working with the Village’s insurance adjuster as to any damage to 1 Clinton Street (Police Department). He has met with the insurance adjuster and their structural engineer and visited the site. They will return during and after debris removal as well.

▪ Presentation - CEO Zarnstorff shared that he and Planning Board Vice Chair / Code Review Committee Chair Art Appleby recently presented at a Monroe County Land Use Development workshop to share how the Village of Brockport’s Code Review Committee was created and how it functions. Approximately 45 members of area Planning Boards, Zoning Board of Appeals, and attorneys attended. They reviewed good feedback.

▪ Code Enforcement Intern - CEO Zarnstorff shared that Intern Kenyata Davis has been working hard to put together a housing seminar / fair at SUNY Brockport. He will be a panel member at the event as will some landlords and attorneys. It will provide information on choosing off campus rental housing, dealing with landlords, etc.

○ Police – Police Chief Daniel P. Varrenti

▪ Tardy – Chief Varrenti apologized for being a few minutes late – due to a number of calls this evening including a domestic violence incident, a baby abuse incident, and a landlord/tenant dispute. He wished everyone Happy Holidays.

▪ Fire – Chief Varrenti distributed photos to the Board that show the result of a residence using a fire pit, placing it too close to a structure and not extinguishing it properly. He cautioned all of the use of fire pits. Fire Chief Henry said putting water on it would have helped as well.

▪ Overtime - Chief Varrenti referred to Mayor Castañeda having mentioned at a recent meeting that the Police overtime line is over budget. He said he has yet to see her proof of this. He met with VM/T Giardino and his numbers are clearly under budget. He said the Police Department tracks overtime per pay period and pay periods 12 – 21 in 2010 had 1615.75 hours overtime while the same pay periods in 2011 had 1365 hours overtime. There were 250 hours the week of the 5 arsons. This is still 250 hours less than last year. Using the same pay scale that means they spent \$12,537 less in overtime. This is due to the Stetson Club MOU adopted April 27, 2011 as to “Shift Strength/Hours”. Chief Varrenti said he recalls discussions with then-Treasurer Lovejoy and they agreed it wise to reduce the overtime budget by \$30,000 instead of \$50,000 in case the projected savings could not be achieved. However, if this continues, it is safe to assume that the estimated \$50,000 savings may be achieved. Chief Varrenti said he commends all in the Police Department for the sacrifices made to achieve the savings.

▪ Tickets - Chief Varrenti referred to prior discussion on simplified traffic tickets and the “basis of knowledge” element. He said there may be a difference between moving violations, infractions and parking tickets. Village Attorney said the simplified traffic ticket cannot be used for a parking ticket.

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Parking tickets - Chief Varrenti read the following memo into the record dated November 8th from the Mayor to him:

“As you are aware, the Town of Sweden Court continues to have issues with Village parking tickets and the Village suffers by so many tickets going unpaid. Whether these issues are unique to Brockport / Sweden is irrelevant at this point.

Please consider this a directive to add to Village parking tickets:

- the defendant's (registered owner of the vehicle) name and address
- the “direct knowledge / information and belief” language

Per your offer at the October 25th Village Board meeting, and Village Attorney Leni's follow up to us November 2nd, please obtain the unpaid parking tickets from the Sweden Court and have the defendant's name and address added to those tickets.

The next step will be that of implementing a plan to send out collection letters to those with unpaid Village parking tickets. We hope to work with the Sweden Court on contracting with an agency to send delinquent notices to increase collection. This will likely have to be at the Village's expense at a percentage of the ticket revenues. In the meantime, we need to do what we can to deal with the old unpaid tickets. I expect that you will work with us towards successful resolution to this long standing problem so that we may achieve the desired result of justice and revenue collection. Thank you.”

Chief Varrenti said the more thought he has given it, due to safety and identity theft concerns, he does not believe it would be appropriate to put this information on the portion of the ticket that gets placed on the car windshield, as anyone could take the ticket off. New tickets have been ordered. The officers will put the name on them, but the address and date of birth will only go on the Court copy.

Village Attorney said that information does not need to be listed at time of issuance, and could be added afterward, but before it goes to the Court. He suggested this may save officers time on the spot. Chief Varrenti said the officers will do it at time of issuance and the objective will be achieved.

Chief Varrenti said he met with Sweden Court Clerk Terri Gay and was provided a bundle of tickets broken into months starting with 2008. He said during the time period April through June 2008 481 parking tickets were written and the Court shows 158 (33%) remain unpaid. However, the Court Clerk said there is really no way to know which of those 158 are truly unpaid as ProAcct, the collections agency, played a role. He said someone needs to come up with a plan to collect the myriad of unpaid parking tickets. If a delinquent letter is going to be sent out, we don't want to insult those that paid the ticket but the Court does not have record of.

Village Attorney Leni said it seems clear that a system needs to be implemented going forward. The Village under a past Mayor and Manager/Treasurer engaged ProAcct until such time as it was determined they could not do so and that only the Court can do so. Apparently, ProAcct is no longer in business. Any collection letter could leave open the option that if a ticket has been paid, they could provide proof of payment. However, that might not be sustainable.

Chief Varrenti said in defense of then-Mayor Wexler and then-Manager/Treasurer Coyle, ProAcct was one of the only options at that time to assist with increasing parking ticket collections. The alternative was to do nothing, which has been done for some time. There are a number of reasons to move forward in using an agency to pursue collections. There is software available. There is a lot of data entry time involved. He said it does not behoove he as Police Chief, but the Village Board, to put a policy in place. The Village is losing money and justice is not being served.

Village Attorney Leni said his last communication with Sweden Court was that the Court can give a rundown of unpaid tickets so the Village can issue collection letters. Doing so in-house might realize more revenue as an agency takes a cut.

He asked who would compose the letter, create a database, send out the letters, track the payments... Further, the word is out that Village parking tickets are going unpursued. People need to be held accountable. Be proactive, not reactive.

Mayor Castañeda said as has previously been discussed at length, the collection of Village parking tickets continues to be a problem. To assist in the collection, and as requested by the Town of Sweden Court, the Police Department will now be putting certain language on the tickets as well as the name and address of the vehicle's registrant. The Chief offered to have appropriate staff with access to information add the name and address on old parking tickets starting with the most recent and going backward. The next step will be for the Village Attorney to craft a collection/delinquent letter that can

be sent out to those with tickets the Court believes are unpaid. I would like to see the Chief delegate this

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effort to the Lieutenant and Police Clerk. Ultimately, the Village and Town need to work together toward a plan to utilize a third party agency to send such delinquent notices to enhance collection of revenues and provide justice.

Chief Varrenti said for the Village to do this in-house would be costly as staff and time are limited. He said he does not have the staff to accomplish this. The Lieutenant and Police Clerk do not have the time. Further it may not be appropriate or ethical for the department issuing the tickets to pursue their collection. There needs to be a collaboration with the Court and a system of checks and balances.

Mayor Castañeda concurred that a collaborative effort is needed all the way around.

- Public Works – Superintendent Harry G. Donahue (excused)
- Fire / Ambulance – Chief Michael J. Henry
 - Chief Henry provided the following report:

Approximate Calls to Date: Fire: 1157+ EMS: 747 Total: 1904+

Calls of significance since the last Meeting:

1. Saturday November 5th 21:00. Dispatched to 204 Darla Drive for a something burning in the backyard to an upgraded full assignment for a structure fire. P-232 was on location with a fire in the back of the structure and had a quick knock down. Fire was under control in a few minutes and had minor extension into the structure. The fire was ruled accidental, Hamlin and Hilton assisted at the scene.
2. Thursday November 10, 2011 01:53 AM, dispatched for a house fire across from 24 Adams Street, upgraded to people trapped, and then changed to 185 Park, 191 Park Avenue with the final address being 23 Fair Street. 2C-13 was on location with heavy fire in the rear of the structure and the PD reporting everyone out. It was determined a wooden fence, and 1 car garage at 191 Park Avenue and the house at 23 Fair Street were on fire. The fire was ruled accidental started from campfire ring left unattended at 191 Park Avenue. Great stop good team work.

Notes:

- Row boat bid
- Ford Explorer bid
- Ambulance Corp progressing they received a new State number, will have an inspection and are looking at being up on their own around Jan 1.

At 7:40pm, Mayor excused all Department Heads. Trustee Hunsinger suggested the Department Heads stay through Old Business as there are items that apply to them. Mayor Castañeda said that is unnecessary.

- **PERSONNEL ITEMS:**
 - Appointments:
 - Fire/Ambulance – membership drops/adds

→ Trustee Blair moved, Trustee Hunsinger seconded, to accept the following membership drops: Tasha Borys, Amy Tice, James Weaver, Jason Wilson.

- Accept Resignation:
 - Ethics Board – Peter Smith

→ Trustee Blackman moved, Trustee Hannan seconded, to accept the resignation of Peter Smith from the Ethics Board with thanks for his service.

- Vacancies –
Interested residents can submit position interest form by 11/29 to Clerk for the following:
 - Ethics Board – to complete a 4-year term to 6/30/12
 - Ethics Board – 4-year term to 6/30/15
 - Parks Committee – 4-year term to 6/30/15
 - Parks Committee – 4-year term to 6/30/15
 - Zoning Board of Appeals – 5-year term to 6/30/16

Trustee Hunsinger urged Mayor Castañeda to bring forth another name for appointment consideration to fill the vacancy on the ZBA. He suggested bringing forth the first candidate to apply that is highly qualified. Trustee Hannan concurred and said the individual is a superior candidate.

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Mayor Castañeda said another notice has been published in the paper and posted on the website with an application deadline of November 29th. She said the ZBA has not had a reason to meet since June 2010 due to no applications. They do have an application for a special permit for a dumpster enclosure and will need to meet in December. It is a 5 member board. They need a quorum to have a meeting. That means 3. They currently have 4.

OLD BUSINESS:

- Bid results & consideration – Fire Department 1965 Starcraft aluminum boat

→ Trustee Blair moved, Trustee Hunsinger seconded, to accept the high bid of \$410.69 through Auctions International with backup acceptance of the next highest bids of \$400.69 and \$400.00 if the high bid falls through.

- Bid results & consideration – Fire Department 2005 Ford Explorer

→ Trustee Blackman moved, Trustee Hannan seconded, to accept the high bid of \$5,252 of Gary E. Cahill of Cahill-Eldotread Auto Parts as fair and adequate consideration for the 2005 Ford Explorer XLT VIN #1FMZU73E85UA84074 as is in good condition with approximately 74,000 miles on it used by the Brockport Fire Department.

Trustee Blair said due to concern that the \$4,000 minimum might be low, he pulled some comps today: Auctions International – 2004 Ford Explorer current bid of \$5,100
Caesars Auto – 2004 Ford Explorer \$5,000, Websmart Auto - 2004 Ford Explorer \$5,645, Sleepy Hollow Motor Sales \$5,295, Tom Masano Ford – 2005 Ford Explorer \$5,000, so, this shows the \$5,252 is in the ballpark.

Village Attorney Leni concurred that this represents fair and adequate consideration.

- Collection of Village Parking Tickets – discussed earlier in the meeting
 - Feasibility of Village Court – Mayor Castañeda shared that Trustee Blair asked that this be placed as an agenda item. She said she wishes to make a few comments before turning it over to him. She said as she has detailed in the past, the cost of establishing and running a Village Court typically far exceeds the revenues. She said she would think that if any Village officials have concerns with the Town Court, they would work together to identify those concerns, work towards a better understanding of roles and responsibilities, and attempt to resolve any shortcomings. She said she does not believe it is wise to spend further time considering creating a new service (Village Court) at a time when the Village has eliminated some services, consolidated some services, placed more responsibilities on existing staff, and faces yet another challenging budget process.

Trustee Blair said it was alarming to learn of lost revenues regarding Village parking tickets and that the unpaid tickets have not been pursued through the Court. This impacts the Village, not the Town. The inaction of the Court affects the Village. He said day in and day out the Police Department and Code Enforcement Officer enforce the code and write tickets. To not get a return on these efforts is insulting. It cannot continue. He said he likes the fact there is now some dialogue about this. He'd like to see it continue. Trustee Blair asked how the Village receives fines and forfeitures.

Clerk Morelli said the Village receives a monthly check of its share of Sweden Court funds and an annual check specific to Village parking tickets.

Village Attorney Leni said even if the Village had its own court, there would still be a percentage of tickets that go unpaid. Regardless, pursuing the unpaid parking tickets would be worthwhile.

Trustee Blair said this has turned into an issue of the Police Department not putting enough information on the tickets. One of the issues was that of basis of knowledge. When an Officer gets out of his/her vehicle to put a parking ticket on the vehicle in violation, that is direct knowledge. It shouldn't have to be on the ticket.

Chief Varrenti said the Police Department writes approximately 1,400 parking tickets annually. He asked the annual revenue from Village parking tickets.

Clerk Morelli said she does not have the numbers in front of her, and asked if any Board members did. She said a rough recollection is that years ago the Village collected \$50,000 to \$60,000 per year versus

recent \$30,000 or so per year. That's not in stone as the Treasurer would need to check the numbers off the accounting system.

Mayor Castañeda said the cost of a Village Court needs to be taken into account as it could offset revenues. She said there would be expenses for a Judge, a Clerk, a Bailiff and everything else that **MINUTES OF VILLAGE BOARD MEETING HELD November 22, 2011 continued.....page 6**

would be needed. Adding a new serve when the Board has been eliminating services is not realistic.

Trustee Blackman said a feasibility study would take all the costs versus revenues and pros versus cons into consideration. It would have to be a thoroughly done study. The Ad Hoc committee started it, but didn't finish.

Mayor Castañeda said that is what the Ad Hoc Committee was supposed to have done a year ago. Instead Trustee Hunsinger presented a one page report with no cons or costs.

Trustee Blackman said she reached out to Fredonia where most cases are from the Village not the Town.

Trustee Hunsinger asked that Village Court feasibility be placed on the next work session agenda and that everyone bring whatever information and documentation they have on the matter.

NEW BUSINESS: None

VILLAGE BOARD REPORTS:

o Mayor M. Connie Castañeda

▪ Fire District Update – Mayor Castañeda shared that the committee met November 14th at Sweden Town hall and interviewed candidates for the Board of Fire Commissioners. They met again November 17th and contact is being made to verify the candidates are still interested.

▪ Tree Lighting – Mayor Castañeda said she received a call from DPW Foreman Dave Moore yesterday that in preparation for hanging lights on the downtown trees they calculated there would not be enough lights from the Stetson Club. He wanted authorization to submit a request to

Lowe's to see if they would be willing to donate some lights. Thanks to Lowes for donating 30 boxes, and DPW's Dave Moore and Jeff Woodin for donating 15 boxes each for a grand total of 60 boxes in addition to those donated by the Stetson Club. Mayor Castañeda said Foreman Moore also spoke with SUNY who is loaning us their bucket truck and some personnel to help DPW put up the lights. The project has started and will take a few days. Thanks also to Trustee Hannan for donating the wreaths. Unfortunately, they will not be lit this year due to the tree lights.

▪ Police Retiree Health Insurance - Mayor Castañeda reported that she, Village Attorney Leni and VM/T Giardino met with Stetson Club President Winant and Vice President Wheat earlier this evening to discuss the outstanding enrollment for Police retirees under age 65 who had not already made the switch to the Village's standard health plan and HRA. It was agreed that the Village would offer reimbursement for \$60 towards eyewear and out of pocket expenses if the deductible funded through the HRA is met. An additional HRA is not possible since it is designed for medical deductible only. The Stetson Club leadership was advised by counsel that the requested M.O.U. guaranteeing free health care coverage for the future could not be entertained. It is really moot anyway,

due to the fact the retirees contribute nothing to the premiums and will receive out of pocket expense reimbursement. They must simply submit any out of pocket reimbursement claims to the Clerk.

▪ Monroe County Sales Tax - Mayor Castañeda reported that the Village received the 3rd quarter distribution. The share was \$389,953.74 as compared to \$352,110.42 distributed in the same quarter in 2010.

▪ Main Street Revitalization Workshop - Mayor Castañeda reported that she attended and welcomed attendees to the November 16th workshop regarding the reuse of vacant upper stories in downtown commercial buildings. There was a great turnout and it was nice to see so many members of various boards there as well as property owners. She thanks Historic Preservation Board Chair Bill Andrews, all HPB members, and Clerk Morelli for organizing the workshop and the HPB for their continuing efforts. The Village was pleased to partner with the Preservation League of New York State, the Landmark Society of Western New York, and the NYS Office of Parks, Recreation and Historic Preservation Certified Local Government Program.

▪ Shop Small Business Day - Mayor Castañeda reminded everyone that Saturday, November 26th is "Shop Small Business Day". She encouraged everyone to support their local merchants on that day and year round.

- Trustee Margaret B. Blackman

- Main Street Ribbon Cutting – Trustee Blackman thanked NYSDOT and the Brockport Merchants Association via Jo Matela for coordinating the November 14th 11am ribbon cutting to mark the completion of the Main Street reconstruction. It got coverage in Suburban News, Democrat and Chronicle and YNN to name a few. She thanked Brockport Police Department for assisting with traffic control.

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- Grocery Store – Trustee Blackman shared that she received a return call from a representative with Save A Lot grocery stores. Apparently, they had looked at the North Main Street location formerly occupied by Ryan’s Big M. They were concerned with competition of Wegmans, Wal Mart and Aldi’s in the area. They are opening a new store in Batavia. She said she asked what it would take to get them here. They said the rent is too high. She said she talked to Ellicott Development who indicated a willingness to negotiate the rent. She and community members Barb Deming and Sandy Cain are going to work on it just as they did in enticing a new restaurant (Stephen’s Loft) to recently open in the Village.

- Economic Development and Code Enforcement Interns - Trustee Blackman and Trustee Hannan asked Clerk Morelli to place Interns Anna Rose and Kenya Davis on the December 13th agenda to report on their efforts. The off campus living seminar planned by Kenya Davis for November 28th should be very informative and have many representatives on the panel.

- Trustee Kent R. Blair

- Lighting trees - Trustee Blair referred to a recent letter to the editor in Suburban News as to funding the labor for hanging lights on the trees in the downtown historic commercial district and clarified that there is no overtime or shift differential involved. DPW Superintendent Donahue had provided a cost estimate for the project. DPW is the only department in the Village that charges labor to particular projects/budget lines. Kudos to all who donated the lights and to SUNY for donating help to assist DPW.

- Holiday Parade - Trustee Blair said the inaugural Holiday Lights Spectacular Parade planned for Sunday, December 4th is gaining a lot of interest. Many merchants and community members and groups are really excited. There are 25 floats signed up to participate. Medina’s holiday parade is this Saturday and they have 54 floats in their 3rd year. Carolers will stroll Main Street at 4:30pm. The Mayor will lead the annual tree lighting in Sagawa Park after the parade. The First Baptist Church will host refreshments after that.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 authorizing any Village vehicles be used in the December 4th holiday parade.

- Trustee Carol L. Hannan

- Economic Development – Trustee Hannan reported that Intern Anna Rose has 200 surveys completed by students with more to be done soon. They will attempt to expand the Economic Development Interns next semester and produce a video to market downtown to new students. Trustee Hannan said GBDC is interested in a partnership with the Village for a cleanup project at 60 Clinton Street. It would benefit the Village by enhancing economic opportunities and development of a very desirable area. By the Village demonstrating an interest in development it makes developers consider it more seriously when choosing projects. It would help put this building back on the tax rolls. GBDC is looking to meet with the Village Board – maybe at a workshop sometime soon. Trustee Hannan said she has spoken to DPW Superintendent Donahue and heard his concerns. She has also spoken with Greg Senecal of LaBella Associates. The process would include relocating gasoline contaminated soil to a specially constructed bioremediation cell where aerobic bacteria would decontaminate the petroleum hydrocarbons in the soil during a process lasting 1 to 2 years. Similar has been done in Hilton, Fairport, Newark. All plans would be approved by the NYS DEC. The Village would be compensated. It would save GBDC funds.

- Main Street Revitalization Workshop – Trustee Hannan reported that she attended the November 16th upper floors workshop. It was great to hear examples of successful conversions and the process of planning and funding projects.

- Ad-Hoc Housing Committee – Trustee Hannan reported that she had her first meeting with the Ad-Hoc Housing Committee. They will begin gathering data and starting a photo archive. She had the members complete a position interest form and gave them to Clerk Morelli.

Mayor Castañeda said they need to be appointed by the Board.
Clerk Morelli said she has slated this for inclusion in the next meeting packet.

- Trustee Scott W. Hunsinger
 - Flash's Tavern – Trustee Hunsinger clarified that Flash's Tavern on Erie Street has NOT been sold as was mentioned by someone at a recent meeting. The proprietor was upset that this misinformation was given.
 - Merchant Street Smoke House - Trustee Hunsinger shared that the Merchant Street Smoke House recent sold. He wished the new owners the best of luck.

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- Village Vehicle Usage Policy – Trustee Hunsinger asked Clerk Morelli to place this policy on the December 6th and December 13th agendas.
- Seymour Library – funds disbursement proposal re Shafer Trust – Trustee referred to the proposal for a Seymour Library Inclusive Lego Club with a start-up cost of \$900 and annual maintenance cost of \$200. They anticipate up to 30 kids (15 pairs working together). The proposal laid out goals, suggested dates/times, sample schedule of activities, staff needed, advertising, supplies needed, and detailed start up costs. Board commends the well put together proposal.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to approve the funds disbursement proposal for \$900 start up cost out of the Shafer Trust for the Lego Club.

Clerk Morelli will notify the Seymour Library and ask them to forward an invoice for the \$900 to VM/T Giardino so he can move the funds and cut the Library a check.

- Answers to community Fire District financial questions – Trustee Hunsinger shared that he asked the same questions posed by citizen Val Ciciotti at a Board meeting that Village Attorney Leni replied to the Board, to Chuck Bastian of BP Donegan Municipal Finance. He received a written response and made sure the Board got a copy. He read the following into the record:

November 10, 2011

I do not know any of the details involved with the Fire Dept. discussions that the Village is having with the Town(s), so I will try and attempt to answer your questions generically.

1. "If the village gives away (or transfers as the mayor has stated) several million dollars in assets will it affect its credit rating?"

I have attached the Standard & Poor's "Draft Report" they gave us when we took your Bond to market this past spring. The Village should have been mailed a "Final" hard copy soon after this report. Your current Credit Rating is "A" from S & P. You will note a number of items in the write-up as to 'strengths' or 'weaknesses'. I cannot give you an exact answer to your Rating question below but I can add some insight in terms of what Rating Agencies generally look at since everything is 'relevant' and since 'it depends...'

If you 'give away' assets – by itself – that could be considered in a negative light. However, if there are certain 'liabilities' associated with those assets, depending on the amount of those 'liabilities' then theoretically it could be considered as a 'net positive' for those assets to be given away. For example, if the asset(s) was valued at \$500,000, but the short-term (or long-term) liabilities associated were \$100,000 per year, then maybe it could make sense to do away with those in order to save dollars later.

Therefore, depending on exactly what the asset(s) is, it's value, and it's ongoing costs / revenues – may or may not have a material affect on the Villages Credit Rating.

2. "Will giving away millions of dollars in assets have a negative affect on future borrowing interest rates?"

The answer to this question is similar to #1 above. The Bond Market that we access when we have to sell a Debt Issue (Note or Bond) looks at your financials closely and does ask further questions to find out what 'trends' you might have – getting yourself into a better or worse financial position and therefore being able to or not being able to repay on the loan. If assets are 'given away' with no upfront consideration (monetary) what is the reasoning? Maybe it was to mitigate or end an ongoing Net 'loss' (i.e. more expenses than revenues) and therefore by getting rid of the asset, you also get rid of the Net 'loss'. That scenario could be a positive

aspect and you obtain lower interest rates.

Similar examples you see from time to time might be when a School District has been facing declining enrollment and they get to a point where it is not cost efficient to keep one of their buildings open, so they decide to 'close' a building and move it's enrollment into the other buildings in the District. When this happens, does the District 1) board it up but keep it as an asset, 2) sell it for a monetary consideration (market value), or 3) sell it for \$1 (i.e. give it away). There may be certain reasons as to why each scenario could make sense.

Answer – Your question 'could' affect future borrowing rates – positively, negatively, or not at all – all depending and how 'material' the asset was and the reasoning and projected financial impact behind it.

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3. "Could giving away millions of dollars in assets have a negative affect on current municipal bonds, like the main street upgrade of ~3mil?"

Your current Bond (\$2,150,000 dated May 19, 2011) has a NIC (Net Interest Cost) of 4.1672%. This is a fixed interest rate bond – for the life of the bonds (please note that the underlying fixed coupon rates 'average' to 4.1617%). Therefore, the Principal and Interest expense the Village pays on the bond remain unchanged for the life of the bond even if your 'finances' change. What those bonds 'trade' or 'sell for' in the Secondary Market is affected day to day by the then current status of the Village and its finances.

Please feel free to contact us if you have any questions or concerns.

Yours truly,
Charles A. Bastian
Bernard P. Donegan Municipal Finance

Standard & Poor's Ratings Services has assigned its 'A' long-term rating to the Village of Brockport, N.Y.'s general obligation public improvement bonds series 2011, reflecting our opinion of the village's:

- Stable local economy that participates in the Rochester metropolitan statistical area,
- Conservative budgeting practices that have resulted in an improved financial position, and
- Low overall debt burden on a per capita basis.

We believe the above strengths are offset by the village's low wealth and income levels.

The bonds are general obligations of the village, and the village's full faith and taxing power has been pledged for the payment of the bonds. The village will use the bond proceeds, as well as available funds, to retire its outstanding bond anticipation notes (BANs).

Brockport (2010 estimated population: 8,359) covers approximately two square miles and is located in Monroe County, in western New York. The village is located approximately 18 miles west of the city of Rochester and comprises the towns of Sweden and Clarkson. After the construction of a new highway 10 years ago, commuting to Rochester and other surrounding areas from the village became much easier. Several commercial developments were also built due to the highway. The population has also grown, and the 2010 estimated total represents a 3% increase over the 2000 U.S. Census total.

Though the village's employment base is limited, in addition to the University of Rochester, which has 19,593 employees, there are several other large employers within the county. Other major employers include Wegmans Food Market (13,752), Eastman Kodak Co. (7,400), Rochester General Health System (7,136), and Xerox Corp. (7,014). As of March

2011, the county's unemployment rate was 7.3% while the state's and nation's totaled 7.7% and 8.8%, respectively. We consider the village's income levels to be adequate as measured by median household effective buying income, representing 88% of the national levels. When measured on a per capita effective buying income, we consider income levels low at 61% of the national level. In addition to the low income levels, we believe that the wealth levels are also low at \$23,224 market value per capita.

The tax base consists of residential and commercial properties with additional room for development. According to management, there is currently a subdivision under construction that will include town houses, single-family dwellings, and patio homes and will further increase the tax base. Assessed value (AV) and market value total \$194 million in 2011 and have averaged annual increases of 3% since 2008.

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We consider the tax base diverse, with the 10 leading taxpayers representing 18% of AV.

Given the village's recent conservative budgeting practices, for fiscal 2010, the general fund balance ended with a surplus of \$326,000. This increased the unreserved fund balance to \$451,000, a strong 9% of expenditures, up from \$167,000 (3%) in fiscal 2009. Fiscal 2009's unreserved fund balance was caused by a significant drawdown in 2008, due to the village going over budget. The village has consistently maintained a capital reserve within the general fund to address repairs to the water and sewer systems. With the capital reserves accounted for, the general fund balance totals \$853,000, which we consider very strong at 17% of expenditures. The board has budgeted break-even results for fiscal 2011, but, according to management, to date a \$66,000 surplus has been achieved. Fiscal 2012's budget is in its preliminary stage; management is planning a levy increase and the implementation of sewer fees. In an attempt to reduce expenditures in order to maintain a stable financial position, management will eliminate its ambulance department and 911 dispatch center and use the countywide 911 service.

The village's management practices are considered "standard" under Standard & Poor's Financial Management Assessment. This indicates that the finance department maintains adequate policies in some, but not all, key areas. Highlights of the village's management practices include monthly budget monitoring, with amendments made with board approval. The village's investment policy mirrors that of the state, with monthly monitoring and reports provided to the board. At this time, the village does not have a formal fund balance or debt management policy.

After this issue, we believe the village's overall debt burden will be low at \$1,498 per capita but moderately high at 6.5% of market value. A portion of the bonds will be self-supporting from the water fund. The village has historically been funding capital improvements with short-term debt, therefore, this issue will be the village's only long-term debt outstanding. Carrying charges have been low, averaging just 1% over the past five years. However, we consider debt retirement to be below average, with only 36% being retired in 10 years; 100% will be retired by 2031. At this time, the village does not expect to issue additional debt.

Outlook

The stable outlook reflects Standard & Poor's view that, with continued conservative budgeting practices, the village will maintain or improve its current financial position. If management is not able to maintain the current reserve levels and subsequently draw down the fund balance to what we consider adequate or low, this may have a negative impact on the rating. Though debt levels are somewhat high as a percentage of market value, we believe that, with the village's

limited capital needs, this will remain manageable. In addition, the village's participation in a more diverse economic base adds stability to the rating.

Moreen Skyers-Gibbs contributed to this report.

Village Attorney Leni commented that he had consulted same prior to responding to the Board. Trustee Hunsinger said he was unaware of that.

Mayor Castañeda said if a Fire District is passed, while the Village may be getting rid of assets, it would also be getting rid of liabilities. For example fire fighters who are injured will no longer be a liability re workers compensation. Properties (fire houses) that sustain damage would no longer be a liability re insurance. We'll remove the fire budget from the Village budget. That doesn't mean if there are some new unexpected costs they won't impact the Village budget. We'd be removing a lot of risk and liability from the Village. She expressed concern of what can happen if the Fire District is not approved.

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Clarkson would contract for fire protection elsewhere. Sweden would likely contract for fire protection elsewhere. The Village would have to absorb most of the current fire budget. The Fire Chief pointed out he can't trim the fire budget any further. Buying a ladder truck would cost about \$900,000. The Village would owe the repayment of the \$175,000 settlement agreement to the Towns. The Towns may pursue legal action for repayment of other disputed funds. These are all financial items that would affect the Village budget drastically and in turn our bond rating. If we start to sell equipment to cover these additional costs, then our insurance rating would be hurt.

- 100 Fair Street and 200 State Street - Trustee Hunsinger asked Village Attorney Leni for a timetable for the 45 or so code enforcement tickets issued regarding these properties.

CEO Zarnstorff said arraignment on one took place last week and the other is coming up soon.

Village Attorney Leni said once arraigned, the Court will set a disposition date.

Trustee Hunsinger said these properties continue to be a blight on the community and are an accident waiting to happen. If the Fire Department, Police Department or Code Enforcement were called to respond, there could be injuries. He said he hopes to see definitive action soon to the fullest extent of the law.

Village Attorney Leni said that is understood.

EXECUTIVE SESSION:

→ At 8:25pm, Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into executive session to discuss a Seymour Library personnel matter. Village Clerk Morelli, Village Manager/Treasurer Giardino and Village Attorney Leni were invited to sit in.

→ At 8:35pm, Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the Board of Trustees of the Village of Brockport re-enter the regular meeting.

ADJOURNMENT:

→ At 8:35pm, Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk