

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, August 25, 2010 at 7:00pm.

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

ALSO PRESENT: Members of Boy Scout Troop 375, John Bush, Jim & Joan Hamlin, Josephine Matela, Tom Lang, Sri Ram Bakshi, Norm Giancursio, Marv Duryea, Jarl & Doris Boyst, Dan & Susan Carlson, Peter & Susan Smith, Tim & Connie Collins, Eric May, Brian Winant, Joy Levandowski, Margay Blackman, Frances Bovenzi, Elizabeth Rangel, Tom & Cathy Mangan, Bernie LoBracco, Scott Winslow, Matt Sauers, Rachel Blair, Ben Shultz, Mary Jo Nayman, Valerie Ciciotti, Francisco & Linda Borrayo, George Lazor, Dan Donovan, Fred Webster

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

Mayor Castañeda welcomed the Scouts in the audience and wishes Jim Hamlin a happy birthday and Jim & Joan Hamlin a happy 54th anniversary.

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:

- Marv Duryea – 48 N. Main Street – Once Imagined grand opening – request for parking exception – M. Duryea, owner of the property and Uncle of the proprietor of a new store called “Once Imagined”, shared that the Board and other Village officials had been invited to the store’s grand opening. He contacted Codes Officer Zarnstorff and Police Chief Varrenti with concerns that the grand opening days may draw many vehicles that the store’s parking may not accommodate. He asked for a parking exception for Thursday and Friday, August 26th and 27th to allow parking on Liberty Street.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to allow said parking exception.

Mayor Castañeda wished the business the best of luck. Trustee Hannan said she has been awaiting its opening.

PUBLIC COMMENT:

- Eric May, President of SUNY BSG – introduced himself as a 5th year (by choice) student and President of Brockport Student Government. He said he wishes to establish a good relationship with the Village. He said he understands that some college students cause trouble, but that changes such as the higher GPA requirement are helping to minimize this. He reviewed the Village’s noise ordinance and wanted to inform Village officials that BSG is planning an outdoor concert on campus Saturday, September 11th. It is a group that was created in 2006 and is a campus conscientiousness tour. The group provides a fun and entertaining setting for a positive impact on the colleges and communities that the tour reaches. It has an environmental focus. BSG is considering accepting donations and forwarding them to the Fire Department regarding its September 11th monument. He understands that there have been issues with past Brock the Port events. This outdoor concert will have minimal hype. Strategic outdoor locations have been scouted to pay attention to the direction of sound. It will not exceed 8pm.

Trustee Hunsinger thanked E. May for being proactive and approaching the Village. He said there have been many positive and negative interactions between SUNY students and the Village. He said he hopes this isn’t the last time the Village sees him here. He said the Board and officials are available to him. He stressed that the key is for students to understand where the Village is coming from regarding quality of life, and for the Village to understand and appreciate that they live in a college community. He commended him for laying good groundwork. He suggested that BSG starting thinking about the end of the school year event known as Brock the Port now – looking at making improvements.

Chief Varrenti said SUNY University Police Chief Kehoe informed him today of this outdoor concert. He said he sees E. May’s appearance here as informing Village officials rather than collaborating with them. He suggested getting the Village involved in future events. He expressed concern of 4,000 attendees at a SUNY concert last year and how it impacts public safety, traffic safety, quality of life as to the noise ordinance and the like. He questioned holding a noisy outdoor event on September 11th, which has become a somber day. Whether it ends by 8pm or not, it will likely be in violation of the noise ordinance. He asked that they reconsider holding the event indoors.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 2

E. May said they tried to avoid September 11th, but scheduling didn't allow the 10th or 12th. He said he realizes there are other events going on in the Village on that day and he hopes to give back to the community through donations. He doesn't anticipate 4,000 attendees, but gave SUNY officials an inflated estimate. Again, they will do their best to absorb sound and direct it away from the Village.

- Susan Smith of South Street – read the following prepared statement:

Members of the village board of Brockport, I have written a prepared statement which I will read.

I am concerned about the restrictions placed on speakers, certain speakers, during Public Comment at the Village Board meetings.

The process for public comment should be open to all, easily accessible, established without favoritism, and ensure the systematic collection of the public's views.

Public participation is the cornerstone of American democracy. When citizens take the time to participate in government, their views should be valued.

As stated in the Village of Brockport meeting procedures amended July 20, 2009 Section 10. Guidelines for Public Comment: "All remarks shall be addressed to the Board as a body and not to any member thereof."

While this procedure is guide to whom public comments are to be directed, it does not limit the content of public comment. It does not exclude the actions or words of an individual member of the board. When an individual member of the board acts individually, citizens of Brockport are entitled to make a public comment concerning that individual's actions or words, while addressing the entire board.

The First Amendment to the United States Constitution is part of the Bill of Rights. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Freedom of speech is the freedom to speak without censorship or limitation, or both. The right to freedom of speech is recognized as a human right under Article 19 of the Universal Declaration of Human Rights.

I ask the village board of Brockport to consider each citizen's right to exercise their Freedom of Speech during public comment. If a citizen's comment makes the board as a body or as an individual member uncomfortable, you do not have the authority to over-ride the basic human right, so long as they are following the common rules of conduct.

As individuals of this board, you sit in those chairs before us, either by vote or a twist of political opportunity; you would do well to value the voice of the citizens during public comment. To sit in those chairs is to serve the people, not the other way around.

Thank you for your time and consideration of what I have said.

- Connie Collins of Lynnwood Drive Clarkson – shared that she has a son serving in the military stationed in Afghanistan. She referred to the military banners recently hung in the Village of Spencerport that honor community members in the service. She would be interested in working to see similar banners purchased and hung in the Village of Brockport.

Trustee Blair asked if she knows much about the banners in Spencerport such as the cost and whether the Village purchased them. Mayor Castaneda said from her understanding it was a joint effort of the Village and community groups. C. Collins said she approached someone at the VFW in Brockport without success. Mayor Castañeda asked that she leave her contact information.

- Linda Borraro of Utica Street – said she hopes the Village is not overspending and that the Board is working diligently to not have to raise taxes double digits again.
- Josephine Matela of Adams Street, President of the Brockport Merchants Association – thanked the Village officials and NYS DOT officials for the meeting this morning regarding the Main Street project. The BMA is committed to work towards making sure the Main Street reconstruction project goes smoothly. Anything that can be done to speed it up would be great. Merchants will be offering promotions to entice people to spend their dollars downtown. She shared that the NYS DOT Engineer in Charge of the project is Scott Sullivan. He can be reached at 637-7293. Trustee Hunsinger shared that S. Sullivan is also the contact for the

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

CERTIFICATES OR PROCLAMATIONS:

- SUNY Brockport's 175th anniversary –

→ Mayor Castañeda moved, Trustee Blair seconded, carried 5/0 to adopt the following proclamation.

PROCLAMATION

WHEREAS; the Village of Brockport and the College at Brockport and its predecessor institutions of higher education have enjoyed a long and mutually beneficial relationship; and

WHEREAS; the citizens and leaders of the Village were instrumental in the founding of the Baptist College in this Village in 1835; and

WHEREAS; that college was a predecessor of the College at Brockport and the citizens and leaders of the Village were instrumental in ensuring the survival of successive institutions of higher education on the site of that college; and

WHEREAS; the College at Brockport continues to bring many benefits to the Village and the Village reciprocates in many ways; and

WHEREAS; the College at Brockport is celebrating 175 years of higher education in Brockport during 2010-2011; and

WHEREAS; the College is beginning its celebration on Friday, September 3; therefore

BE IT HEREBY RESOLVED that the Brockport Village Board congratulates the College at Brockport on the occasion of the beginning of its celebration of its 175th anniversary and proclaims Friday, September 3, 2010, to be COLLEGE AT BROCKPORT DAY in the Village.

ADOPTED by unanimous vote of the Brockport Village Board on August 25, 2010.

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES**

→ Mayor Castañeda moved, Trustee Blair seconded, carried 5/0 that the minutes of the August 10, 2010 meeting be approved as written.

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 that the minutes of the August 16, 2010 meeting be approved as written.

- **APPROVAL OF BILLS TO BE PAID**

Trustees Hunsinger and Blair commented that they hadn't been notified that bills were ready for review. Treasurer Lovejoy stated that there would be bills for approval at each regular meeting.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, carried 5/0 that the bills be allowed and paid upon audit.

A/P Clearing Account

	<u>Date Paid</u>	<u>Amount</u>
FUND (A): <u>General</u>	8/25/10	\$112,933.03
FUND (F): <u>Water</u>	8/25/10	\$32,100.17
FUND (H): <u>Capital</u>	-	-
FUND (T): -	-	-
		\$145,033.20 grand total

CLERK & TREASURER REPORTS:

- Clerk

- Treasurer

- Budget Transfers/Amendments – Treasurer Lovejoy reported on the recommended budget transfers / amendments and commended Sgt. Phillippy for providing her with the STEP information in such a timely manner.

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

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 4

<u>Account From:</u>	<u>Account To:</u>	<u>Amount:</u>
State Aid for Code Enforcement	A3089.9000	\$5,170.00
Police Personnel	A3120.1000	\$4,720.00
Police Training	A3120.4090	\$450.00

Purpose: STEP funding approved code enforcement – we have submitted and received payment for \$1,087.12 of these funds.

- Receipt of Workers Compensation check and State of NY Check - Treasurer Lovejoy shared that we are in receipt of two payments that were not included in our budget plan. The first is from NYS for \$15,000. It is a legislative member grant that was used to purchase Thermal Imaging Cameras for the Fire Department. According to Chief Smith, the purchase took place a couple of years ago. The Village paid for the cameras and then paperwork was submitted to get reimbursed. The second is from our Workers Compensation carrier for \$10,288. This is reimbursement for time paid to a police officer while on workers comp. The accident occurred a couple of years ago. She said this is another accounting issue that has contributed to the Village's financial position. In accounting there is a principle called matching. What this means is that you match the revenues to the expenditures in the year in which they occur whenever the information is known. In both of these cases, there should have been corresponding revenue booked as a receivable in the year in which the expense was incurred. This would prevent the Village from overspending unnecessarily in these specific cases. Since we have received the funds in the current year and have no expenditure to apply against, she suggested that the \$25,288 be applied to offset the \$35,000 to be set aside for the fire contract settlement. It is found money to this fiscal year.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, carried 5/0 that be it resolved, the \$10,288 from Workers Comp and \$15,000 from the State of New York be applied to the \$35,000 settlement of the fire contract and be immediately applied to the equipment replacement reserve.

Deputy Mayor Kuhn asked if there is a reason the reimbursements took so long to come in. Treasurer Lovejoy said regarding the Workers Comp reimbursement, the officer was paid in full by the Village as required. Then once the claim gets approved by the Workers Comp Board, the monies come back to the Village. This was the final payment on that case. Treasurer Lovejoy said regarding the Member item grant, the reimbursement paperwork was submitted last fall/winter and the State usually takes a while to process reimbursements.

- Receipt of 2nd Quarter Sales Tax payment – Treasurer Lovejoy shared that we are in receipt of \$328,152.89 of which \$217,800 was allocated to the fiscal year ending 5/31/10 leaving \$110,352.89 to be applied to this year's revenue budget. The amount of the payment is approximately \$22,300 over last year's 2nd quarter payment. This does not mean that it is over our budgeted revenues. We budgeted \$1,328,000 in sales tax revenue for the current year and have received \$110,352.89 to date. If we apply the one month to the entire year we will end up \$3,765 short of our revenue projection.

- Purchasing and Payments - Treasurer Lovejoy shared that in the payments for tonight she received about 10 invoices that are well past due – 5 of which actually should have been paid in the prior fiscal year. She stressed that in order to gain any kind of control over the Village's finances; controls need to be put into place to handle purchasing and payments. The Village's policy has such controls in it; they just have not been enforced. The Department Heads were presented with a requisition form at their last meeting. They apparently had some questions that need clarification and felt that it was going to create another step which would delay purchases. They are correct that it will force them to think about their purchases and plan ahead somewhat, but it is the only way to gain control over spending. This is not unique to the Village of Brockport. It is a process that is used in many government agencies.

- Auditors - Treasurer Lovejoy shared that auditors from Raymond F. Wager's firm will be working in the Village offices beginning Monday. The specific task they will be focusing on is reconciling the Due to/Due from accounts. She said she has spent many hours trying to figure them out and has been unsuccessful in getting them balanced. The problems stem from the accounts payable clearing account that was created in December 2009. This is where the decision was made to run all accounts payable checks through one account and let the accounting do the separation. This is done through the Due to/Due from accounts. These accounts need to be reconciled monthly in order to make sure all necessary manual journal entries have been made to facilitate the one checking account. Since this was not kept up to date, clean up is difficult. She suggested the Board consider going back to separate checking accounts for each fund. The accounting is cleaner and requires limited if any function of the Due to/Due from accounts. She asked for authorization to pursue this option. She will check into the costs and conversion time prior to proceeding.

Board concurred that it is worthwhile for Treasurer Lovejoy to investigate this and report back.

MINUTES OF VILLAGE BOARD MEETINGS HELD August 25, 2010 continued.....page 5

- Treasurer Reports – Trustee Hunsinger commended Treasurer Lovejoy for another information report. He asked if she would provide it to Clerk Morelli in advance for inclusion in the Board’s meeting packet. Treasurer Lovejoy said she can do that.

Mayor Castañeda asked Clerk Morelli if the Department Heads get a copy of the Board packet or just the agenda. Clerk Morelli said they just get the agenda as there are often personnel or confidential items in the Board’s packet.

DEPARTMENT REPORTS:

- Building / Zoning / Code Enforcement
 - Staffing – Codes Officer Zarnstorff thanked those on the Board who voted to re-institute some of the hours of the part time Assistant Codes Officer and part time Clerk. His office is about 3 weeks behind, but will soon be up to date. This was crucial with the school year approaching which brings a higher level of activity. It was needed and is appreciated. Staffing levels remain less than were budgeted for.

Mayor Castañeda said she thought that \$6,000 came out of the Code Enforcement Office’s budget in relation to staffing – reducing hours. Codes Officer Zarnstorff said the staffing reductions were not made until after the budget was adopted and went into effect June 1st. Treasurer Lovejoy said the Board did reduce the budget by \$6,000, but it came out of a different budget code.

- Code Review Committee - Codes Officer Zarnstorff shared that the CRC continues to meet monthly and met last night. He commended the members of the committee. They are finalizing the recommended amendments to the signs and billboards chapter of the Village Code and will present it to the Board soon to call for a public hearing. The sign code was tough and required a good amount of research, discussion, and some legal review. The new version hopes to close some loopholes and address some First Amendment issues. He said after the Board held the public hearing on the recommended amendments to the parking code (Chapter 34) in June, they took it back to re-work. The initial rush was based on a few recommended changes by NYS DOT due to its upcoming Main Street reconstruction project. They will present it to the Board soon to call for a new public hearing.

- SUNY - Codes Officer Zarnstorff shared that he and Board Liaison Trustee Hannan have attend some meetings at SUNY in an effort to collaborate. They will be manning an information booth this Saturday during SUNY’s Welcome Weekend. They will provide handouts and information.

- Proposed Fee Schedule Amendments – Mayor Castañeda said she reviewed Codes Officer Zarnstorff’s proposal and questions the basis of the fee increases, as they seem arbitrary. There does not seem to be a consistent % increase. Trustee Hunsinger said he’d like to see the increases be more. For example, the Village shouldn’t be doing the homework of rental property owners who have life safety violations. Mayor Castañeda said the fee schedule does not impact just rental properties, but all residents. For example, those wishing to build an accessory structure on their property. She said she feels that the Village is basically taxing them by charging fees since they are asking them to pay out more. Trustee Hunsinger said if he wants to install a pool, Codes Officer Zarnstorff has to come to inspect it and process necessary paperwork. There is a cost for his time and expertise. S. Zarnstorff said his report was pretty comprehensive and indicates the benchmarking of surrounding municipalities. The Village of Brockport charges consistently lower fees than most. He said he looked at everything involved with issuing a permit, the time to do the inspections, the time to do the paperwork and data entry and the like. The recommendations consist for the time and effort for the particular project. He said permit fees are a user fee, not a tax. The property owner makes an elective decision to undertake a project.

Mayor Castañeda said she noticed the S. Zarnstorff forwarded his proposal last January to Trustees Legg and Blair and to Assistant Codes Officer Vaughan. She said for whatever reason it wasn’t forwarded to all Board members or the Clerk for an agenda. S. Zarnstorff said the proposal was in response to a request from Trustees Legg and Blair.

Board agreed to table for further discussion. Treasurer Lovejoy suggested S. Zarnstorff provide his backup materials to the Board so they can better understand how he came to his recommendations. Mayor Castañeda concurred and asked S. Zarnstorff to forward such.

- Police
 - 2nd Quarter Report – Chief Varrenti reminded the Board that he recently distributed the 2nd Quarter report. As always, questions can be directed to him.

▪ Purchasing and Procurement Policy – Chief Varrenti shared that when he started in 2002, the Village didn't have a purchasing and procurement policy. He needed such for the Police Department to move forward towards accreditation. In 2003 he wrote one and implemented it for the Police Department. Then-Treasurer Rightmyer asked to use it for the Village. With a few tweaks, that

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 6

is what exists today. Apparently, the Police Department is the only department in the Village that follows it by using Purchases Orders. He said as it has been presented thus far, he would be against having to do a requisition form, as it would be another step. If the current policy is followed and a P.O. is issued, nothing gets purchased until the P.O. comes back approved.

Mayor Castañeda said she has spoken further with Treasurer Lovejoy who wasn't at the Department Heads meeting in which she attempted to explain the use of a requisition form. Currently, P.O.'s don't go onto the Village's accounting system. Therefore, it doesn't tie up (encumber) the funds. Encumbering the funds prevents them from being spent for something else.

Chief Varrenti said before he signs a P.O., his Clerk initials the line item. No one asks for approval of a P.O. if there is not sufficient monies in the line. This is why it is imperative that Department Heads receive regular reports from the Treasurer. They need real time data, not a month or more later. He said he is a proponent of not writing new policy if it isn't really necessary.

Treasurer Lovejoy said this needs more discussion to be better understood. She will gladly attend the next Department Heads meeting to clarify.

▪ August 3rd meeting - Chief Varrenti referred to the August 3rd Village Board meeting as a debacle and shared that the Village's camera and digitally recorded contents on its hard drive were secured into evidence and provided to the District Attorney's Office. He reviewed the contents just yesterday and commented that it was not a good scene and a definite public safety concern. As Chief of Police, he will do what is necessary to make sure such an incident does not happen again. The D.A.'s office will decide if the contents of the tape will be made public. He said in the tape he could see people smirking and laughing. Tapes don't lie. It was an embarrassment. The case is being handled through the Criminal Justice system. He said it is important to recognize that 2 sections of law govern when it comes to meetings. Disorderly conduct is if a person says or does something disruptive. Obstruction of governmental administration is more serious. He said he knows that he jokes sometimes and tries to bring levity to some meetings. However, to shout out, interrupt, and cause the Village Board to adjourn its meeting will result in an arrest.

▪ Police Overtime - Chief Varrenti referred to his August 16th memo to the Board with regards to overtime. In just one overtime report for the past pay period they incurred 191 hours in overtime or, at approximately \$50 per hour, \$9,550. Of the 191 hours of overtime 12 hours will be reimbursed by the STOP DWI Grant and 148 hours were for back filling when officers took either vacation, sick or comp days. The total cost of the 148 hours at approximately \$50 per hour was \$7,400 for this pay period alone. If the Police Department were properly staffed, and after receiving reimbursement for the grant money, we would have paid no more than \$1,550 in overtime this pay period of \$40,330 annually. These figures have been worse when officers have been out on workers compensation or maternity leave. This also doesn't take into account the comp time that was put in various individual banks this past pay period that again will incur overtime when the officer takes a comp day off. Assuming we stay status quo we are projected to spend \$192,400 in overtime before we spend any money in overtime for what overtime is intended to be spent on. Overtime has and continues to be spent by the Village Board on the day to day staffing of the Police Department leading dissolutionists to exploit officers' salaries and claim the Police Department is too expensive. He said this really needs to be addressed in the near future. He said SUNY Brockport's University Police Department has 17 officers. The Village has 11 on 24/7 365 days a year. We have the smallest Police Department with the largest College. Others with SUNY Colleges have 20 to 40 officers. They don't pay overtime just to run the day to day operations of their departments. He said 32 years in law enforcement – he can put together a schedule. He invited the Board and interested members of the public to an informational meeting about the inappropriate expenses of overtime that has, and continues to be promoted by the Village Board for the Brockport Police Department. He will hold this at the Police Department on Thursday, September 9th at 6pm and will provide pizza. He will provide blank schedules to work through so people can understand the challenges.

▪ Police Lieutenant Position – Chief Varrenti reminded the Board that discussion began months ago regarding span of control, chain of command, unity of command. The Police Department used to have a Deputy/Assistant Chief. When he came here, not knowing the strengths of the command staff, he chose to have 4 Sergeants instead. Then when Sergeant Ziegler retired he agreed to 3 Sergeants. During contract negotiations it was agreed that it would be right and proper to have a Lieutenant position. The contract outlines just a 2% salary increase (not 14% like elsewhere). Sergeant Cuzzupoli qualifies for consideration of a non-competitive promotion to Lieutenant. He has more responsibilities but currently holds no more rank. Chief Varrenti said Sergeant Cuzzupoli has earned it and knows he will meet and exceed expectations.

Mayor Castañeda said this will be discussed further under Personnel as outlined on the agenda. Chief Varrenti said he would have expected this agenda item to be under him, but the Mayor's new agenda format has it under Personnel with no accountability for the Department Head.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 7

○ Public Works

▪ Water Department Laborer Position – DPW Superintendent Donahue reminded the Board that they agreed to fill the position recently vacated with the retirement of a meter reader. The position was budgeted for with funds coming from the Water budget. It was approved by the Board to be advertised for replacement. He reduced the position from a meter reader to a laborer to help save money. The pay scale for the retired meter reader was \$25.35. The starting wage for a meter reader is \$12.68. The rate we would be paying a laborer is \$11.96. That computes to a savings annually of \$27,809.60. DPW Management and Liaison Trustee Hunsinger reviewed the applications received and interviewed finalists. They recommend hiring Jeremy Moyer as he best fits the needs of the position.

Mayor Castañeda said this will be discussed further under Personnel as outlined on the agenda. DPW Superintendent Donahue concurred with Chief Varrenti earlier comments as to the placement of agenda items under appropriate Department Heads.

▪ CDBG - \$50,000 grant for Perry Street sanitary sewer replacement project - DPW Superintendent shared that Mayor Castaneda received confirmation from the County that the Village's application for \$50,000 for the Perry Street Sanitary Sewer Replacement Project will be awarded from the Monroe County Community Development Block Grant Program (CDBG).

▪ GFLRPC – grant for Monroe Avenue storm sewer project – DPW Superintendent shared that he is following up on applying for funding and remains hopeful, but response could take quite a while.

Mayor Castañeda thanked DPW Superintendent for applying for these grants in-house. She said she and DPW Superintendent Donahue met with Jason Foote of the Village Engineer's office today about this and other issues. They are including 3 projects for grant consideration. More information will be forthcoming.

Mayor Castañeda said since we are on the subject of grants, she would like to clarify for the record that she is not opposed to utilizing a grant writer or administrator, but she is opposed to creating a position for such through Civil Service and hiring one as an employee. She said she strongly believes the Board needs to secure the service of a company or service whose fee would come out of the grant money they obtain for the Village. The Village's primary focus in obtaining grant funding should be for infrastructure and equipment. She thanked Bill Andrews for discussing grants with her recently and sharing his ideas. She would like to discuss this further at the next work session.

Trustee Hunsinger said the Village is at the point where it needs to actually advertise and solicit proposals for grant writers / administrator services. He commended Kelly Smith for her continued volunteer work and success getting grants for the Fire Department and her past paid work and success getting grants for the Police Department. He commended Bill Andrews for all of his past and continued volunteer work getting Historic Preservation oriented grants for the Village over the years. He commended the Police Department staff who have gotten grants as well.

Mayor Castañeda concurred and said that it is important to note that some grants, while good for the community, don't provide financial benefit now. Some don't see the benefit for years to come. The Village needs funding now. The Board needs to brainstorm and prioritize needs.

Trustee Hunsinger urged advertising without delay. Clerk Morelli said what the Board needs to do is put together a notice – a Request for Proposals (RFP) and identify firms/agencies to send it to. It would also be published in the Suburban News and on the Village website.

Chief Varrenti reminded the Board that 8 years ago it used a grants firm without much success. Mayor Castañeda said it was not Chief Varrenti's place to comment. Chief Varrenti asked the Mayor to extend the same courtesy to him as she does to other staff and Department Heads who have input. Mayor Castañeda said he is out of order and somewhat rude.

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 to move forward with drafting an RFP for grant services.

▪ Parks & Playgrounds – Trustee Blair referred to the July 23rd correspondence / findings from the Parks Committee as to Parks and Playgrounds, priority safety concerns, and use of G.E. M.O.U. funds. He asked if Treasurer Lovejoy had researched the M.O.U. funds. DPW Superintendent said yes and that quotes are being gathered to get the fence fixed at Barry Street Park.

The tennis courts are to be refurbished with those funds.

Mayor Castañeda said she met with Parks Committee Chair and DPW Superintendent Donahue on the findings a while back. They prioritized the items needing attention. They also came up with a list of volunteer opportunities for students offering their assistance in the community.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 8

Trustee Blair said he would like to be included in meetings since he is the Parks Liaison. Mayor Castañeda said she thought he was out of town at that time. Trustee Blair said he would also like to be invited to meetings involving the Canal since he is the liaison to the Welcome Center. Mayor Castañeda said she will be sure he gets invited to future Canal related meetings.

o Fire / Ambulance / Dispatch

▪ Calls for Service – Chief Smith reported 586 fire calls and 1,251 EMS calls year to date. Recent calls of interest included a fire on Westwood Drive in which the volunteers did an awesome stop. Damage was kept minimal due to use of class A foam. Another call was assisting Monroe County Sheriff's Department who were dealing with a standoff on Ridge Road. They closed sections of roads and rerouted traffic. He urged citizens that should they see a road blocked to just drive by and take the detour. Don't drive through or stop and ask Fire Police about it. He cited an incident where a pedestrian was struck on Route 19 due to this. Interested citizens can read about it in the paper the next day.

▪ September 11th Vigil - Chief Smith reminded everyone of the annual vigil at the monument with 12 hour honor guard and ceremonies at 8am, Noon, 7:30pm. Fire Police will handle the street closings related to the 7:30pm ceremony.

▪ EMT Class - Chief Smith shared that an EMT class starts in mid September at the fire hall.

▪ Grant - Chief Smith shared that they applied for a grant from the NYS DEC's Division of Forest Protection Volunteer Fire Assistance program. Fire Departments in 450 rural communities can receive 50/50 matching funds up to a limit for the purchase of firefighting equipment. The funds would be for a generator for the off road vehicle and in the future put in for heat and air conditioning for it. He said there should be money in the new equipment line to cover the match. Treasurer Lovejoy asked Chief Smith for some information on this.

▪ Car Show Fundraising Results - Chief Smith shared that the Car Show as part of the Arts Festival was a success. There were 67 cars which is good for a first attempt. Hopefully, next year will have even more cars as word of mouth and car clubs get involved. They brought in \$1,577.50. After bills for awards and such, the profit totaled approximately \$1,000.

Clerk Morelli asked shared that Village Hall already received a call asking if the BISCO Arts Festival will be in the same location next year. She asked Chief Smith if he knew. Chief Smith said he does not know as he and Kelly do not plan to play any leadership roles in it next year.

▪ Fire Contract Negotiations – Trustee Hunsinger shared that in the coming weeks a lot of work will be needed in relation to fire contract negotiations with the Towns of Sweden and Clarkson. He stressed the importance of working together and making the process as smooth and accurate as possible. He said he believes the deadline and goals can be met, but that some compromises may have to be made. The Fire Department having its hands out for extras this year may not happen. Chief Smith responded that it was chopped off last year. Trustee Hunsinger said that everyone needs to work together to make the Towns understand that the Brockport Volunteer Fire Department is doing the best possible job and provides excellent fire protection services.

Mayor Castañeda concurred and said the process has begun.

Treasurer Lovejoy said Fire Department numbers have been provided. Trustee Blair asked for a copy.

▪ Agenda Format and Department Head Input - Trustee Hunsinger commented to all Department Heads that he values their feedback and believes it is important to get their input throughout the meeting. He apologizes if anyone feels slighted. He said regardless of the tone of the feedback or the working relationship between an Elected Official and a Department Head, the Board should not rob itself of good communication and input.

Mayor Castañeda reminded all that the Mayor serves as the presiding officer of meetings and must recognize someone to speak. She said she is trying to run meetings more efficiently. She reminded Trustee Hunsinger that they unanimously agreed to continue to have Department Heads at the second regular meeting of the month, but to limit and focus their reports to 5 minutes. She asked that everyone respect the rules of running a meeting.

Chief Smith suggested sticking to the agenda, as grant writing was not even an agenda item and yet the Mayor spoke on it under his report for several minutes.

- **PERSONNEL**

- Vacancies

- Water Department Laborer – search committee hiring recommendation – Trustee Hunsinger echoed DPW Superintendent Donahue’s earlier comments and agrees that Jeremy Moyer

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 9

has a wealth of knowledge for the long term, is talented and personable.

Deputy Mayor Kuhn asked if the amount budgeted was that of the person who retired as Meter Reader. DPW Superintendent Donahue said yes. The savings for the position as a starting laborer are significant.

→ Trustee Hunsinger moved, Mayor Castañeda seconded, carried 5/0 to appoint Jeremy Moyer as Water Department Laborer at \$11.96 per hour effective September 13th.

- Proposed Lieutenant position – non-competitive promotion recommendation – Mayor Castañeda said Chief Varrenti has proposed to the Board a Lieutenant position and it is the obligation of the Board to discuss and acknowledge the need for the position. Chief Varrenti has submitted a job description as well as rationale for promotion.

Deputy Mayor Kuhn asked how much was budgeted for a Lieutenant’s position in this year’s budget. Chief Varrenti responded the contract specifies 2% pay over that of a Sergeant. That equates to \$1,500. At least that much is in the line for him to attend the annual International Association of Chiefs of Police conference. He will not be going and is willing to utilize the funds for the Lieutenant promotion instead.

Mayor Castañeda said she wants everyone to be aware that there are no positions identified in the contract for Lieutenant other than for salary purposes. Chief Varrenti identified \$1,500 as the cost of this promotion, and although the stipend is minimal, it gets added into base pay and calculated into an hourly rate which is used for determining overtime pay, holiday pay, comp pay and next year in the calculation of the educational benefit.

Deputy Mayor Kuhn asked if this would remove a position from patrol. Chief Varrenti said no.

Upon Roll Call Vote:

→ Trustee Hunsinger moved, Trustee Blair seconded, Trustee Hannan in favor, Mayor Castañeda opposed, Deputy Mayor Kuhn opposed, carried 3/2 to create a Lieutenant position.

Upon Roll Call Vote:

→ Trustee Hunsinger moved, Trustee Blair seconded, Trustee Hannan in favor, Mayor Castañeda opposed, Deputy Mayor Kuhn opposed, carried 3/2 to forward appropriate letter to Monroe County Civil Service Commission nominating Mark Cuzzupoli for a Non-competitive Promotional Appointment under Rule XII (3d) of the Rules of the Monroe County Civil Service Commission, in accordance with Section 52 (7) of Civil Service Law, to the title of Lieutenant.

Mark Cuzzupoli currently holds a permanent appointment to the lower title of Sergeant which is in direct line of promotion to the title of Lieutenant. Mark Cuzzupoli is one of 3 employees in the department who holds the title of Sergeant, making the candidates in direct line of promotion three or less.

Chief Varrenti thanked the Board and asked that M. Cuzzupoli be sworn in at the beginning of a Village Board meeting in September once approved by the Civil Service Commission.

DEPARTMENT HEADS EXCUSED: Mayor Castañeda said the Department Heads were welcome to leave unless the Board had anything further for them. Treasurer Lovejoy, Codes Officer Zarnstorff, DPW Superintendent Donahue and Fire Chief Smith left. Police Chief Varrenti remained.

- Appointments – Mayor Castañeda thanked all those who applied for the various vacancies on Boards and Committees. In many cases there were several applicants to choose from.

- Code Review Committee – 5-year term (to 6/30/15) – Mayor Castañeda said since only 1 application came in, after the deadline, she would like to leave it open until the next meeting to give others the opportunity to apply.

- Library Board – 5-year term in progress (to 12/31/11) – Mayor Castañeda brought forth the name of applicant Sri Ram Bakshi.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to appoint Sri Ram Bakshi to the Library Board for a 5-year term in progress to 12/31/11.

- Library Board – 5-year term in progress (to 12/31/13) – Mayor Castañeda brought forth the name of applicant Debra Cody.

→ Deputy Mayor Kuhn moved, Trustee Hunsinger seconded, carried 5/0 to appoint Debra Cody to the Library Board for a 5-year term in progress to 12/31/13.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 10

- Historic Preservation Board (Historic Archeologist) – 3-year term in progress (to 6/30/12) – Mayor Castañeda brought forth the name of applicant Caitlin Moore.

→ Deputy Mayor Kuhn moved, Trustee Hunsinger seconded, carried 5/0 to appoint Caitlin Moore to the Historic Preservation Board for a 3-year term in progress to 6/30/12.

- Ethics Board – 4-year term in progress (to 6/30/12)

→ Trustee Hunsinger moved, Trustee Blair seconded, Trustees Hunsinger, Blair, Hannan in favor, Deputy Mayor Kuhn and Mayor Castañeda opposed, carried 3/2 to appoint Peter Smith to the Ethics Board for a 4-year term in progress to 6/30/12.

Mayor Castañeda said she would caution the Board of the public comments made by this individual with regards to diplomacy. She said the Ethics Board is not a forum for public attack. All members must remain impartial in their duties. Trustee Hannan said she is sure P. Smith will be. Trustee Hunsinger said just as Ethics Board member Wayne Bennett.

- Ethics Board – 4-year term in progress (to 6/30/13)

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to appoint Katherine Kristansen to the Ethics Board for a 4-year term in progress to 6/30/13.

- Ad-hoc committees – Mayor Castañeda commented that as we appoint members to the ad-hoc committees we need to be clear that the topic is to be reviewed from both sides – pro and con. Financial information needs to be included and reviewed with the Treasurer prior to public presentation of the committees' findings. In order for any of these ideas to be included in the 2011-2012 budget, work must be completed by December 31, 2010. That way there will be time for public hearings prior to budget development.

- Ad-hoc committee on investigation of Village Court feasibility – Mayor Castañeda brought forth the name of applicant Thomas Mangan.

→ Deputy Mayor Kuhn moved, Mayor Castaneda seconded, Deputy Mayor Kuhn and Mayor Castañeda in favor, Trustees Blair, Hannan, Hunsinger opposed, defeated 3/2 to appoint Thomas Mangan to the ad-hoc committee on investigation of Village Court feasibility.

Mayor Castañeda said since the Board did not agree, this appointment will wait. Trustee Hunsinger shared that he contacted NYCOM's Wade Beltramo who confirmed that ad-hoc committees have no legislative power and that it is not up to the Mayor to bring forth the name for Board confirmation. Any Board member may do so. Trustee Hannan urged the Mayor not to delay the appointments to the ad-hoc committees and stressed the importance of working together. Trustee Hunsinger concurred and said there is no need to prolong the process.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to appoint Susan Smith to the ad-hoc committee on investigation of Village Court feasibility.

- Ad-hoc committee on investigation of Code Enforcement points & penalties feasibility

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to appoint Valerie Ciciotti to the ad-hoc committee on investigation of Code Enforcement points and penalties feasibility.

- Ad-hoc committee on investigation of Sewer User Fee feasibility

→ Deputy Mayor Kuhn moved, Mayor Castaneda seconded, Deputy Mayor Kuhn and Mayor Castañeda in favor, Trustees Blair, Hannan, Hunsinger opposed, defeated 3/2 to appoint Jacqueline Henry to the ad-hoc committee on investigation of sewer user fee feasibility.

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 to appoint Harley “Skip” Perry to the ad-hoc committee on investigation of sewer user fee feasibility.

- Volunteer Drops/Addds
 - Fire / Ambulance –

→ Trustee Blair moved, Deputy Mayor Kuhn seconded, carried 5/0 to approve the following add: Jeffrey Tanner II to active fire and ambulance.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 11

- Police Explorers –

→ Trustee Blair moved, Deputy Mayor Kuhn seconded, carried 5/0 to approve the following drops: Joshua D. Ash, John Duthoy, Eric Gallert, Ericha B. Hartz, Paul A. Kysor, Rachel Latone, James Maziarz, Seamus P. Mykins, Sydni A. Remington, Trevor J. Speer, Annie L. Terilli and the following adds: Jared C. Mesiti, Grad C.J. Gay, Jacob S. Manning, Tyler G. Frederick.

- SPARTAC –

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 to approve the following drops: Benjamin A. Folk, Joshua M. Sentiff and the following add: James Ford.

- Welcome Center Greeters –

→ Trustee Hannan moved, Trustee Hunsinger seconded, carried 5/0 to appoint Art Appleby as a Welcome Center Greeter.

- Walk Bike Brockport Action Group members – none

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

OLD BUSINESS:

- Fee Schedule – As determined earlier, further proposed amendments will be reviewed at the September work session.
- Village Board Meeting Procedures – amend due to meeting schedule change –

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 to further amend the Village Board meetings procedures due to the meeting schedule change. Complete text as follows.

Trustee Hunsinger mentioned that this should be tick listed for review again soon as he believes there are a couple of other minor changes that may be needed.

**VILLAGE OF BROCKPORT
VILLAGE BOARD
MEETING PROCEDURES
Amended 08/25/10**

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 second and fourth Wednesdays of each month per the adopted schedule. Such 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 adopted schedule.

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 Friday at noon preceding the Wednesday 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 **MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 12**

Tuesday before Wednesday 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 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
- Public hearings
- Public information meetings
- Certificates & proclamations
- Approval of minutes
- Approval of bills to be paid
- Clerk & Treasurer Reports
- Department Reports
- Personnel Items
- 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.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 13

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.

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.

- Department Heads voluntary unpaid furlough of 5 days by 5/31/10 – Mayor Castañeda reminded the Board that on January 10, 2010 the Board received a memo from Department Heads (Clerk Morelli, Treasurer Tojek, Codes Officer Zarnstorff, DPW Superintendent Donahue, Police Chief Varrenti) advising the Board that due to the financial condition of the Village they would be taking a one-week (5 days) unpaid furlough between then and the end of the fiscal year (5/31/10). She said it has been brought to her attention that not all Department Heads fulfilled their furlough promise.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, Trustees Blair, Hannan, Hunsinger opposed, defeated 3/2 to require the Department Heads who did not fulfill their promise to do so during this fiscal year.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, Trustees Blair, Hannan, Hunsinger opposed, defeated 3/2 to credit Clerk Morelli with 3 vacation days to her time off bank, as she was the only one to fulfill this promise.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 14

Trustee Hunsinger stressed that the unpaid furlough was voluntary. He said he would like to hear from Chief Varrenti on this.

Chief Varrenti stressed that this was voluntary. However, after giving it additional consideration, and finding that the others would also lose 5 days service credit toward retirement, each made their own decision. He said he took 2 of the 5 days and will not take any more. He informed the Board that they cannot dock someone's pay or they will likely find themselves in Court. He took a 0% raise last year although he was entitled to the same level raise as his subordinates. He agreed to a 2% reduction in pay this year although it is against General Municipal Law 207c to reduce the salary of a Police Chief. As a result of contract negotiations his 30+ years in law enforcement should entitle him to 5 more vacation days. However, when he approached the Mayor, she said no. Even though this costs no money or overtime to the municipality. He has not yet pressed the issue. He has worked patrol on occasion to help avert even more overtime costs. Due to all of this, he simply changed his mind and took only 2 of the 5 unpaid furlough days.

Trustee Blair commented that a motion to wash away isn't the way to fix it. Mayor Castañeda replied that the Board did not ask the Department Heads to take an unpaid furlough. They offered it. She said it is unfair to Clerk Morelli that she is the only one who followed through.

Trustee Hannan commented that it is unfortunate that the Mayor brought this up in public. Mayor Castañeda said she previously brought it to the Board in executive session, but the Board provided no resolution to it.

Deputy Mayor Kuhn said the Department Heads made it a public matter when it was offered and then announced at a Village Board meeting. He commended Clerk Morelli for following through.

Clerk Morelli said she privately apprised the Department Heads that she did not request this as a public agenda item. Further, that the Mayor recently shared with her that she does not consider the Clerk position (and maybe the Treasurer position) to be a Department Head. That is fine, but had she known this, she and likely former Treasurer Tojek, would not have agreed to be included with the Department Heads on this unpaid furlough.

Chief Varrenti wondered how Mayor Castañeda arrived at 3 days credit for Clerk Morelli when she gave 5. Mayor Castaneda said from her understanding Chief Varrenti followed through on 2, Codes Officer Zarnstorff followed through on 2 and DPW Superintendent Donahue followed through on 0.

NEW BUSINESS:

- Fire Department By-Laws – Village Board adoption – Clerk Morelli referred to the Fire Department by-laws and said they were adopted a few years ago by the Village Board at that time when the 5 fire companies consolidated into one. She said revisions have taken place by the Fire Department, but have never been brought to the Village Board for adoption. Clerk Morelli said the current President, John Rombaut, has promised to forward future revisions to her for the Board.

Trustee Hunsinger suggested tabling this, as adopting them at this time may not be wise since the Village is in fire contract negotiations with the Towns. Further, the by-laws put a low of power with the Fire Department and maybe not enough power with the Village Board. He said he does not want to be the Board that approves them as a shot in the dark and wonders if the Board a few years ago did so as a matter of course rather than after careful review. Mayor Castañeda reminded the Board that the Village Attorney recommends the Board adopt the by-laws soon.

- Authorize Fire Department Board to handle volunteer personnel matter regarding a HIPAA complaint

→ Deputy Mayor Kuhn moved, Trustee Blair seconded, carried 5/0 to authorize the Fire Department Board to handle a volunteer personnel matter regarding a HIPAA complaint.

Board agreed that the matter needs further discussion in executive session at the end of the meeting.

- World Canals Conference Update – Mayor Castañeda reminded everyone that the World

Canals Conference will take place September 19 to 24 in Rochester. Brockport committee members have been preparing and meeting in conjunction with Spencerport counterparts. They met on August 18th and will meet again September 9th to discuss some final preparations. We are fortunate to have an opportunity to showcase Brockport and Spencerport with a study day in our Villages and on the Canal between our villages on September 22nd. It is now anticipated that we will have 75+ visitors. It was originally thought there might be 200 visitors. They will be encouraged to visit our Historic Downtown Commercial District, Welcome Center, Morgan Manning House, St. Luke's, Emily L. Knapp Museum and Library of Local History and be educated on the history of Brockport. She thanked committee members for their efforts. Committee members and volunteers will be stationed at various locations. A letter will be sent to merchants along with a welcome banner for display in their windows.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 15

Trustee Hunsinger said the Village had a similar opportunity several years ago and the Merchant Street Smoke House treated a bus load of folks to a free lunch. He said he would be glad to help that day if needed.

- Library – handling of financial & personnel functions – Mayor Castañeda said previous Mayors and Village Board members have challenged the Towns of Sweden and Clarkson to take over the administrative functions for the joint municipal library, since the Village has done it for the 20 years the intermunicipal agreement has been in place. The Town of Clarkson has agreed to take over the books starting October 1st. She said she and Deputy Mayor Kuhn attended last evening's Library Board meeting and the Library Board unanimously voted to appoint the Clarkson Town Clerk as its Treasurer.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, carried 5/0 to direct the Village Clerk and Treasurer to release that responsibility and any necessary information to the Town of Clarkson.

Deputy Mayor Kuhn said this is an excellent opportunity to turn over these responsibilities since the Library is supposed to be an equal partnership among the 3 municipalities. He said the Library has plans to handle some of the responsibilities themselves.

Mayor Castaneda commended Clerk Morelli and Treasurer Lovejoy for compiling a detailed list of all of the responsibilities the Village performs for the Library. This was forwarded to Clarkson Supervisor Kimball. Deputy Mayor Kuhn said the list shows just how much the Village was handling when the responsibilities should have been shared or rotated.

Clerk Morelli commented that the transition needs to be carefully orchestrated as she and Treasurer Lovejoy have made clear that it is not only the accounting functions, but that of personnel – payroll and benefits. There may be some Civil Service hurdles to get through.

Deputy Mayor Kuhn concurred and said from his understanding Clarkson's payroll system and health insurance benefits are very similar to the Village's.

Upon Roll Call Vote

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, Mayor Castaneda, Deputy Mayor Kuhn, Trustees Blair, Hannan, Hunsinger in favor, carried 5/0 to direct the Village Clerk and Treasurer to release that responsibility and any necessary information to the Town of Clarkson.

SHORT RECESS

→ At 9:20pm Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 to take a short recess.

→ At 9:27pm Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to return to the regular meeting.

VILLAGE BOARD REPORTS:

- Mayor M. Connie Castañeda
 - CDBG - \$50,000 grant for Perry Street sanitary sewer replacement project – addressed earlier in meeting
 - Update on Fire Service contract negotiations – Mayor Castañeda that she, Village

Attorney Mayer and Trustee Hunsinger met with Town Supervisors and representatives of their boards. It was a good second meeting. The Towns agreed to quarterly payment dates. Discussion on Dispatch and Third Party Billing is ongoing. Moving forward, Trustee Hunsinger will, as liaison, work with the Fire Chiefs to put together a fire budget. Village Attorney Mayer will begin to draft contracts. Our next meeting is scheduled for September 9th at 4pm at Village Hall. The Town of Sweden and Town of Clarkson formed an Ad-Hoc Committee and they will have a public meeting on September 7th at 6pm at Sweden Town Hall where the committee will present their findings.

- Update on NYS DOT projects – Mayor Castañeda reported on the NYS DOT public officials meeting held this morning regarding Main Street reconstruction. She, Trustee Hannan and DPW Superintendent Donahue attended. Due to the State’s budget delay the project was not awarded until July 22nd, so they have lost the summer season but remain optimistic that the work will all be done next year. This year the work will be limited. They will start at Monroe Avenue and work their way south on Main Street for drainage work, do some tree removal, pruning, and fertilizing, do some water work, relocate some water lines, do some road and crosswalk touch ups to prepare for winter weather. This should be wrapped up mid November. The crews will start next week installing covered detour signs. Then work will begin after Labor Day. NYSDOT promised to keep communications open, utilize the local paper and provide information updates to Clerk Morelli to forward to the Village website. They will also work closely with SUNY and Brockport Central School District as to traffic information.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 16

Trustee Hunsinger shared that he has been approached by a couple of merchants as to the condition of Main Street from State / Erie Streets north. The roadway is quite uneven. Whatever can be done to avoid ankles twisting and reduce any liabilities would be appreciated.

Trustee Hunsinger referred to the big School District bus garage project underway on Owens Road. He questioned how the busses will affect traffic patterns in the Village. Since BCSD has not proactively presented any information to the Village, he asked for the okay to contact BCSD Transportation to obtain some information as to timeline, bus routes and anticipated traffic impact. Mayor Castañeda said that would be fine. She said BCSD was represented at the NYSDOT meeting today.

- 9/1 Health & HRA changeover for employees & retirees under age 65 – estimated savings – Mayor Castañeda said all employees and retirees under age 65 except for 6 Police retirees allowed to remain on their current plans, switched to the new plan as of September 1st. She is awaiting an estimate from the Village’s broker of record as to the estimated savings and will report on this soon.

- GBDC – Mayor Castañeda shared that the Village had received correspondence from the NYS Authorities Office regarding GBDC needing to file some financials. She met with GBDC President Gary Skoog and GBDC Treasurer Kathy Halstead and had a good discussion. GBDC is looking to come into full compliance and will also work towards posting its documents on a website linked to the Village’s website by the end of their fiscal year in April.

- Trustee / Deputy Mayor Daniel P. Kuhn

- Library – Deputy Mayor Kuhn reported as liaison and shared that other than the Town of Clarkson taking over administrative (accounting & personnel) functions from the Village, it was brought to his attention that the Village had not yet paid its portion toward the library budget. He brought this to Treasurer Lovejoy’s attention and it will be taken care of.

- Tree Board - Deputy Mayor Kuhn reported as liaison and referred to having e-mailed with Tree Board Chair Margay Blackman.

- Internet Forum Idea - Deputy Mayor Kuhn shared that he would have information for the Board at the September 14th work session.

- Citizen contacts – Deputy Mayor thanked David Markham, one of the volunteers who waters flowers on Main Street, for dropping him off a nice calendar.

- Trustee Kent R. Blair

- Budget – suggested format to track spending – Trustee Blair referred to having submitted to the Board and Department Heads a suggested format for the Village to utilize to track spending on a monthly basis. He said in speaking with Clerk Morelli, she concurs with Treasurer Lovejoy’s response that the Village’s system be fully utilized and provided with necessary information. She further hopes the Board and Department Heads take Treasurer Lovejoy up on her offer to provide some training on how to read and utilize the financials. Trustee Blair stressed that the Village is a business and needs to be run as such. Having up to date, simple to understand information is vital.

Trustee Hunsinger said DPW created a financial tracking system that works well for them. Trustee Blair said the Police Department did the same.

- Work Sessions – Trustee Blair said he looks forward to the work sessions, but would prefer a table be placed back in the conference room so the Board can sit around it and have dialogue and share information easier. Mayor Castañeda concurred.

- Emergency Phones – Trustee Blair shared that it was determined that the emergency phones at Fire Station #1, Fire Station #4, the Welcome Center, and behind the Sweden Court do not work properly. Clerk Morelli said Deputy Chief Henry had contacted her about a couple of those and she put him in contact with DPW Superintendent and Larry Vaughan who has some good information as to how these were supposed to have been set up. DPW Superintendent Donahue is the contact regarding phones.

- Welcome Center - Trustee Blair thanked those who voluntarily helped he and the Management Committee clean the Welcome Center on August 15th. He shared that the Management Committee met on July 27th and discussed a few issues with the building, the emergency phone issue and the like. Committee member Josephine Matela reached out to the architect involved in the construction of the building a few years ago. At no cost, they conducted an inspection and provided recommendations. They don't want the building to be neglected or let deteriorate.

- Fire Department - Trustee Blair shared that he attended a drill at the Monroe County Safety Training Center smoke house and it was a great experience. Trustee Blair reminded the Board that the ladder truck is in need of repair or replacement as there are some major issues that need to be addressed. The Village is required to have a ladder truck due to the high rise buildings at SUNY.

MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 17

However, SUNY doesn't help with the purchase or maintenance of it. Trustee Blair commented that it has been brought to his attention that the gear for at least one firefighter is too small and won't buckle. He urged that this volunteer be properly outfitted with properly fitting equipment.

- Deputy Mayor Kuhn's Internet Forum Idea - Trustee Blair commented that while he has not yet received any detail on the proposal, at this point he would not be inclined to support Deputy Mayor Kuhn's proposal to represent the Village by creating and moderating an internet forum until such time as he has proven himself.

Deputy Mayor Kuhn said it would not be a blog, but a message board for people to express their opinions and ideas.

Mayor Castañeda said she would hope the Board would work together and give Deputy Mayor Kuhn an opportunity to present his ideas. Trustee Blair responded that the Board didn't even know who the Mayor was appointing to the vacancy created by Trustee Legg until they read it in the paper. Mayor Castañeda said some did know. Trustee Blair said no one currently sitting on the Board knew.

- Employee Insurances – Trustee Blair reported that the Stetson Club has indicated to him that they might be interested in participating in a flexible spending account (FSA). An FSA is a voluntary tax free program where employees set aside money through their paychecks to go towards extra health care and eligible expenses. Clerk Morelli said while this is not part of their contract, she has put the Union President in contact with the Village's HRA representative to discuss the options.

- Trustee Carol L. Hannan

- Welcome Center - Trustee Hannan thanked those who voluntarily helped clean the Welcome Center on August 15th.

- SUNY - Trustee Hannan shared that she and Codes Officer Zarnstorff will be manning an information table at SUNY this weekend. They will also be attending another meeting at SUNY in September.

- Trustee Scott W. Hunsinger

- Dogs – Trustee Hunsinger shared that there are currently 2 cases in which the Village will be relying on special counsel for Town Court regarding dogs biting people. He encourages everyone to leash their dogs, not let them run wild, and pick up after their dogs.

- Non-essential spending freeze enacted 12/09 – Trustee Hunsinger said it is time to discuss lifting the non-essential spending freeze that was enacting last December. Department Heads have their budgets and work with the Board on further finding ways of reducing costs where

possible. He reminded the Board that it was not necessarily the Department Heads who got the Village in financial distress. The Board needs to treat the cause, not the symptoms. He asked that this be placed on the next agenda for consideration.

- Part time Cleaner vacancy – Trustee Hunsinger said it is time to discuss filling the part time Village Cleaner vacancy. It has been several months and employees are being paid higher hourly wages and being taken away from the work they are meant to do, to keep their buildings clean with some volunteer help. He asked that this be placed on the next agenda for consideration.

Mayor Castañeda expressed concern of Trustee Hunsinger's suggestion to lift the non-essential spending freeze and fill the part time Cleaner vacancy. She said the Village is still in financial distress. She said she finds it unsettling that some Board members do not seem to acknowledge that we are not out of the woods yet and that some continue to promote adding employees that the Village really cannot afford. She said she suggested a spending freeze and hiring freeze early on, and it took the Board several months to pass the non-essential spending moratorium. Cuts still need to be made. She suggested the Board dig out the financial reports and review them.

- Smith Street Bridge – Trustee Hunsinger said unfortunately Chris Ramsay of Ramsay Constructors had hoped but has been unable to attend a Village Board meeting. He reported that the State looked at the steel and found it was not as good as they had thought. They are looking at how to fix it as a large percentage of metal needs to be replaced. The contractor is waiting for plans from the State before they can continue. They hope to be done by asphalt season in the spring. Closing the bridge during salt season would prolong the life of the bridge.

- Update on Fire Service Contract Negotiations - Trustee Hunsinger thanked Mayor Castañeda for inviting him to attend the recent fire service contracts negotiations meeting. He felt there was good dialogue, but wished egos would be checked at the door. Yes, there are a couple of things in the parties back pockets and issues with the past, but it was a 50 minute meeting with progress made. He looks forward to continuing to work towards improving relations with the Towns. He mentioned that the Mayor and Treasurer have reminded the Village Attorney that the ambulance entity needs to be **MINUTES OF VILLAGE BOARD MEETING HELD August 25, 2010 continued.....page 18**

properly reconstituted. The Towns asked for some financial information and documentation. He suggested to the Mayor that the Village present the information to the municipalities by Monday, 9/6 (Thursday, 9/2 since closed 9/3 & 9/6 for holiday) so they have it before the next meeting scheduled for September 9th. This will help the process move forward.

- Unpaid Furlough Matter – Trustee Hunsinger referred to the earlier discussion and offered an alternate motion.

→ Trustee Hunsinger moved, Mayor Castañeda seconded, carried 5/0 to credit Clerk Morelli with 2 vacation days to her time off bank.

10:05pm Chief Varrenti exited

- Historic Preservation Board – proposed program to promote loft apartments in Historic Downtown – Trustee Hunsinger reviewed the proposal provided by Historic Preservation Board Chair Andrews, in his absence. The HPB wishes to undertake a project to encourage the conversion of upper-story space in buildings in the historic district to up-scale loft apartments. This initiative was inspired by the successful example of Mark Lewis's conversion to loft apartments in the Red Bird and State Farm buildings. The project will consist of several components: a feasibility study, a workshop, subsidies, tax abatement, zoning variances. At this point they are asking the Village Board to approve the CLG application and agree to the concept of offering the tax abatement program if the CLG grant is received. The program will benefit the Village by increasing the tax base by the amount of the increased value of the property included, bring the historic district up-scale residents who are likely to do business in the shops and restaurants, help to ensure the preservation of our historic architecture.

This is at no cost to the Village other than a little time from the Village Clerk and Treasurer. Deputy Mayor Kuhn said from his understanding at this time it is for the feasibility study and workshop components only. Trustee Hunsinger said correct. Deputy Mayor Kuhn said he has concerns regarding affordable housing in the Village, not just up-scale and wondered as to the call for it. He would be interested in the results of the study. Trustee Hunsinger said M. Lewis has a waiting list for such units. Mayor Castañeda said she is not opposed, but commented that the tax impact won't help the Village financially in the short run. Trustee Hunsinger referred to the Village's other tax abatement program. Mayor Castañeda said she met with B. Andrews and learned that 22 applications came in for the

historic home improvement program. She contacted the Town Assessor and only 2 asked for the tax abatement. However, she recognizes that these are still quality of life improvements for the community.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to authorize application for a Certified Local Government subgrant on behalf of the Village of Brockport, to commit local matching funds to the project, and to enter into a contract if the subgrant is awarded.

EXECUTIVE SESSION:

→ At 10:12pm, Trustee Hunsinger moved, Deputy Mayor Kuhn seconded, carried 5/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss personnel matters involving Fire and EMS and fire service contract negotiations.

→ At 10:44pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the Board of Trustees re-enter the regular meeting.

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 to reinstate a particular volunteer firefighter after a potential HIPAA violation.

ADJOURNMENT:

→ At 10:45pm, Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk