

**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, March 23, 2011 at 7:00pm.**

**PRESENT:** Mayor M. Connie Castañeda, Deputy Mayor/Trustee Daniel P. Kuhn, Trustee Kent R. Blair, Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Clerk Leslie A. Morelli, Treasurer Mary Beth Lovejoy, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Fire Chief Michael J. Henry, Attorney Robert S. Leni, Esq.

**EXCUSED:** Police Chief Daniel P. Varrenti

**ALSO PRESENT:** Michael DiGiovanni, Michael Torhaar, Ralph Gleason, David Filanz, Mark Dobnes, Tom Mangan, Linda Ketchum, Christopher Mears, Norm Giancursio, Jim & Joan Hamlin, Libby Caruso, Mike & Cheryl Conner, Mary Jo Nayman, Susan Smith, Val Ciciotti, Pat Kutz, Tony Perry, Bill Mathias, Pam Ketchum, Rudy Aceto, Eric May, Greg Woodworth, Linda Ketchum, Margay Blackman, Bernie LoBracco, Kristina Gabalski, Brian Winant, Joy Levandowski, Mark Cuzzupoli, Kevin McCarthy, Gino Romano, Fred Webster, Harry Snyder

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

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

**PUBLIC COMMENT:**

o Michael A. DiGiovanni, President Monroe County PBA Inc. – read the following prepared statement into the record:

Mayor Castañeda and members of the Village Board. My name is Michael DiGiovanni and I am President of the Monroe County Police Benevolent Association, Inc., the President of the Irondequoit Nightstick Club PBA, and Recording Secretary of the Police Conference of New York, Inc.

The Monroe County PBA has been in existence for forty (40) years and is made up of the Police Union Organizations:

Brighton Police Patrolman's Association, Brockport Stetson Club, East Rochester Police Benevolent Association, Fairport Police Benevolent Association, Greece Police Uniformed Patrolman's Association, Irondequoit Nightstick Club PBA, Monroe County Sheriff's PBA, Ogden PBA, Rochester Police Locust Club, Inc., Gates Keystone Club, and the Webster 1000 Club. Many of our union presidents are here this evening.

The purpose for which the Monroe County PBA was formed are:

- A. To better the working conditions of police officers employed and working in Monroe County, New York.
- B. To assist members in fostering better working relationships with their employers.
- C. To facilitate the professional development of police officers.
- D. To cultivate the science of law enforcement and to improve the professional skills of police officers.
- E. To elevate the standards of integrity and honor in the profession.
- F. To defend units and their interest in actions brought against them in connection with the performance of their duties.
- G. To promote a better understanding of the professional duties of law enforcement officers.

I am here tonight to clear up some misinformation that was presented in a Treasurer's Report on December 22, 2010 by Mary Beth Lovejoy, Village Treasurer that was titled "Police Department Payroll Breakdown" and since request to clarify same have been unanswered by the village mayor.

The Chief of Police is not a member of the Stetson Club and his salary and benefits have been set by the Village Board through a separate agreement and not the collective bargaining agreement between the Village and the Stetson Club.

Full-time members of the Stetson Club are paid for thirteen holidays whether worked or not. Part-time members who work on a holiday are paid time and a half. Shift differential has nothing to do with holiday pay nor is this negotiated benefit a stipend. **Nothing in the collective bargaining agreement allows for "these individuals received double time for not working the holiday" and "earning as much as triple time and a half for the day, depending on the shift and schedule".**

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The Brockport Stetson Club saw the need to negotiate their current collective bargaining agreement early last year and was instrumental in saving the village money by taking a 2% pay cut the first year of the June 2010 to May 31, 2015 contract and taking no raise in the second year of the contract and agreeing to modest raises for the remaining three years of the CBA. The Stetson Club agreed to a 50% less in base pay for new officers and added a fourth step to achieve top pay. This unit was the first unit in the village to agree to accept Excellus HDHP (High deductible plan) that combined with other units in the village is saving \$200,000 a year.

When Mayor Castañeda presented the village 2010-2011 budget and the budget was passed she failed to include in that budget or inform the citizens of the concessions agreed upon by members of the Stetson Club and CSEA unit members who also made concessions to help this village. Those contract settlements were not made public until after she passed her budget with the 11.7% tax increase.

In closing I hope this will clear up the inconsistencies in the December 22, 2010 report and that the misinformation be taking off the village website. The mayor should refer to the CBA that this board agreed to for June 1, 2010 to May 31, 2015 for factual information for future treasurer's report(s).

Thank you for your time and for allowing me to address this board.

Michael A. DiGiovanni, President  
Monroe County, PBA, Inc.

- o Tom Mangan of Utica Street – read the following prepared statement into the record:

Good evening. My name is Thomas Mangan and I live at 194 Utica Street.

I want to address the board about some inaccurate figures on the cost of a Village Court presented to the board at the last Village Board meeting by Mayor Castañeda.

I obtained a copy of that presentation through a Freedom of Information request. The numbers Castañeda cited were provided to her by Sweden's Financial Director, Leisa Strabel on January 26, 2011.

However, the financial analysis of the town court provided to Castañeda by Strabel doesn't make any sense, because it is virtually impossible to verify any of the numbers provided to Castañeda by Strabel.

The numbers provided by Strabel are similar to, but do not even match the numbers Strabel provided to me in response to several FOIL requests in April 2010.

Depending on which FOIL response you look at, Strabel's numbers are all over the map.

First of all, the numbers cited for the year 2010 are worthless, because Strabel did not include the revenues received from grants. So, you have absolutely no idea what the real revenues were in 2010.

Strabel provided Castañeda with town court revenue and expense numbers for 2006-2010. But 2009 is the only year that it is possible to corroborate any of Strabel's numbers.

A look at the 2009 data also reveals some serious flaws, but since that is the only year where any of the numbers match in the different FOIL requests.

Strabel provided Castañeda with these numbers for 2009.

\$442,330 total fines collected  
\$248,779 remitted to New York State  
\$18,800 remitted to the Village of Brockport  
\$174,751 retained by the Town of Sweden

The revenue numbers for 2009 provided by Strabel to Castañeda on January 26, 2011 match the revenue numbers Strabel provided in response to a FOIL request on April 26, 2010.

On both dates, Strabel wrote that the Sweden Town Court generated \$174,151 in revenues from fines.

But Strabel has never been able to validate the numbers used for court expenses.

The 2009 judicial expense numbers provided by Strabel on January 26, 2011 do not even match the judicial expense numbers Strabel published in the 2009 End of Year Report published on March 4, 2010.

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According to Strabel's response to Castañeda, the "Cost of Court Operations" in 2009 was \$184,164. But, the 2009 End of Year Balance sheet shows that the total judicial expenditures in 2009 were only \$147,328.39.

That's a difference of \$36,835.61. So which set of numbers are we to believe?

Sweden also has three Town Justices. By law, the town court is only required to have two justices, but for some reason they have three, even though the court load could easily be handled by two justices.

Each town justice is paid \$17,756.00 a year.

One of the Sweden Town Justices is superfluous. It's a patronage job at the taxpayers' expense.

Sweden also has three full time court reporters, but they are only required to have one by law.

Moreover, according to New York State Village Law, Section §3-301(2)a, a village may have, "no more than two village justices, but in the event a village has one justice, it shall also have an acting justice who shall serve when requested by the village justice or in the absence or inability of the village justice to serve."

Just because the town of Sweden wastes the taxpayers' money by hiring a superfluous town justice doesn't mean that Brockport would make the same mistake and mismanage the taxpayers' money.

Keep in mind that the Brockport Police Department wrote 61.4% of the tickets processed by the Sweden Town Court in 2009. So Sweden had \$107,305.51 in revenue from tickets written by the Brockport Police Department in 2009.

The town returned none of that money to the Village.

This means that in 2009 Brockport taxpayers subsidized the Sweden Town Court to the tune of \$107,305.51. That has to stop.

- Linda Ketchum of Erie Street - read the following prepared statement into the record:

Village Board:

Thank you for your work as a governing body and also for your individual efforts in maintaining a wonderful village.

I am in favor of all the ideas I heard at the last Village Board meeting that will benefit our budget: sewer user fee, village court, fairer tax levy addressed by a dialogue during a moratorium, less expensive treasurer that works more hours, 911 use for all emergency dispatch, keeping our own cost effective fire department as is, more effective code enforcement. All are viable. I beseech you to act on each idea and make them reality.

- Pat Kutz of Lift Bridge Book Shop and Brockport Merchants Association – said the BMA considered not having hanging flower baskets in the historic downtown commercial district this season due to NYS DOT construction, but decided to do so anyway and to raise funds for the flowers. She urged the Village Board to fund the DPW labor and equipment to hang the baskets. She expressed concern of volunteers on ladders. The BMA is also planning to raise money for the watering of the flower baskets so they do not have to be dependent on volunteers.

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

Members of the Village Board of Brockport, I would like to thank Trustees Blair, Hannan and Hunsinger for their dedication and commitment to the Village of Brockport overall, but more specifically for the creation of the Ad-Hoc Committees for the feasibility studies for Points and Penalties, Sewer Fee, and Village Court. the focal point of these studies is concerning the quality of life and public safety for **all** Residents of the village.

I have been privileged to serve, along with Trustee Hunsinger and Chief Varrenti, on the Ad-Hoc Committee to study the Feasibility of a Village Court. As part of the team investigating the pros and cons of a village court system, I approached the task seriously and objectively, allowing the evidence to speak for itself. The obvious con is that there is already a court system in place. What could be a pro?

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As part of our collective and individual analysis:

- We read volumes of information: NY General Municipal law, NY Village Law, NY Uniform Justice Court Law, NYS Constitution, Action Plan for the Justice Courts, and many more.
- We considered data from multiple police departments throughout Monroe County and beyond and data from municipal court systems throughout Monroe County and beyond.
- We contemplated practical aspects such as village justices and staff, court room, equipment needed, start up and maintenance costs, etc.

As Trustee Hunsinger has previously stated, the Ad-Hoc Committee for the Feasibility of a Village Court came to a unanimous conclusion. Our recommendation is that our village would benefit from a village court system.

The tax payers of our village would begin to see a justice system come full circle.

- The justice circle starts when we pay taxes to support the village municipality.
- The village municipality or board has established and maintains village laws and codes.
- The laws and codes are enforcement by the Brockport Police Department and the Code Enforcement Office.
- When a village court is established, we will have a more efficient, effective, village focused justice system, which not only adjudicates but follows-up and maintains village quality of life and village safety.

This is a pro! The circle of justice is completed when the very residents that start the process by paying village taxes, **directly benefit** from a completed justice system. Under the current system, the village pays and the Town of Sweden shares in our provisions.

The bottom line is that the quality of life and public safety for our village residents would be elevated with a Village Court.

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

○ Joan Hamlin of Park Avenue – said she called Gates Police Chief DiCaro who was nice and patient with her. She said there seem to be two different versions of moving the Code Enforcement Office to the Police Department. She said she explained to him that Brockport’s Board voted 3/2 to relocate the Code Enforcement Office from Village Hall to the Police Department. She said she learned that in Gates they have a full time Code Enforcement Officer who handles just nuisance and maintenance codes (trash, unlicensed vehicles, etc.). She said Chief DiCaro wasn’t aware of our Code Enforcement door knocker program, but indicated that is basically what their CEO does. She said she learned that in Gates they have a Building Department with 2 part time people (Building Inspectors) in another building who handle building permits, certificates of occupancy, new construction inspections, etc. They have a separate Fire Marshal. In Brockport, Scott Zarnstorff is the Building Inspector, Code Enforcement Officer and Fire Marshal. He does it all. She said it depends what questions you ask and how you ask those questions.

She said she spoke to Susan Smith who served as the appointed citizen on the Ad-Hoc Committee on the feasibility of a Village Court. She said she was of the understanding that when the Ad-Hoc Committees were formed they would study everything – the pros and cons. She said she has yet to hear the cons. She asked the Trustees who led the committees to provide a list of pros and cons. She said it seems the hope for a Village Court has changed from being a revenue producer, to quality of life and public safety, to now hoping it breaks even. Regarding a sewer fee, she said typical water consumption might be different for different people depending on things like whether they do dishes and laundry at home or take it out. She said homeowners don’t have anyone to pass it off to like the landlords, churches, or hospital.

○ Val Ciciotti of East Avenue - read the following prepared statement into the record:

Pro-Brockport Position Paper - Fire District

There are three major problems with creating a fire district to replace the Brockport Fire Department.

- **Creation of a new taxing entity with great potential for** dramatically increasing taxes
- **Less taxpayer control/oversight** incredibly low voter turnout for fire district elections
- **Unknown star-up and operating costs** The *Report of the Clarkson/Sweden Fire Protection District Study Committee* does not provide any financial information on the cost of forming a fire district.

## Higher Taxes

Forming a fire district almost always results in higher taxes. According to a report published by the New York State Comptroller in 2007, "Fire districts get over 90% of their revenue from property taxes."

Property taxes imposed by fire districts in New York rose 60.4% during the ten year period studied in the report.

*Financial Report on Fire Districts Fiscal Years Ended 2005.*

<http://www.osc.state.ny.us/localgov/pubs/finfire.pdf>

## Low Voter Participation in Fire District Elections

Voter turnout in fire district elections has been, historically, abysmal. Fire district elections are held on the second Tuesday of December, and less than 1% of registered voters bother to vote in fire district elections. The New York State Commission on Local Government Efficiency and Competitiveness found that "few people other than friends and families of firefighters cast votes in fire district elections."

*Fire Protection in New York State*

[http://www.nyslocalgov.org/pdf/Fire\\_Protection\\_in\\_NYS.pdf](http://www.nyslocalgov.org/pdf/Fire_Protection_in_NYS.pdf)

*Elections and Voter Participation*

[http://www.nyslocalgov.org/pdf/Voter\\_Participation\\_in\\_Elections.pdf](http://www.nyslocalgov.org/pdf/Voter_Participation_in_Elections.pdf)

*Final Report*

[http://www.nyslocalgov.org/pdf/LGEC\\_Final\\_Report.pdf?pagemode=bookmarks](http://www.nyslocalgov.org/pdf/LGEC_Final_Report.pdf?pagemode=bookmarks)

## No Financial Information about the cost of forming a fire district

Forming a fire district without first determining the cost to taxpayers is financially irresponsible. The *Report of the Clarkson/Sweden Fire Protection District Study Committee* totally ignored the financial implications of forming a fire district.

The Village of Brockport owns virtually all of the fire fighting equipment and property used by the Brockport Fire Department; the towns of Clarkson and Sweden own little or nothing. The towns have made no provision to purchase that equipment and property. Brockport taxpayers should not be expected to donate their equipment and bear the full cost of providing the fire fighting equipment and property for the proposed fire district.

### Fire District

I would like to share a quote from the March 13 issue of the Suburban News. The article is on pg.5 "Communities have mixed feelings about need for fire districts". This article compares two outcomes on the issue of fire districts. One being Spencerport/Parma-Ogden, who formed a fire district. The other Churchville/Riga, who did not form a district. It quotes (then) Riga Supervisor Ken Kuter from a March 2009 board meeting. Mr Kuter refers to the goal of town leaders at the time being "to find out if fire district formation would improve the level of services for residents; would improve life support care and capabilities; if at all there would be any cost savings per call; and if the taxpayers would have a better say in how the fire district is run."

I would encourage our Village Board members to focus on the goals outlined in this article in formulating a decision on the issue of forming a Fire District with Sweden and Clarkson.

Valerie Ciciotti, 104 East Ave, Brockport

- o Pam Ketchum of Park Avenue – read the following prepared statement into the record:

Sustainability – Finding Long Term Solutions to Improve the Balance, Quality of Living, Fairness and Economic Well Being of Brockport

A number of issues were discussed last evening at the Village of Brockport Board workshop meeting. One topic was the Farmers Market; the benefit to the village and surrounding farmers. It was said that "structure is key" with regards to the market and the managers. Farmers pay a \$200 fee to sell fruits and vegetables for the season – low compared to other venues. Issues were worked out and we all look forward to the upcoming season of healthy eating and community enjoyment.

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A couple of days ago I filled out the required Annual Rental Registration forms that landlords must send in to the Code Enforcement Office within the month. It is not difficult to do. We have 5 rental houses, 12 units, 30 bedrooms in all. There is no fee for this annual registering of our rental houses. Every 3 years we pay a small sum to have a quick inspection in order to get the required Certificate of Occupancy. Maybe we pay \$25/year for each house to do business in the Village of Brockport. In exchange, my husband and I work hard to manage and maintain our properties and collect a total rent of approximately \$3,600 per bedroom or \$108,000 if we have 100% occupancy rate. We can make an additional \$450 per bedroom for the 3 summer months or more than \$13,000. \$13,000 summer rent + \$108,000 school year rent = \$121,000/year or \$20,000/year per property.

Now, we don't have a 100% occupancy rate. But you get the point; rental property can be a profitable business. I would feel a lot better about giving back to the community and paying my fair share if there was a rental registration fee of \$300/unit/year. Additionally, I believe that we should follow the lead of other municipalities and have a list of licensed authorized inspectors that landlords contact directly to have their properties inspected EVERY YEAR to obtain a certificate of occupancy in addition to the rental registration fee. Landlords should pay a standard fee for a standard inspection (no rubbing political elbows or making excuses). The inspection report would be sent directly from the inspector to the Code Enforcement Office and appropriate steps taken. If work needs to be done that would be noted and a specific time allotted or the registration would be revoked and the business closed.

It's hard to believe that a farmer can pay more to the village to sell vegetables this summer than I will have to pay to make approximately \$20,000 this next year from each of my rental properties. As businesses, we each have expenses and liabilities but it looks like landlords have it pretty good.

For example, College Street has 13 rental houses:

48 Units (Apartments) 111 bedrooms x \$3,600/bedroom/9 months = \$399,600

Total rent from 13 rental houses on College Street = \$399,600 (not including any summer rent).

48 Units x \$300 annual rental registration fee = \$14,400 annual income to the Village of Brockport  
= Sustainability

= 72 farmers registration fee for the Summer 2011 Farmers Market season.

College Street Directory:

- R 17 College – Webster – 5 Fam-AV: \$123,300/4400SF/7bd/5ba/Rent: \$25,200
- R 21 College – Webster-1 Fam-AV:\$86,500/1688SF/6bd/2ba/Rent: \$21,600
- R 24 College – Webster-6 Fam-AV:\$189,500/6961SF/10bd/6ba/Rent: \$36,000
- R 25 College – Webster-1 Fam-AV:\$78,000/1566SF/3bd/2ba/Rent: \$14,400
- R 28 College – Pensco Truste-1 Fam-AV:\$60,900/985SF/3bd/2ba/Rent: \$10,800
- R 29-31 College – Giancursio-4Fam-AV:\$148,800/5916SF/11bd/4ba/Rent: \$39,600
- R 32 College – Young – 3 Fam-AV:\$125,500/3202SF/12bd/4ba/Rent: \$43,200
- R 35 College – Webster-2 Fam-AV:\$85,000/3884SF/9bd/3ba/Rent: \$32,400
- 39 College – Andrews – 1 Fam-AV: \$205,000/2880SF/4bd/2ba
- 40 College – Thompson-1 Fam-AV:\$129,700/2706SF/3bd/2ba
- 45 College – Lapierre-1 Fam-AV:\$124,800/2830SF/4bd/3ba
- 46 College – Andrews – 1 Fam-AV\$125,300/2448SF/4bd/3ba
- R 51 College – Giancursio – 1 Fam-AV:\$91,400/2568SF/4bd/2ba/Rent: \$14,400
- R 52 College – Caldarelli – 5 Fam-AV:\$110,000/2701SF/5bd-8occ/Rent: \$28,800
- R 56 College – Mccauley – 4 Fam-AV:\$130,500/4512SF/4bd/4ba/Rent: \$14,400
- 57 College – Coapman – 1 Fam-AV:\$128,700/2608SF/4bd/2ba
- R 60 College – Mccauley-2Fam-AV:\$125,800,3104SF/4bd-6occ/Rent: \$21,600
- R 61 College – Webster-8Fam-AV:\$202,500/6309SF/14bd/8ba/Rent: \$50,400

18 Structures 13 Rentals 5 Owner Occupied 72.2% Rental

**GUESTS:**

- o Eric May – SUNY BSG – request exemption from noise ordinance for outdoor concert 4/17 – E. May of SUNY BSG said in conjunction with The College at Brockport, Brockport Student Government is planning an outdoor concert to be held on Alumni Walk of the College Campus. The concert will take place on Sunday, April 17 beginning at approximately 3pm and will not exceed 6pm. The stage will face North and the planning team is confident that the landscape, buildings and campus will absorb the sound efficiently. The genre of the concert is alternative rock and the Goo Goo Dolls are set to

headline the concert. Additionally, we have contacted the band to prevent any vulgar language being used during the concert to reinforce our respect for Village residents. We met with Chief Varrenti on **MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 7**

Wednesday, March 16<sup>th</sup> to discuss the safety and concerns of the Village. We will be contracting with the Village Police Department and local Sheriff Department to provide the necessary protection of the venue and the residents of the community. This added police measure will be present before, during, and after the event to ensure a respectful environment for all members of the community. It is the intention of BSG to work with the Village and provide a respectful and safe event. We are confident that this process will serve as a model for future events, and hope that all parties will provide the necessary discussions to rebuild relationships.

→ Deputy Mayor Kuhn moved, Mayor Castañeda seconded to grant the requested exemption from the noise ordinance for the SUNY BSG outdoor concert Sunday, April 17, 2011 from 3pm to 6pm.

Discussion:

Trustee Blair asked if this would be like last fall's Glow Fest concert. E. May said no.

Trustee Hannan asked the number of concert goers expected. E. May said up to 4,000. He said there is currently no indoor venue on campus to accommodate it.

Trustee Hannan asked if they have a rain date. E. May said no.

Trustee Hunsinger shared that he recently met with E. May. He asked E. May to describe the location and noise barriers. E. May said the stage will face north and much sound will be absorbed by the tree line, railroad tracks, academic buildings and residence halls. The area will be fenced off for crowd control. There will be overlapping police presence from 1pm to 10pm.

Trustee Blair questioned contracting with Brockport Police Department.

Treasurer Lovejoy shared that Chief Varrenti contacted her for cost structure information for 3 levels of the Police Department and built in all necessary costs.

Trustee Hunsinger asked if they would have a tent. E. May said he is waiting to hear from the SUNY Vice President of Student Affairs. She was originally against it. If it is approved, they would contract with a professional tent company. This would further help absorb the noise.

Trustee Hunsinger said Chief Varrenti is concerned with waiving the noise ordinance as it ties their hands if complaint calls come in. A bad taste was left after the Glow Fest concert. If asked to turn it down, would you? E. May said he was never asked to turn down the last concert.

Trustee Blair said he may not have personally been asked, but several SUNY representatives were asked. He said he rode with the Police Department and 4 separate requests were made to those on hand.

E. May said in talking with Town of Sweden Building Inspector Jim Butler about the noise ordinance, NYS schools are exempt from it. However, he felt out of respect and improved relations it deserved to formally be brought before the Village Board.

Trustee Hannan asked if Chief Varrenti was supportive at their meeting. E. May said he seemed supportive of the logistics plan.

Trustee Blair asked what his deadline is for approval. E. May said he was hoping to get approval tonight so they can go ahead and sign the contract.

Trustee Blair asked Village Attorney Leni for his feedback. Village Attorney Leni wondered why E. May spoke to the Town of Sweden Building Inspector instead of that of the Village of Brockport. E. May said he reviewed the Town and Village Codes and found them identical as to exemptions. Village Attorney Leni said S. Zarnstorff is here tonight. S. Zarnstorff retrieved his copy of the Village Code book.

Trustee Hannan asked what E. May would do if the Board does not grant approval. E. May said he would work to get that approval. He said SUNY has been here for 175 years and is not going anywhere. He would hope the Board would give the same courtesy as they do for the annual BISCO Arts Festival which has live outdoor music over two days.

Deputy Mayor Kuhn referred to SUNY beginning construction on SERC and questioned the capacity of that for future events. E. May said the capacity of the new venue will be 4,500.

Trustee Blair questioned why E. May did not approach the Board sooner. E. May said he and the team

have been working toward a sound plan as recommended by the College.

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Village Attorney Leni asked if SUNY is sponsoring the event. E. May said BSG which is chartered by SUNY. Village Attorney Leni said according to the Code, it does appear to have an exemption.

**Call to Question:**

- Trustee Hunsinger    yes
- Trustee Blair         yes
- Trustee Hannan       yes
- Deputy Mayor Kuhn   yes
- Mayor Castañeda      yes

Carried 5/0

Trustee Hunsinger suggested E. May return to the April 27<sup>th</sup> Village Board meeting as a follow up to the April 17<sup>th</sup> concert. E. May said he would be glad too, especially since BSG's Brock the Port event is in the planning stages for May.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**CERTIFICATES OR PROCLAMATIONS:**

- o Arbor Day – 4/29/11 – Tree Board Chair Margay Blackman

**PROCLAMATION**

WHEREAS, natural areas, trees, and landscapes provide not only community beautification but also economic and environmental benefits; and

WHEREAS, trees provide many benefits to the community, including air purification, windbreaks, noise reduction, shade and energy savings; and

WHEREAS, planting trees and maintaining older trees provides an opportunity for community interaction, volunteerism, economic development, and environmental conservation; and

WHEREAS, our efforts to improve the environment benefit present and future generations; and

WHEREAS, Arbor Day in the Village of Brockport is held each April;

BE IT THEREFORE RESOLVED, that I, Maria Connie Castañeda, Mayor of the Village of Brockport do hereby proclaim April 29<sup>th</sup>, 2011 as Arbor Day in the Village of Brockport and encourage all our citizens to participate in appropriate activities and to take advantage of the benefits of the parks and other natural areas in our community.

IN WITNESS WHEREOF, I do hereby set my hand, and cause the Corporate Seal of the Village of Brockport to be affixed this 23<sup>rd</sup> day of March, in the year 2011.

Maria Connie Castañeda, Mayor

Tree Board Chair Margay Blackman thanked the Mayor for the annual proclamation which helps get the Village's re-designation as a Tree City. This will be the 3<sup>rd</sup> year in a row as a Tree City, USA by the National Arbor Day Foundation. She encouraged participation in this year's Arbor Day ceremony and planting to be held on Friday, April 27<sup>th</sup> – meet on the Hartwell Hall lawn by the SUNY Alumni House at 10am. In conjunction with SUNY Brockport's 175<sup>th</sup> anniversary, they will be planting 17 trees on College and Utica Streets. This is a Town/Gown collaboration. She said they would love to have the Mayor or a representative from the Village Board there. Trustee Hannan said she would be happy to since she is retired and not working like her fellow Board members.

M. Blackman said they have worked hard to raise donations for trees since the Village could not include funding in this year's budget for such. Their goal is \$4,000 and they've raised \$3,420 to date including a generous donation from Sara's Farm Market and Garden Center. Those wishing to make a donation can do so to the GBDC Tree Fund by April 15<sup>th</sup>. Trustee Hannan shared that she would be making a donation in memory of someone dear.

M. Blackman also presented the Village Clerk with a copy of the master tree list that was prepared by

Tree Board member Ian Blount. This will also be posted to the Tree Board page of the website.

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**CONSENSUS ITEMS:**

- **APPROVAL OF MINUTES:** 3/2, 3/8, 3/9

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 that the minutes of the March 2, 2011 meeting be approved as written.

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 that the record of the March 8, 2011 work session be approved as amended – one change to indicate Deputy Mayor Kuhn was not in attendance.

→ Trustee Hunsinger moved, Trustee Hannan seconded, carried 5/0 that the minutes of the March 9, 2011 public hearing be approved as written.

- **APPROVAL OF BILLS TO BE PAID**

→ Trustee Hunsinger moved, Deputy Mayor Kuhn 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>	3/7/11	\$31,144.18
FUND (F): <u>Water</u>	3/7/11	\$143.76
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust &amp; Agency)</u>	-	-
		\$31,287.94 grand total
FUND (A): <u>General</u>	3/21/11	\$43,844.85
FUND (F): <u>Water</u>	3/21/11	\$38,885.36
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust &amp; Agency)</u>	-	-
		\$82,730.21 grand total

**CLERK & TREASURER REPORTS:**

- Clerk
  - Pitney Bowes postage machine lease – Clerk Morelli shared that the lease on the current Pitney Bowes postage machine is due to expire soon. She met with the representative and obtained a proposal for a new machine and lease which is a few dollars less than the current lease. She referred to the information provided to the Board.

Treasurer Lovejoy suggested she have the representative short term the lease to expire at the end of a fiscal year (5/31) so as not to have to deal with overlapping fiscal years. Clerk Morelli said she is confident that this can be easily arranged.

→ Deputy Mayor Kuhn moved, Trustee Hannan seconded, carried 5/0 via roll call to approve and authorize the Mayor to execute the lease agreement for a Pitney Bowes postage machine.

- Treasurer
  - Financials for period ending 2/28/11 – Treasurer Lovejoy referred to the financial for period ending 2/28/11.

Revenues for General Fund

As you can see we have received the majority of our revenues for the fiscal year (83.14%). The remaining county sales tax will be coming in at approximately our budget level. Franchise Tax revenues have started to come in as of today.

Expenditures for General Fund

Debt Service will be fully expended at the end of May when payment comes due. I continue to be concerned about the Medical Insurance, HRA and legal budget lines.

Water Fund

Revenues are on target and the budget lines for Debt Service will also be fully expended. The calculation for retirement and other employee benefits needs to be reviewed and adjusted appropriately as we get closer to year end.

Trustee Blair referred to the legal line. Treasurer Lovejoy said she has asked at 2 Village Board

meetings and gotten no response about preparing a budget transfer amendment. Trustee Blair said it's time.

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 10**

Trustee Blair referred to the medical and HRA lines. Treasurer Lovejoy said the Village's new health and HRA plan went into effect 9/1/10. As new plan premiums went down, the HRA piece went up. We'll have a better idea as time goes on as we don't have a full year of history on it yet.

- o Budget Transfer Amendments -

→ Trustee Hunsinger moved, Deputy Mayor Kuhn seconded, carried 5/0 via roll call to approve the following budget transfer amendments.

Account Number	From: Description	Account Number	To: Description	Amount:
A3410.4250	Fire Dept Office Supp	A3410.4210	Fire Dept – Misc	\$3,000.00

Purpose: move funds to account for increase needs for water and food for firemen due to number of fires – request is from Chief Henry.

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Account Number	From: Description	Account Number	To: Description	Amount:
		A3120.2040	Police - furniture	\$479.37

Purpose: increase appropriation for equipment for new offices at Police Department – reimbursed by Asset Forfeiture Fund

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Account Number	From: Description	Account Number	To: Description	Amount:
		A3120.4090	Miscellaneous	\$500.00
		A2705.0000	Gifts & Donations	\$500.00

Purpose: to amend the revenue and appropriation for the donation made by William M. Covell PT to the Police Department – Police Department budget code provided by Chief Varrenti

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- o Farmers Market 2010 – excess in revenues – Treasurer Lovejoy referred to having discussed at last night work session the excess revenue from the 2010-2011 Farmers Market. She shared the financial information with Mark Lewis verbally on March 18<sup>th</sup>. There is excess revenue of \$661.80. Mark explained to her that it was not the intention of the donors to provide any excess funds to the Village's fund balance. That being said, the balance of \$661.80 should be divided equally and presented to Mark and Kelly Lewis with thanks from the Village for their support. Board concurred.

- o Update on debt service re Main Street water & sewer project – Treasurer Lovejoy shared that the amount that will need to be borrowed is \$2,150,000.00 with a 20 year payback schedule. This is lower than the \$2.6 million originally thought to need to be borrowed. Based on an assumed interest rate of 5.75%, the payment for the 2011-2012 budget will be \$183,625 (\$70,622 Water Fund and \$113,003 General Fund). She noted that we will not know the actual rate until we have received bids on the borrowing which will not take place until near the end of April. Our credit rating will impact the rate at which we can borrow; we will not get our credit rating until near the third week in April. Based on advice from our fiscal advisors, it is our intent to enter into a BAN for the 2011-2012 fiscal year if our credit rating is not favorable. The Village must enter into permanent borrowing by the end of the 2011-12 fiscal year. She said she will provide the Board with additional information as it becomes available.

- o Update on budget process to date – Treasurer Lovejoy shared that as a result of last evening's Board work session, she made the following changes to the Tentative Budget, creating the Preliminary Budget to be presented to the public on April 13<sup>th</sup>.

General Fund  
 Appropriations:  
 Increased various salary/benefit lines by \$52,000 (reinstating 5 day vs. 4 day week proposal for some)  
 Increased Farmers Market contractual by \$2,500  
 Decreased Debt Service by (\$12,578)

Total Increase	\$41,922
Revenues:	
Increased Tax Levy by	\$39,422
Farmers Market	\$2,500
Total Increase	\$41,922

This brings your tax levy increase to 16.45%.

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 11**

Water Fund  
Appropriations:

Increased various salary/benefit lines by	\$16,325 (reinstating 5 day vs. 4 day week proposal for some)
Increased contingency line by	\$16,397
Reduced Debt Service by	(\$32,772)
Total increase	\$0

Sewer Fee proposal - A sewer fee is not included in the preliminary budget. There is a proposed local law to amend Village Code Chapter 42 Sewers – sewer rental fee. To impact the budget a public hearing would need to be held and the proposal adopted prior to final budget adoption. Treasurer Lovejoy shared the calculation of the tentative sewer rate/budget.

Budget:

Debt Service	\$113,103
Sewer reserve (will need to be established by the Board)	\$20,000
Operating expense	\$20,046
Total budget	\$153,143

Calculation of rate:

Consumption for fiscal year 2010	239,296,000
Tentative rate for 2011-2012	.64/1000

On a home consuming 46,000 gallons of water per year, the annual cost would be \$29.44. The impact on the tax levy would be a reduction of \$133,149 (5.88%)

Clerk Morelli commented that when the Board imposed a sewer fee a few years ago the rate was .80/1000.

Ambulance - A contingency plan was discussed should the separate ambulance entity not be created by 5/31/11.

Contingency Line - The contingency line is getting closer to the % suggested by NYS OSC.

Treasurer - Should the Board decided to go with a full time Treasurer, they will need to add approximately \$24,000 in benefits and maximum unemployment benefits for the current part time Treasurer.

Grant Writer - The Board recognizes the need for a grants writer, but has chosen not to add a line item at this time until seeing how everything else comes into play. If needed, they could use the contingency line to fund a grant writer.

Village Court proposal – The proposal to establish a Village Court is not included in the budget. The NYS budget has no funds available for start up costs for a Village court.

Accept preliminary budget – Treasurer Lovejoy requested the Board accept the preliminary budget.

Trustee Hunsinger questioned the fines and forfeitures line – realized and projected and asked what falls in that line. Treasurer Lovejoy said it includes parking tickets (Town of Sweden forwards a check in December) and now provides regular notice as to parking tickets collected. It also includes fines (NYS sends notice indicating what monies are to come and then Town of Sweden forwards a check each month). It also includes local asset forfeitures. It does not include the Department of Justice asset forfeitures. Trustee Hunsinger asked the rationale for the 2011-2012 figure. Treasurer Lovejoy said it was based on history and anticipated revenues. She mentioned that she had a recent discussion with Town of Sweden Finance Director Leisa Strabel and that courts all around are receiving less than past.

Trustee Hunsinger questioned the refund of prior year expense line and commented that it seems the numbers vary significantly from 2008 to current. Treasurer Lovejoy said this relates to the NYS OSC

comment that a municipality shouldn't count on refunds from prior years and that a conservative approach should be taken. For example, you shouldn't count on insurance recoveries.

Trustee Hunsinger questioned the A3410.4000. Treasurer Lovejoy said that is an error on her part and will be corrected.

Trustee Hunsinger referred to the lines regarding sanitary and storm sewers and whether those would be pulled out if a sewer fee were adopted. Treasurer Lovejoy said they would get accounted for.

→ Trustee Blair moved, Trustee Hunsinger seconded, to accept the preliminary budget with the 1 correction needed in the General Fund.

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 12**

**Discussion:**

Trustee Hunsinger stressed that this budget is still a work in progress and he hopes these will not be the end numbers. Everything will continue to be evaluated.

Mayor Castañeda said there was good discussion at last evening's work session. However, there are still some decisions to be made. She expressed concern that the budget conversations cannot be had in one evening. The Board needs to make a concerted effort to work on and discuss all year long. The community cannot sustain increased taxes year after year.

**Call to question:**

Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	no

Carried 4/1.

- Call for public hearing – 7pm Wednesday, 4/13 – Middle School Auditorium

→ Trustee Hunsinger moved, Deputy Mayor Kuhn seconded, carried 5/0 via roll call to call for the public hearing on the preliminary budget for 6/1/11 to 5/31/12 for 7pm Wednesday, April 13, 2011 at the A.D. Oliver Middle School Auditorium at 40 Allen Street Brockport, NY 14420.

**DEPARTMENT REPORTS:**

- Building / Zoning / Code Enforcement
  - 2010 Annual Report – S. Zarnstorff said the report would soon be forwarded to the Board and posted to the Village website. He said it doesn't vary a lot year to year, but 2010 saw 184 applications for building permits, signs, C of O's with 6 new homes built totaling \$800,000 in value of construction. This is despite the state of the economy. He reminded the Board that area builders and developers continue to be interested in meeting with Village officials to discuss the future and ways to partner to encourage building as the increase in assessed valuation benefits the community. He would be happy to facilitate this at a future Village Board work session if the Board is interested.

Treasurer Lovejoy cautioned all to remember that like the Police Department, the Code Enforcement annual report is on a calendar year, instead of the Village's fiscal year. Therefore, financial numbers cannot be tied out.

- Recent Fires - S. Zarnstorff shared that there have been 5 working fires this year and that statistically the average community has 10 fires per year. None of the recent fires were failure of the buildings. All were due to human error – 2 were due to electric space heaters in college rental properties. There is a continuing need for fire prevention efforts. The Stylus is helping to get the word out to students. Several properties have started repairs while some are negotiating with insurance companies. The fire at 173 Main Street in January 2010 resulted in the building being demolished last month.

- Police – Chief Varrenti excused
  - Authorize purchase of new police cruiser – Based on the recommendation of Treasurer Lovejoy, Chief Varrenti forwarded a request for authorization to purchase one (1) 2011 Ford Crown Victoria from Vision Ford in accordance with the New York State bid at a cost of \$22,680.

Treasurer Lovejoy said the Stetson Club contract sets forth the mileage at which a car must be replaced. The Ford Crown Victoria is going out of production. To wait to order would require retrofitting all of the equipment at great expense. Funds can be transferred from the contingency line to the equipment line.

→ Trustee Blair moved, Trustee Hunsinger seconded, to authorize the purchase of one (1) 2011 Ford

Crown Victoria at a cost of \$22,680.

Discussion:

Trustee Blair said he was apprehensive at first but understands the costs to retrofit could add several thousand dollars and the fact that the current car spends more time in the DPW garage than on the road.

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 13**

Call to question:

Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	no

Carried 4/1.

- 2011 STOP-DWI Law Enforcement Contract between County & Village -

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 via roll call to accept and authorize the Mayor to execute the 2011 STOP-DWI Law Enforcement Contract between Monroe County and the Village of Brockport in an amount not to exceed \$12,386.59.

- Investigation – Trustee Hunsinger shared that Chief Varrenti asked that he and Trustee Blair as liaisons to the Police Department take the next step and refer the investigation matter discussed at the February 1, 2011 meeting to the Monroe County Sheriff’s Department and the New York State Police.

→ Trustee Hunsinger moved, Trustee Blair seconded, to authorize Trustees Hunsinger and Blair to refer the investigation matter to the Monroe County Sheriff’s Department and the New York State Police.

Discussion:

Trustee Blair said this is not a request to incur any costs – just to forward the information to the two appropriate agencies.

Mayor Castañeda asked what information they would be referring. Trustee Blair said the same packet that was authorized and sent to the District Attorney. Mayor Castaneda said she thought the referral was supposed to come from citizens. Trustee Blair referred to the response letter from the District Attorney. Deputy Mayor Kuhn said the D.A. had indicated they were simply the wrong agency to receive the packet.

Call to question:

Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	yes
Mayor Castañeda	yes

Carried 5/0.

- Public Works

- Resolution to accept National Grid streetlight modifications – CSS reference

#67738-78106 -

→ Deputy Mayor Kuhn moved, Trustee Hannan seconded, carried 5/0 via roll call to adopt the following resolution:

RESOLVED: National Grid is hereby authorized and directed to do the following work in the Village of Brockport, CSS Reference No. 67738-78109, as part of the NYS DOT roundabout project:

- Remove: one -150 whps lamp & luminaire from pole 12 (N/W quadrant)
- Remove: one – 250 whps lamp & luminaire from pole 11 (S/E quadrant)

Estimated Annual Reduction: \$411

- Authorization to advertise for water main/hydrant flushing – week of 4/18 -

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 to authorize the following advertisement:

*NOTICE TO BROCKPORT RESIDENTS  
PLEASE TAKE NOTICE that WATER MAIN FLUSHING in the Village of Brockport  
will take place 18 – 20 April 2011.*

As part of our routine maintenance of the water distribution system in the Village, Department of Public Works crews will be flushing water mains on **April 18 thru 20 2011**. We do this periodically to clean the mains and **MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 14**

flush out sediment accumulations that may settle out in the mains. The flushing will ensure that you have a safe and healthy supply of drinking water.

Flushing operations will be conducted between 9:00 A.M. and 1:00 P.M. in the following locations on the date indicated:

- |   |  |
|---|--|
| <p><b>Monday, April 18, 2011:</b><br/>North of the canal.<br/>All hydrants, EAST and WEST<br/>of North Main Street (NYS Route 19)</p> | <p><b>Tuesday, April 19, 2011:</b><br/>SOUTH of the canal.<br/>All hydrants EAST of Main Street.</p> |
| <p><b>Wednesday, April 20, 2011:</b><br/>SOUTH of the canal<br/>All hydrants WEST of Main Street</p>                                  |  |

During flushing you may see some cloudiness or color in the water. Please do not use any unnecessary water during this period. The flushing may cause the water to become “cloudy” or “discolored”. While the water will be safe to drink, we suggest that you do not wash clothes if you notice the water is discolored. **ANYONE ON A KIDNEY DIALYSIS MACHINE, PLEASE CALL THE SUPERINTENDENTS OFFICE AT THE NUMBER BELOW!**

If you have any questions, please call the Department of Public Works at (585) 637-1060 between 7:00 AM and 3:30 PM.

- Authorization to limit brush pickup to 2 per year (end of April & October) -

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 via roll call to limit brush pickup to 2 per year.

- Authorization to advertise for brush pick up – week of 4/25 & 10/24 -

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 to authorize the following advertisement:

VILLAGE OF BROCKPORT  
Brush Pickup Notice  
NEW THIS YEAR  
ONLY BRUSH WILL BE PICKED UP.  
THE SCHEDULE WILL BE AS FOLLOWS:  
April & October 2011  
(Last Monday of each month listed above only!)

**RULES:**

The Department of Public Works will be conducting **BRUSH ONLY** pickups. Beginning Monday April 25, 2011 and Monday, October 24, 2011, the DPW will be picking up **BRUSH ONLY**. This is being provided as a service to Village residents to alleviate the continual placement of brush at curbside. There will be only 1 pass down each street and a maximum of 1 truck load of brush per residence. **DO NOT PLACE BRUSH AT CURBSIDE UNTIL THE SATURDAY OR SUNDAY BEFORE THE ABOVE NOTED DATES.**

As in past years, we will continue our policy of leaving a small dump truck overnight for those who wish to load their own. Anyone wishing to use this service must call the DPW office to schedule to have a truck dropped off.

**THERE WILL NOT BE A SPRING JUNK PICKUP, ONLY BRUSH WILL BE PICKED UP.** For items other than brush you should contact your refuse hauler or take advantage of the Town of Sweden

Recycling Center.

For information on the Town of Sweden Recycling Center call 637-2144.

Any questions may be directed to the DPW Office at 637-1060 between the hours of 7:00 a.m. and 3:30 pm, Monday - Friday or the Village Office at 637-5300 between the hours of 8:30am and 4:30pm, Monday- Friday.

Harry Donahue  
Superintendent of Public Works  
Village of Brockport

- Coleman Creed crossing weekend closure – DPW Superintendent Donahue shared that NYS DOT contractor Crane Hogan would like to do a full closure for an entire weekend from a Friday night until a Monday morning. Currently the project entails daily closures for approximately a 2

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 15**

week window. They would like to have Village Board input and blessing on the weekend closure. H. Donahue said he believes that this would be the most practical way to handle this portion of the project. The inconvenience of one weekend closure greatly outweighs the inconvenience of daily closures for 2 weeks. This would be done in the summer so as not to impact school buses.

Mayor Castañeda said she does not foresee a problem if it is done when school is out. The property owners should be consulted. Then the contractor or Village could send a letter to the property owners with the actual dates.

- Authorization to accept engineering services proposal – College Street water main replacement – DPW Superintendent Donahue reminded the Board that they have applied for a CDBG grant for the College Street water main replacement project. We will know in August or September if the grant will be awarded. However, we can't wait until then to do the engineering. It must be in place before then. The engineering services are not reimbursable by the grant, but there is \$5,000 in the Water Fund budget and \$432 can be found in another line.

→ Mayor Castañeda moved, Deputy Mayor Kuhn seconded, carried 5/0 via roll call to approve and authorize the Mayor to execute the College Street Water Main Replacement Engineering Services Proposal in the amount of \$5,432.

- Wood Chips – DPW Superintendent Donahue said Terry Tree ground the Village's brush pile and took the chips. This saved the Village \$5,000 this year just as it did last year. This means there are few chips for residents.

- Perry Street Sanitary Sewer - DPW Superintendent Donahue said this project funded through a CDBG grant is underway. Lawn restoration work will take place after completion.

- CHIPS – DPW Superintendent reported that his trip to Albany with colleagues from the Highway Superintendent's Association was successful. State lawmakers committed to hold the line on CHIPS funding and not cut it. Therefore, The Village's CHIPS funding will remain at \$68,417.13. It may go up a bit due to lane miles increasing regarding the dedication of McCormick Lane and Cyrus Way.

DPW Superintendent Donahue said he learned that local roads receive only 13% of taxes paid at the gas pump.

- Street Lighting – Trustee Blair expressed concern over the \$82,000 annual cost for street lighting in the Village and asked DPW Superintendent if he can break down the National Grid bills per quadrant of the Village. H. Donahue said he and L. Baker are working with National Grid on calculating costs and identifying areas. Trustee Blair asked if anyone sees any issues with turning off some of the lights.

Treasurer Lovejoy said she would think safety would be an issue as members of the Board continue to refer to public safety and quality of life.

- Fire / Ambulance / Dispatch

- Authorization for annual fund drive – Per President John Rombaut's memo, their projected annual fund drive response for this year is \$37,000. Last year was \$35,000. The Village and Towns Fire tax money is for supporting the equipment and items necessary to provide for fire protection.

The fund Drive is the Fire Department's budget that assists with purchases over and above the tax monies. They have been setting aside \$5,000 to \$6,000 each year for the Chiefs Office to purchase specialized tools or equipment to benefit the Department and community. Last year they brought the

computerized fire extinguisher trainer for fire prevention training and also purchased a carboxyhemoglobin hand held unit to be used on both adults and children. This is a first aid tool for the safety of firefighters and the public to check individual's levels of CO in their system while still on the scene. Fund drive money is also part of the day to day operating money for such items as Class A uniforms and logo wear, office supplies, percentage of the annual officer installation banquet, the summer family picnic, refreshments for drills, non firematic postage and the annual September 11<sup>th</sup> vigil.

→ Mayor Castañeda moved, Trustee Blair seconded, carried 5/0 via roll call to authorize the annual fund drive.

- Authorization to allow West Avenue fire hall to be used by outside groups – It was

recently pointed out that the West Avenue fire hall is not listed on the Village's facilities use agreement, but that members of the Protectives allow use of this Village-owned building on their own and sometimes accept donations for said use that do not get accounted for in Village funds. Currently the only Village building allowed to be reserved by community groups for meetings is Village Hall. The Village Clerk handles reservations via a facilities use agreement designed by the Village Attorney a few **MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 16**

years ago to address liability issues and the like.

Members of the Fire Department asked the Fire Department liaisons for permission to allow community groups to use the West Avenue fire hall for meetings and functions.

→ Mayor Castañeda moved, Trustee Blair seconded, to allow use of the West Avenue firehall by community groups as long as the Protectives handle the scheduling and have groups complete an amended version of the Village's facilities use agreement with a copy to the Village Clerk and any donations to go to the Protectives as their members voluntarily maintain the facility and grounds.

Discussion:

Mayor Castañeda said she spoke to Bill Bird of the Protectives who does the scheduling. He said they do not charge a fee but will accept donations and that the Protectives voluntarily maintain the facility and grounds.

Trustee Hunsinger said it is a Village building and should follow the same, not special, rules.

Call to question:

- Trustee Blair yes
- Trustee Hannan yes
- Trustee Hunsinger no
- Deputy Mayor Kuhn yes
- Mayor Castañeda yes

Carried 4/1.

**Village of Brockport  
Standard Facilities Use Agreement  
Amended 3/23/11  
Specifically for use of the West Avenue Fire Hall  
Please contact Brockport Protectives, Inc.  
C/o Willard (Bill) Bird  
205 Clark Street Brockport, NY 14420  
637-4483 home  
739-9446 cell**

This Agreement describes the terms and conditions under which the undersigned outside party (the "USER") may use facilities owned by the Village of Brockport (the "VILLAGE").

Whereas VILLAGE owns and operates, or lawfully controls the use of, the property ("PROPERTY") described below, and USER desires to use said PROPERTY, VILLAGE agrees to make said PROPERTY and no other available to USER at the date(s) and time(s) and for the purposes referenced below and no other, and in consideration for being permitted to use PROPERTY for the stated purposes, USER agrees to pay the fees and abide by the terms and conditions set out in this agreement.

<b>USER NAME:</b>			
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		<b>PROPERTY:</b>	
<b>ADDRESS:</b>		<b>DATE OF USE:</b>	
<b>CITY/STATE/ ZIP:</b>		<b>START TIME:</b>	
<b>TELEPHONE:</b>		<b>END TIME:</b>	
<b>FEES:</b>		<b>EVENT NAME:</b>	
<b>DEPOSIT:</b>	<b>\$25.00</b> (In addition to Fees)	<b>PURPOSE OF USE:</b>	

FEES, TERMS AND CONDITIONS

1. USER agrees to pay the sums referenced below as a fee for the use of the PROPERTY:

- West Avenue Fire Hall \$0.00 per hour

This fee is due immediately. Said payment includes use of lights, heat, air conditioning, and water, as may be needed for the purposes set out above and to the extent such exist at the PROPERTY.

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 17**

2. **ADDITIONAL FEES & SECURITY DEPOSIT:** In addition to the fee described above, USER will be responsible for paying any and all expenses incurred by USER and/or VILLAGE in support of or as a result of the use. Such expenses may include, but are not limited to, cleaning costs, security costs, parking fees, and setup and takedown costs. The user shall pay to the Protectives the amount of **\$25.00, which** shall be held by the Protectives as a security deposit for any damage to the facility or other loss or expense incurred by the Village due to the use of the facility by the user. In the event that there is any damage, loss or expense incurred by the Village due to the use, the user agrees and acknowledges that the Protectives may use the security deposit for payment of same without prior approval of the user. The amount of the security deposit paid hereunder is not a limit of the user's liability to the Village for damage, loss or expense and any claim for same by the Village shall be paid immediately by the user.

3. **OCCUPANCY LIMITS:** The USER shall comply with the occupancy limits of the PROPERTY being used as follows:

- West Avenue Fire Hall 60 persons

4. **SPECIAL RULES:** The USER shall comply with the additional rules of the PROPERTY being used as follows:

- A. West Avenue Fire Hall:
  1. All garbage must be removed by USER.
  2. The key must be picked up from the Protectives representative by the day prior to the use and returned according to the representative's instructions after the building is locked after use.
  3. Alcohol sales are prohibited. Alcohol consumption is prohibited unless approved by the Board of Trustees for a specific PURPOSE OF USE.
  4. Turn lights off and assure doors are locked.

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

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

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

7. **COMPLIANCE:** The USER agrees to use and occupy the FACILITY in accordance with all VILLAGE policies, regulations, rules, and practices and with all applicable municipal, state and federal laws,

including but not limited to fire codes. USER may not use the VILLAGE's names or marks, or imply VILLAGE endorsement or support, without express permission from an authorized VILLAGE official.

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

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

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

11. FORCE MAJEURE: If the PROPERTY is rendered unsuitable for the conduct of the USER'S activity

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 18**

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

**12. INDEMNIFICATION**

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

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

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

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

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

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

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

-----  
"Your Responsibilities" specifically per Protectives:

- NO Alcoholic Beverages.
- All music/bands/loud noise must stop at 11pm.
- No parking in front of the truck bays or in the small lot on the west side of the building.
- No parking on the grass.
- Empty all garbage and replace bags. Garbage can be put in the large container on the east side of the building. New bags are in the bottom of each container.
- No taping or picking up tiles for decorations on the ceilings. There are hooks in the ceiling for decorations.
- Tables and chairs should be wiped off and put away immediately after the event.
- No children in the truck bays.
- Turn all lights out when you leave the building. Make sure all doors are locked when exiting your function.
- You will be responsible for any damage to/or stolen property.
- You are responsible for any injuries.

Donations are greatly appreciated. Please make checks payable to Brockport Protectives, Inc.  
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**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 19**

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

Dated: \_\_\_\_\_ 20\_\_                      Dated: \_\_\_\_\_ 20\_\_

USER: \_\_\_\_\_                      PROTECTIVES: \_\_\_\_\_

BY: \_\_\_\_\_                      BY: \_\_\_\_\_

Position: \_\_\_\_\_                      Position: \_\_\_\_\_

Address & Phone: \_\_\_\_\_

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<i>For office use only:</i> _____	Approved	_____	Denied
_____	Availability Confirmed with _____		
_____	Copy Given to Village Clerk		
_____	Security Deposit Collected (\$25)		
_____	Fees (donation) Collected		
_____	Received Insurance Certificate with Village as Additional Insured (Not required for individual use of facility)		

▪ Status – creation of ambulance as separate entity – Fire Chief Henry said the paperwork has been sent to the region and will then go to the state. They are in hopes it will be accomplished by 5/31/11, but it depends on the speed of the State.

→ Deputy Mayor Kuhn moved, Trustee Hannan seconded, carried 5/0 via roll call to adopt the following resolution:

RESOLVED: in support of the letter dated March 10, 2011 by the Mayor that read: "Please be advised that the Village of Brockport agrees to transfer the Certificate of Need to the Brockport Volunteer Ambulance Corps, Inc. when they begin operations."

▪ Fire Chief's Report - Chief Henry shared the following report:

**Calls to Date (8 AM): Fire: 256                      EMS: 191                      Total: 447**

**EMS Update:**

- Per Chief Toole we have covered 85% of our total call volume of 175 calls up to March 12<sup>th</sup>. After March 12 the Volunteers have covered 75% of their 16 calls. Year to date the Ambulance has covered 85% of their call volume.

	<b>Covered</b>	<b>Dispatched</b>	<b>% Covered</b>
1/1/2011 to 3/12/2011	148	175	85%
3/12/2011 to 3/23/2011	12	16	75%
<b>Total YTD</b>	<b>160</b>	<b>191</b>	<b>84%</b>

**Calls of significance since the last Meeting:**

- On **Saturday February 12<sup>th</sup> at 4:26 PM**
  - We were dispatched for the House Fire at 59 Fair Street, we had smoke from the eaves and heavy fire on the 1<sup>st</sup>, 2<sup>nd</sup> floors and attic.
  - Fire knocked down before first 20 minute mark, good fire attack on a fire that may have had over an hour or 2 head start on us, due to owner leaving at Noon and a heavily insulated home held the fire inside until the air conditioner fell out of the window allowing more air into the house.
  - The owner lost a dog we put a great effort to find but it was found behind a commode in the bathroom.
  - 1 minor injury post fire knee injury getting off the truck

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 20**

- Nice job by Fire, EMS, Fire Police and Red Cross
- Code Enforcement assisted the home owner.
- We had Hamlin, Holley, Morton and Spencerport on scene.
- Fire had a head start on us and was the cause was electrical per the MCFB Fire Investigators
- On **Sunday February 13<sup>th</sup> at 6:44 AM** (14 hours later)
  - We were dispatched for an apartment fire at 63 Main Street in a downtown block building, middle of the block.
  - On arrival we have smoke on the second floor and the first pumper was sent to the rear and had fire on the second floor.
  - Brockport PD Officers Gleason and DeToy assisted me with removing the occupant of the apartment on fire who was refusing to leave.
  - Brockport Units coming in did an outstanding job listening and following assignments on a very serious fire, with units assigned to fire attack, Searching the 3<sup>rd</sup> Floor (above the fire) for residence and backup lines.
  - The fire was knocked down before the 20 minute mark.
  - If we could not knock it down in those first few minutes we may have been in trouble. We kept the box to the original apartment on fire if we ran out of crews it could have extended into the 3<sup>rd</sup> floor and maybe out of the building. Automatic Mutual Aid from Hamlin and Holley was significant for backup crews. We also used the mutual aid plan to go to a quick 2<sup>nd</sup> Alarm to get more units we preplanned on the road.
  - 1 firefighter was sent to Lakeside for evaluation after rehab found a rapid heart rate and was treated and released.
  - We had multiple agencies at this fire including Hamlin, Morton, Spencerport, Hilton, Holley, Bergen, Churchville, Clarendon and had Walker and Albion as fill ins and the Red Cross helped with refreshments and helping the tenants.
  - Code Enforcement assisted at the scene and assisted the occupants and building owners.
  - We have received a lot of compliments from surrounding departments, the Fire Bureau, and the most important the building owner and shop owners who appreciated your effort and the care given with the salvage work.
  - We did review this fire the Tuesday night after with the mutual aid Chiefs and members.
- **Saturday February 19 11:10 AM,**
  - MVA person trapped in a commercial van 3780 Sweden Walker Road Monroe transported 1 patient.
- **Sunday February 20, 2 PM,**
  - Mutual Aid to Bergen for a barn fire on Swamp Road. Sent Rescue 238.
- **Monday February 28, 8:02 pm,**

- Reported automatic alarm at the GameStop on Nathan Poole Drive, updated to smoke from the Pawn Shop.
- 2C-113 on scene with smoke coming from the location. We waited for the Ladder Truck for the K-Toole to force the lock on the structure.
- This was a smoke machine inside. Good job not causing unnecessary damage to the structure.
- **Monday March 14<sup>th</sup> 8:30 AM**
  - We were dispatched to 44 Spring Street for the Kitchen Fire and had a working structure fire, with fire from the west side, front and rear.
  - Upon arrival I saw heavy smoke from the entire structure and heavy fire on the first floor.
  - I saw the save with Lt. Tim Russell with assistance from the Police Officers Steve Mesiti, Officers Brian Winant, and Robert Hagen were able to coax a youth to hang and drop from a second story window before the apparatus arrived. This was the youth's only option.
  - There was confusion of other occupants in the structure but the Brockport Police were also able to account for all of the occupants of the house.
  - No firefighter injuries during the fire, one resident transported to Strong.
  - Good rescue and good knock down in a well involved balloon frame structure.

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 21**

- We had mutual aid from Hamlin, Holley, Morton and Spencerport at the scene and Bergen, Gates and Hilton in quarters. Red Cross and Code Enforcement assisted the building owner and occupants at the scene.
- I will be submitting this rescue into the county for a Life Saving Award, and have been contacted by the County Coordinator and Battalion Coordinators to have this submitted. Past Chief Norm Knapp was a witness to the events and has provided a nice write up which I shared with the board.

**Technology Review?**

We are running into bandwidth issues at Headquarters, we are running on a DSL service and would like to get a larger bandwidth as we have been clogging up the network for over a year.

**Purchases**

- Thanks for the Turn out Gear Approval we are getting 9 members fitted for new turn out gear and boots
- We have ordered some items for the off road vehicle, windshield, roof and lighting and are putting some lighting on the trailer.
- We are standardizing our hose lines for maximum volumes by purchasing some new nozzles. This helped with the Main Street Fire where we were able to get a lot of water on the fire.
- PO submitted for the purchase of 2 Cutters Edge Ventilation Saws for the pumpers

**Notes:**

- 4 of our Line Officers are attending FDIC this week. If you look at the people involved with some of the critical decisions over the past few weeks in particular and over the years they have all been members that participated in FDIC or other advanced training with FDIC being the one with the most varied hands on and tactical training available.
- We will have members attending the EMS Step Conference this weekend in Rochester, this helps those with CME Requirements and provides some training outside the normal basic classes offered locally.

**9:20pm-9:30pm – short recess**

- **PERSONNEL**
  - Terminations
    - Resignations –
      - Michael P. Leone of Harris, Chesworth, O'Brien et al as Village Attorney

→ Mayor Castañeda moved, Trustee Hunsinger seconded, carried 5/0 via roll call to accept with regrets the resignation of Michael P. Leone of Harris, Chesworth, O'Brien et al as Village Attorney

effective March 11, 2011.

- Retirements – none
- Terminations –

→ Trustee Hunsinger moved, Trustee Hannan seconded, to unappoint John Bush as volunteer videographer of Village Board meetings.

Discussion:

Mayor Castañeda shared that some Board members were upset with J. Bush speaking out of turn from behind the camera. She urged Board members to refrain from inciting members of the audience during board discussion regardless of comments or gestures made by the audience.

Trustee Hannan thanked J. Bush for his service in this volunteer capacity and noted that he continues to serve the Village in other volunteer capacities.

Call to question:

Trustee Blair	yes
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	no
Mayor Castañeda	no

Carried 3/2.

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 22**

- Appointments –
  - Robert S. Leni of Harris, Chesworth, O'Brien et al as Village Attorney

Mayor Castañeda announced her appointment of Robert S. Leni of Harris, Chesworth, O'Brien et al as Village Attorney effective March 12, 2011.

- Vacancies –
  - Vendor re Grants Services
- Volunteer Drops/Addds
  - Fire / Ambulance – none
  - Police Explorers –

→ Mayor Castañeda moved, Trustee Blair seconded, carried 5/0 to approve the following membership changes: Drops: Brad C.J. Gay, Jonathon T. Hughes, Jacob S. Manning, Jacob Mesiti; Addds: Joshua C. Maier, Oshae C. Imes, Nicholas M. Toscano, Edmund P. Maziarz, Travis M. Smallwood.

- SPARTAC – none
- Welcome Center Greeters – none
- Walk Bike Brockport Action Group members – none

**OLD BUSINESS:**

- Board feedback due towards Corrective Action Plan for independent audit FYE 5/31/10 – Mayor Castañeda said she received feedback from 2 Board members and asked if Board members have any written reports for her as requested. She said she will meet with the appropriate members of the office staff to compile the report and submit to the auditors.

- Status – elimination of part time dispatcher positions – Mayor Castañeda reminded the Board that the elimination of the dispatcher positions is on hold until the Board approves a memorandum of understanding for submittal to the Towns.

- Memorandum of Understanding as drafted by Village Attorney – Mayor Castañeda said the memorandum of understanding drafted by the Village Attorney regarding the elimination of dispatch does not reflect the use of the \$43,000 in the Fire Department budget line for dispatch. She believes it needs revision.

Village Attorney Leni said he was not involved in the drafting of the M.O.U., but can modify it per the Board's wishes.

Trustee Blair said Mayor Castañeda didn't even want an M.O.U. and now she wants it revised. Mayor Castañeda said she the matter was discussed at a meeting with the Supervisors that Trustee Blair attended. There was discussion of utilizing the \$43,000 in the dispatch line towards the steps necessary to secure the fire hall since it would no longer be staffed 24/7 and for a possible part time

clerk to do some of the paperwork the dispatchers currently do. She said if an M.O.U. is to be done; it should reflect that information before submitting it to the Towns.

→ Trustee Blair moved, Trustee Hannan seconded, carried 5/0 to approve the memorandum of understanding regarding the elimination of dispatch as drafted without reference to the \$43,000 Fire Department budget line for dispatch.

○ Language/process – transfer of authority from Mayor to Police Chief re Building Inspector/Code Enforcement Officer – Mayor Castañeda asked Village Attorney Leni to explain the process.

Village Attorney Leni shared that this requires a Local Law process which includes a public hearing on the proposed amendments to Village Code Chapter 59 titled “Code Enforcement”, referral to Monroe County Development Review Committee, and SEQR. If the Board approves the Local Law, it will then require a referendum since the change in supervision would diminish the Mayor’s powers. It could get on the ballot for this June 21<sup>st</sup>. R. Leni reviewed the proposed revision Section 59-1A.

Trustee Hunsinger introduced the following local law:

A LOCAL LAW MODIFYING CHAPTER 59 OF THE  
CODE OF THE VILLAGE OF BROCKPORT  
TITLED “CODE ENFORCEMENT”

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 23**

BE IT ENACTED by the Village Board of the Village of Brockport that Chapter 59 of the Code of the Village of Brockport shall be modified as follows:

**Chapter 59  
CODE ENFORCEMENT**

A LOCAL LAW “CODE ENFORCEMENT,” CHAPTER 59

§59-1. Issuance of appearance tickets and/or summonses by Code Enforcement Officer or Code Enforcement Inspector.

§59-1(a). Code Enforcement Officer and Code Enforcement Inspector shall directly report to and be supervised by the Chief of Police.

§59-2. Issuance of appearance tickets and/or summonses by Police Department

§59-3. When effective.

Be it enacted by the Board of Trustees of the Village of Brockport as follows:

§59-1. Issuance of appearance tickets and/or summonses by Code Enforcement Officer or Code Enforcement Inspector.

Pursuant to Criminal Procedure Law §§150.10 and 150.20, the Code Enforcement Officer or Code Enforcement Inspector of the Village of Brockport, as defined in Chapter 36, § 36-1, of the Code of the Village of Brockport, is herewith authorized to issue and serve appearance tickets and/or summonses when he has reasonable cause to believe that a person or persons have committed a misdemeanor or a petty offense in his presence. This authorization is restricted to the following ordinances or local laws of the Village of Brockport:

- A. Chapter 6, Berms, Fences, Hedges and Screen Plantings.
- B. Chapter 10, Building Construction Code.
- C. Chapter 14, Demolition of Buildings.
- D. Chapter 15, Moving of Buildings.
- E. Chapter 16, Driveways.
- F. Chapter 17, Electrical Inspection.
- G. Chapter 19, Fire Prevention.
- H. Chapter 19A, Fire Alarm Systems.

- I. Chapter 19B, Fire Lanes.
- J. Chapter 20, Flood Damage Protection.
- K. Chapter 21, Garbage and Refuse.
- L. Chapter 22, Garage Sales.
- M. Chapter 27, Stormwater Management.
- N. Chapter 32, Motor Vehicle Repair Shops and Gasoline Service Stations.
- O. Chapter 34, Parking.
- P. Chapter 36, Minimum Housing and Buildings Codes.
- Q. Chapter 41, Plumbing.
- R. Chapter 43, Signs and Billboards.
- S. Chapter 45, Streets and Sidewalks.
- T. Chapter 46, Trees and Vegetation.
- U. Chapter 51, Trailers and Trailer Camps.
- V. Chapter 53, Carbon Monoxide Detectors.
- W. Chapter 58, Zoning.

**§59-1(a). Code Enforcement Officer and Code Enforcement Inspector shall directly report to and be supervised by the Chief of Police.**

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 24**

*The Code Enforcement Officer and Code Enforcement Inspector shall directly report to and be supervised by the Chief of Police. The Chief of Police shall have the power to direct the activities and set the schedules of such Code Enforcement Officer and Code Enforcement Inspector as the Chief of Police determines would be in the Village’s best interest and consistent with all applicable laws.*

§59-2. Issuance of appearance tickets and/or summonses by Police Department.

Members of the Village of Brockport Police Department are authorized to issue and serve appearance tickets and/or summonses, pursuant to the Penal Law and the Criminal Procedure Law, relating to any misdemeanor, violation or offense of any ordinances or local laws of the Village of Brockport.

§59-3. When effective.

This local law shall take effect upon filing with the Secretary of State of the State of New York.

Trustee Hunsinger advised the Village Board that pursuant to New York’s Municipal Home Rule Law it is necessary and proper to hold a public hearing upon this local law.

→ Trustee Hunsinger offered the following resolution which was seconded by Trustee Blair who moved its adoption:

WHEREAS, on March 23, 2011 Trustee Hunsinger has introduced this local law for the Village of Brockport modifying Chapter 59 of the Code of the Village of Brockport titled “Code Enforcement”; therefore be it

RESOLVED, that a public hearing shall be held in relation to the proposed changes as set forth in the form of notice hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Brockport Middle School Auditorium, 40 Allen Street Brockport, New York 14420 on Wednesday, April 13, 2011 at 7:00pm, and that notice of said meeting shall be published in the Suburban News, a newspaper of general circulation in the Village of Brockport, and shall be posted on the Village website and Village Clerk’s signboard, by the Village Clerk, at least five (5) days before such hearing and that such notice shall, in sum and substance, be in the following form:

VILLAGE OF BROCKPORT  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARINGS

In addition to the public hearing on the preliminary budget (published as a separate notice), please take

notice that the Village Board of the Village of Brockport will meet at 7:00pm on Wednesday, April 13, 2011 at the Brockport Central School District's A.D. Oliver Middle School Auditorium, 40 Allen Street Brockport, New York 14420 for the purpose of holding a public hearing on the following proposed Local Law:

A LOCAL LAW MODIFYING CHAPTER 59  
OF THE CODE OF THE VILLAGE OF BROCKPORT  
TITLED "CODE ENFORCEMENT"

The text of these proposed Village Code changes is on file in the Office of the Village Clerk, and may be inspected during normal business hours. It is also posted to the Village website [www.brockportny.org](http://www.brockportny.org). All interested parties will be given the opportunity to be heard.

Discussion:

Mayor Castañeda said she appreciates the opportunity for voters to decide. She read a letter into the record regarding the misinformation that has been presented about the Gates Police Department as it relates to Code Enforcement.

March 14, 2011

Dear Mayor Castañeda,

I am writing this letter to follow up on our conversation in regards to your request for information concerning my meeting with Chief Varrenti, and trustee's Hunsinger and Blair. I am sorry to learn that **MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 25**

you did not receive the letter I sent out in November of 2010, a copy of which is attached.

It was a pleasure to speak to you on this matter, please feel free to contact me if you have any other questions.

Sincerely,  
David R. DiCaro  
Chief of Police  
Gates Police Department  
Town of Gates

November 24, 2010

Dear Mayor Castañeda,

I am writing this letter in response to your request for information regarding my meeting with Chief Varrenti, and Trustee's Hunsinger and Blair.

On October 27, 2010 at about 1:45 P.M., I met with Brockport Village representatives to discuss how we handle code enforcement issues in the Town. Starting in January 2010, jurisdiction over code enforcement came to the Police Department. Our Building Inspector and Fire Marshal remain separate working out of the buildings and grounds department with a separate code officer that handles permits and other larger code related matters. Our code enforcement is directly related to unregistered vehicles, trash on the property, etc. Police officers are enlisted to assist with these issues as well. This new system has worked very well and we continue to modify our efforts as we move forward and deal with new and different issues.

Please feel free to contact me if you have any other questions.

Sincerely,  
David R. DiCaro  
Chief of Police  
Gates Police Department  
Town of Gates

Codes Officer Zarnstorff expressed concern to Village Attorney Leni that the title(s) referenced in Chapter 59 be consistent with same elsewhere in the Code. All agreed. Village Attorney Leni said he would make any minor changes per S. Zarnstorff as necessary. (Note: the text above reflects the final version completed and forwarded to the Board a couple of days later.)

Call to question:

The foregoing resolution was duly put to a vote which resulted as follows:

Trustee Blair           yes  
Trustee Hannan        yes  
Trustee Hunsinger     yes  
Deputy Mayor Kuhn   no  
Mayor Castañeda      no

Carried 3/2.

○ Sewer User Fee – further consider & possibly call for 4/13 public hearing – Mayor Castañeda said as discussed at the Board’s work session last evening, the Village Attorney needs to make some revisions to the proposed Local Law to amend Chapter 42 of the Village Code titled “Sewers”.

Village Attorney Leni reminded the Board that he will need a resolution for work outside the scope of his contract at the hourly rate.

Mayor Castañeda asked how many hours work. Village Attorney Leni estimated 5 hours.

→ Trustee Hannan moved, Trustee Hunsinger seconded, to authorize the Village Attorney to do work on the proposed local law regarding sewer rent.

Call to question:

The foregoing resolution was duly put to a vote which resulted as follows:

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 26**

Trustee Blair           yes  
Trustee Hannan        yes  
Trustee Hunsinger     yes  
Deputy Mayor Kuhn   no  
Mayor Castañeda      no

Carried 3/2.

○ Village Court – further consider & possibly create position(s) of Village Justice – Trustee Hunsinger commended Mayor Castañeda for providing such a thorough rebuttal to his argument for a Village Court. He said he had asked the Board at the December 22, 2010 meeting to contact him and the ad-hoc committee with questions, but she had not done so. He said much of the information shared by the Mayor is like comparing apples to oranges. The population of Fairport is 5,740. The population of Brockport is 8,103. Fairport has no college in its jurisdiction. Brockport has a college which doubles its population. The 2009-2010 figures showed that Fairport had 150 criminal arrests compared to Brockport’s 293 plus 244 Village ordinance arrests. Fairport had 583 traffic compared to Brockport’s 1,661. Fairport had 25 DWI compared to Brockport’s 54. Fairport had 319 parking compared to Brockport’s 1,610. Fairport had 1,052 court appearance which actually \$36,000 at a cost of \$34.22 per appearance. Using that per appearance cost, Brockport could actualize \$49,940. He shared that \$34.22 per court appearance is incredibly low, so the actualization would be much higher.

Trustee Hunsinger said the first step towards a Village Court is to create the position of Village Justice and the position of Acting Village Justice. Then a public hearing would be scheduled. The ad hoc committee would sit down with the Treasurer for a meeting of the minds on budget and planning. He said he received confirmation from Treasurer Lovejoy that there would be no budget affect. Treasurer Lovejoy clarified there would be no levy affect, but budget amendments would have to take place after the fact to reflect expenses and revenue. Trustee Hunsinger said they are not looking to make money. Trustee Hunsinger said the public hearing would be held which would include a presentation of lots of information as well as the opinion oriented rebuttal offered by the Mayor. He said then a referendum would be held.

→ Trustee Hunsinger moved, Trustee Hannan seconded, to create the position of Village Justice and the position of Acting Village Justice.

Discussion:

Trustee Blair asked for clarification – if it is voted down there would be no tax levy change? Treasurer Lovejoy said if the revenues and expenses are the same, there would be no impact. The risk is this – if the revenues are not realized, where does the difference come from to cover the expenses?

Trustee Blair asked if Village Court start up costs need to be put in the budget. Treasurer Lovejoy said it can’t be put in the budget now because the proposal for a Village Court has not been approved. If at some point it is approved, the budget could be amended at a later date.

Treasurer Lovejoy asked how the first Village Justices get into office. Village Attorney Leni said the initial appointment would be made by the Mayor subject to election after that.

Mayor Castañeda said incorrect information was previously presented by Trustee Hunsinger regarding the use of state funds for start up costs. She said on March 8<sup>th</sup> she had staff contact the Office of Justice Court Support with questions. According to Diane Shilling, Director of Office of Justice Court Support and Special Counsel to Deputy Chief Administrative Judge:

Question: Was the Action Plan that was proposed for the 2007-2008 state budget adopted and put into place?

Answer: Yes it was adopted in 2007-2008 and funds were allocated to the Action Plan and were used for existing courts. There was no money for creating a court.

Question: Is there funding available in the state 2011-12?

Answer: The department has to cut 100 million from their budget. The first to go was any grant money that was available in the past for start up costs. They will also be eliminating all "purchasing Programs" – programs that assist in the purchasing of court resources.

Question: Has anyone contacted you about starting a court in the Village of Brockport?

Answer: About 6 months ago someone called and asked questions about the Action Plan and the information provided at that time is very different than the situation we are in right now – you cannot count on any money coming from the state to start a court.

Question: What is the first step in creating a court?

**MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 27**

Answer: Creating the position of justice.

Question: Is it typical for courts to lose funds?

Answer: It is very typical for justice courts to operate in a deficit. The cost of operating is expensive.

Question: How is the revenue to the court determined?

Answer: All fines are submitted to NYS and the breakdown of fines is then determined and returned to the Court. The ownership of the court does not have any discretion in the distribution of fines.

Mayor Castañeda referred to the ad hoc committees having been formed in August with the goal of completing their work and presenting the pros and cons by the end of December before budget development. The ad hoc committee on the feasibility of a Village Court had Trustee Hunsinger present a 1 page report in December that had no cons and no financial information. The Board and the public need to know the financial implications and have accurate information. There is no start up funding available from the State.

Mayor Castañeda said she is a Village taxpayer, too, and there are things she'd like for the Village, but there simply is no money. The Village simply cannot afford it. She said in the 6 years she has served on the Village Board, 4 as a Trustee and almost 2 as Mayor, the budget has been nickled and dimed. To sustain the Village, services and costs need to be reduced. Service and employees do not need to be added. Some of the proposals coming from some Trustees are to raise revenues. It still comes from the taxpayers whether it is from one pocket or another. The State is making service and employee cuts. The County is making service and employee cuts. School Districts are making service and employee cuts.

Deputy Mayor Kuhn concurred and said it would seem these proposals are going in the wrong direction. We would be adding instead of subtracting. He said Village Courts cost money.

Trustee Hunsinger said the nice thing is that everyone will have an opportunity to vote on this since it has to go to a referendum.

Village Attorney Leni clarified that it is subject to a permissive referendum, not a mandatory referendum. Voters would not be going to the polls on this.

Trustee Blair asked the Village Attorney if it would first go to a public hearing, then to the Village Board to vote on. Village Attorney Leni said yes.

Trustee Blair said he would prefer to have more information including an estimate of Village Attorney time since the Board would need to adopt a resolution authorizing his work on this since it is outside the scope of his contract.

Call to question:

The foregoing resolution was duly put to a vote which resulted as follows:

Trustee Blair	no
Trustee Hannan	yes
Trustee Hunsinger	yes
Deputy Mayor Kuhn	no
Mayor Castañeda	no

Defeated 3/2.

**NEW BUSINESS:**

- o NYS DOT Main Street reconstruction project – restriction of on-street parking – Mayor Castañeda shared that she and Clerk Morelli attended the NYS DOT Main Street reconstruction project public information meeting on March 15<sup>th</sup>. The Power Point presentation has been posted to the Village website. It outlines some of the major elements of the project. Mayor Castañeda stressed that the modern roundabout for the East/West Avenues intersection was strictly a NYSDOT decision based on their studies. This was not a Village decision.

Mayor Castañeda shared that a citizen contacted the Board as to suggestions to eliminate some of the traffic back-ups that occurred last year. “One of those causes was on-street parking. During high volume traffic times traffic was backed up on many side streets as people attempted to maneuver around the work zones. The biggest hindrance and restriction of the traffic flow were the cars parked legally on these streets.”

Per Scott Sullivan, NYSDOT Engineer in charge of this project: “Within the project limits, I have the legal authority to regulate traffic under the Designation of Restricted Highway by the NYSDOT Regional Director. The project limits are roughly Main Street just south of the south village line to just north of the north village line, and a small portion of East and West Avenues. Included in this designation is the **MINUTES OF VILLAGE BOARD MEETING HELD March 23, 2011 continued.....page 28**

ability to restrict on-street parking. This has been done on several occasions within the work area to keep traffic flowing. The Designation of Restricted Highway, however, does not give me the authority to regulate traffic outside of the project limits (i.e.: intersecting and parallel village streets). To grant the request to limit parking on side streets, I believe, would have to come from the village.”

→ Trustee Blair moved, Deputy Mayor Kuhn seconded, carried 5/0 via roll call to restrict all parking on all streets in the immediate areas of the work.

**VILLAGE BOARD REPORTS:**

- o Mayor M. Connie Castañeda
  - Budget – Mayor Castañeda said she continues to be concerned about the inability to develop a reasonable and fiscally responsible budget for the Village. The only way to change the direction of the Village finances is to make cuts. The Board needs to revisit or re-explore potential cuts in every department. Mayor Castañeda suggesting having the Treasurer do a financial analysis if the Police Department were to be eliminated.

Trustee Blair asked Mayor Castañeda if she had met with the Stetson Club Union leadership about opening up their collective bargaining agreement. Mayor Castañeda said she had not.

Mayor Castañeda said she is not making any motions at this time, but still believes the Board should put the elimination of the Police Department up for referendum – let the voters decide. Until it is put to a vote, it will continue to be an issue at budget time. The taxpayers simply may not be able to afford local police any longer. Every Village has administrative staff. Every Village has a DPW. Every Village does not have a Police Department. Yes, we have a College, but Monroe County Sheriff’s Department may be able to cover the Village successfully.

- Proposed Fire District – Mayor Castañeda reported that she, Trustee Blair and Fire Chief Henry met with Sweden and Clarkson representatives and their special Counsel, Attorney Ray DiRaddo. The proposed Fire District budget is pretty much in line with the current Fire Department budget. Information has been submitted to the Village Attorney for review.

- o Trustee / Deputy Mayor Daniel P. Kuhn
  - Mayors for Meals – Deputy Mayor Kuhn thanked Mayor Castañeda for giving him the opportunity to participate in Mayors for Meals today. It was fun and he learned a lot. It reminded him that while he and his wife may be able to handle another property tax increase, many people cannot.

- Budget - Deputy Mayor Kuhn said he echoes Mayor Castañeda's concerns and that every department needs to be looked at without exception. He said talking about the Police Department has been the "3<sup>rd</sup> rail of Brockport politics" for some time. Has the alternative every really been investigated? He said he wants the citizens to decide. He has met with Sheriff O'Flynn.

He said adding services and costs is moving in the wrong direction. The Board needs to focus on making the Village an affordable place to live, work and own property. He believes government is best when it gets out of the way and lets people do with their money as they will. The Village will not be balancing the scales by shifting revenues.

- Corrective Action Plan - Deputy Mayor Kuhn promised Mayor Castañeda that he would get his feedback to her soon.

- Village Cell Phones - Deputy Mayor Kuhn stated that he still plans to work on drafting a more detailed policy for Board consideration for the Employee Handbook related to use of Village cell phones. Clerk Morelli suggested he include personal cell phone use as well, as texting has become popular. She said she would forward him a sample of a policy from the Village of Fairport regarding use of personal electronic devices on work time. There should be no personal cell phone use, texting, internet surfing, etc on Village time. Deputy Kuhn said he'd be happy to take a look at that.

- Trustee Kent R. Blair

- Collective Bargaining Contracts – Trustee Blair urged the Mayor to meet with the Leadership of the 2 Unions to see if they would be willing to open their contract and consider any concessions to help with this year's budget. He said the Mayor continues to recommended making cuts regarding the Police Department, but little else. He said Deputy Mayor Kuhn mentioned having met with Sheriff O'Flynn and that his dissolution colors reappear.

- Proposed Fire District - Trustee Blair referred to the March 21<sup>st</sup> meeting he attended with the Mayor and Fire Chief and Town representatives. There is a lot to be considered and the Towns seem to be changing the focus of the brief March 29<sup>th</sup> meeting that was for the purpose of calling for a public hearing. Issues such as SEQR and disposition of property and equipment need to be

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addressed. He expressed concern that the Towns have been researching this for over a year and the Village is just being brought to the table – yet the Village has all the assets. The Village Board and Village Attorney need to review this further. It is unrealistic to think the Village can make informed decisions on buildings and equipment and whether to join a Fire District. Does the Village put a price tag on its buildings and equipment? When would it see the payments – over 3 years? Some feel the taxpayers of the 3 municipalities paid for the equipment through their fire service contracts.

- Budget - Trustee Blair said there is still work to be done to reduce expenses. Does the Board consider reducing hours, layoffs, selling the ambulances, selling the West Avenue fire Hall, hiring a grant writer, etc. Trustee Blair said before considering eliminating the Police Department, the Board should consider the feasibility of reducing shifts. As to the Mayor's suggestion of putting the Police Department up for referendum, he believes the dissolution referendum last June was much about the Police Department. As to the Treasurer, he did a quick survey and the average is \$31.91 per hour.

Our current Treasurer makes \$50 per hour 24 hours per week for a total of \$62,400 per year. He suggested either decreasing the salary or continue the current salary but work 40 hours per week for it.

- Village Court - Trustee Blair said he believes in the concept of a Village Court, but he needs to understand it more first.

- Certificates - Trustee Blair reminded the Mayor to consider preparing and presenting certificates to those from the Fire Department and Police Department involved in saving a life at a recent fire. Mayor Castañeda said that can be scheduled for a Board meeting right after budget time.

- Possible Christmas Parade - Trustee Blair mentioned that the Stetson Club approached the Brockport Merchants Association and he approached the Fire Department about a possible Christmas parade led by Santa similar to that done in the Village of Medina.

Mayor Castañeda responded that while the Stetson Club chose to be very vocal, the vote last June was on Village dissolution not elimination of the Police Department. If the Trustees believe it was a vote to keep the Police Department, they should not be worried about putting it up for a referendum. Ask the question and get the answer once and for all. She said she is not against the Police Department itself, just the cost of it. As to opening up Union contracts, she will get right on it and see if they would be willing to make concessions. She thanked Trustee Blair for bringing forth and exploring ideas. She, too, has brought forth ideas and recommendations that do not get considered. She is one voice on the Board.

- Trustee Carol L. Hannan

- Village Board Salary Reduction – Trustee Hannan suggested the Village Board reduce their salary to \$1 for the coming fiscal year.

Trustee Blair said that was explored a while back and can't be done for sitting Board members. Trustee Hunsinger said they can, however, choose to donate their pay to community groups.

- Brockport Merchants Association - Trustee Hannan shared that the Brockport Merchants Association will be selling paper flowers for \$1 to support flower power for downtown beautification. She will be working with them on efforts to bring in business during the Main Street reconstruction. Sales tax is essential to the survival of the Village. BMA is very supportive of the Farmers Market. Trustee Hannan shared that you can donate the nickels your returnable cans and bottles would bring towards BMA for beautification and community events. You just need to tell them to do so.

Trustee Hannan asked that the Board consider the request made earlier this evening by Pat Kutz of the BMA to allow DPW to hang the flowers. They could do it at the same time they hang banners.

DPW Superintendent Donahue said they are actually different poles and heights.

Clerk Morelli expressed concern as to liability of citizens doing so.

Trustee Blair and Trustee Hunsinger said they would be happy to hang the flower baskets. Mayor Castañeda said she is willing to help if they give her the date to put on her calendar.

- Welcome Center - Trustee Hannan mentioned that the Welcome Center bathroom is still in need of repairs and that it re-opens for the season May 1<sup>st</sup>.

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Mayor Castañeda said she has asked DPW Superintendent to review what's needed.

- Water Department - Trustee Hannan distributed a report from the ad hoc committee.

Findings:

- Most meters now in use are due to be replaced
- Department reserves are available to begin conversion to radio read meters.
- By using radio read meters, the quarterly billing cycle could be replaced by a monthly billing system with increased tracking of water usage/leakage and a true measure of water expenses. We currently estimate the entire cost of monthly water usage in order to pay the MCWA. If estimates, for whatever reason, were to be lower than actual expenses, the village would have to fund the difference or face substantial late fee penalties.
- The reliance on manual read meters is costing substantial and unnecessary personnel expenses, and these monies could be better utilized in paying debt services and updating the infrastructure.

Recommendations (for consideration in May):

- Board action to write and publish bids for a radio read meter startup package which includes the necessary software and general equipment. A quote that expired in November 2010 was for \$21,000.
- Board action to write and publish bids for a sufficient number of radio read meters to replace currently used meters.
- Board action to direct the installation of replacement meters.
- Replacement of the quarterly billing cycle with a monthly billing cycle.
- Reduce the billing clerk and meter reader positions to part-time following the installation and training to use the computer system. Use monetary savings for debt reduction.

Mayor Castañeda reminded the Board to review the draft capital improvement plan as annotated by DPW Superintendent Donahue.

- Trustee Scott W. Hunsinger
  - No report – Trustee Hunsinger said he was speechless after this 4 hour meeting.

**ADJOURNMENT:**

→ At 10:55pm, Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk