

Regular meeting of the Board of Trustees of the Village of Brockport was held at the A.D. Oliver Middle School LGI (large group instruction room) 40 Allen Street Brockport, New York, June 12, 2012 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Trustee Margaret B. Blackman, Trustee Kent R. Blair
Trustee Carol L. Hannan, Clerk Leslie A. Morelli

EXCUSED: Trustee Scott W. Hunsinger

ALSO PRESENT: Police Chief Daniel P. Varrenti, Brian Winant, Linda Ketchum, Dan Donovan, Susan Donk, John Cohen, Jim & Joan Hamlin, Jarl & Doris Boyst, Bill Andrews, Don Roberts, Tom Mangan, Val Ciciotti, Kevin McCarthy, Richard Harris, Pam Ketchum, Donna LaFontaine, Ann Butler, Mark Kristansen, Marcy Stickles, Kathy Snyder, Harry Snyder, Norm Giancursio, Fred Webster, Kristina Gabalski

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

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

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

PUBLIC COMMENT:

- Dan Donovan of Chappell Street – read the following prepared statement:

You have tried to singlehandedly undermine the Ethics Board. I, Bernie and Kathy received letters from the Mayor. Do the Trustees know of these letters or did the Mayor go rogue and send these letters on her own without their knowledge? Is this the way the Mayor tries to dissolve the Ethics Board? The Mayor took an oath of office to serve and protect this Village. She is breaking this oath to destroy the Ethics Board and the Village she represents.

Trustee Hannan said she has not seen the letters referred to. She said she, Trustee Blair, Mayor Castañeda and Bernie LoBracco recently went to a NYCOM workshop on Ethics. It was made clear that Ethics Boards should be left alone at any time of possible controversy.

Mayor Castañeda reminded the Trustees that they met with the Village Attorney in an Executive Session 5/22 and one of the topics was membership of the Ethics Board. Clerk Morelli copied the Board on the letters that resulted from the 5/22 meeting.

- John Cohen of Utica Street – read the following prepared statement:

Ladies and gentlemen of the board:

As I've stated before, the mayor must resign from office. There were plenty of reasons why it was not only appropriate, but necessary to do so before, but now let's add in the latest shenanigans that have come in to play. How is she expected to be the plaintiff and be the leader of the defendant? Can the taxpayers count on her to mount a vigorous defense against her own lawsuit? Of course not. Ridiculous. There's a case within the last year where a municipality almost lost summary judgment due to an error... I can only imagine what damage from a less than vigorous defense. Especially for what can only be called a nonsense lawsuit.

Let's do a common sense test, based on the claims in the complaint.

Without jurisdiction? Does the person accused of criminal action live in the village? Were the crimes for making money off of ignoring village code? Did the village police arrest her? Yes, yes, and yes. I'm not a lawyer, but that sounds like jurisdiction to me.

Without warrant? Was a warrant issued to search the home of the accused? Was that warrant signed by legal authorities who have the authority to issue them? Was it served in a proper manner? Yes, yes, and yes. I'm not a lawyer, but that sounds like with a warrant to me.

Without consent? Well, fair enough. Did the police have a warrant? If the police have a warrant, are they entitled to search without consent? Yes and yes. I'm not a lawyer, but consent sounds irrelevant in this case to me.

Without probable cause? Were there two sworn statements from people who witnessed the crime by, you know, living there? Was there a corroborating statement from someone worried for their friend the night of the fire? Is there a paper trail of cashed checks? Yes, yes, and yes. I'm not a lawyer, but that sounds like probable cause to me.

So let's ask ourselves which is more likely. The chief of police, afraid of budget cuts that aren't going to happen when 4 members of the board don't support the cuts, planted evidence of a misdemeanor rather than a felony (since a felony would get the accused in more trouble), got two witnesses to falsify statements, inserted records of cashed checks in to the bank records, convinced legal authorities to go along with shaky evidence, and convinced the rest of the police to shake down the mayor, without anyone in that fairly large conspiracy speaking out against it...

Or that the accused actually committed the crimes?

Let's do a common sense test again.

Does the accused regularly attend these meetings and advocate for lower taxes? Is this lawsuit, which she will most assuredly lose given the evidence, going to cost the village money? Does the village's money originate in the taxpayer's hands? Yes, yes, and yes. I'm only a village taxpayer, but it sounds like an attempt to bully the village in to backing off to me.

So let's ask ourselves which is more likely? That the accused is the wounded party, flying in the face of the facts on record and already mentioned, or that she is a bully and amongst the most hypocritical officials ever seen in New York State?

Given the state's politics, that's saying something.

The mayor responded to my last speech defiantly, if quietly, by telling me that she'd see me next month. That's because she doesn't care about the tax payers, the village residents, or even the truth. It's time for the mayor to resign and be relegated to the history books with the like of Spitzer and Bruno, her shame hanging forever over her head, even though she is too blind to see it, and too shameless to act on it.

Again, the mayor MUST resign from office.

- Kevin McCarthy of East Avenue – said he is proud to be a member of the Pro Brockport group. It is a political action committee, unincorporated, not-for-profit, and not affiliated with any particular political party. The Pro Brockport PAC is pro-Police and civic minded. They are not pro-spending. They are not pro-increased government. They were against the formation of a Fire District as it is another layer of government. Some of the members are landlords. They go by the rules and regulations and pay the necessary fees. They do not dislike or blame the Towns of Sweden and Clarkson for the Village's woes. They just ask for accountability. They do not dislike or blame SUNY College at Brockport or its students. They volunteer with SUNY & BCSD students. He said the fear tactics by the people encouraging a "NO" vote on the upcoming proposition on who supervises the Code Enforcement Officer is misleading. They say all property owners will pay more in fees. This is not true. They say civil matters will be turned into criminal matters. This is not true. They say the Police will act as Tax Collectors. This is not true. He said the Police Department new part time hires are to lower overtime costs. They are paid less and do not receive benefits. He shared that his son recently graduated from a police academy in Baltimore. That Mayor spoke at the graduation and is fully behind the Police Department – is glad and thankful to have them – and knows what a tough job it is.

- Gail Martin of Crescent Drive (Town of Sweden) – said while she does not live in the Village, the happenings in the Village do have an effect on those in the surrounding area. She said all one needs to do if they don't attend the Village Board meetings or watch them on television is read the minutes off the website. Typically the Mayor and the Trustees vote opposite each other. Vote results are often 4 to 1. Trustees and citizens should stop blaming the Mayor. The Village Board is made up of 5 elected officials, not just 1. She referred to the Stetson Club President placing a letter in the local paper that the Mayor should be held by the same or higher standards as others, as police. However, the Mayor doesn't carry a badge or a gun. If abiding by the rules and high standards is the concern, she suggested the Stetson Club President step aside.

Trustee Hannan said she believes the speaker is under some misconceptions. The Trustees are elected to serve the Village, not the Mayor.

Mayor Castañeda reminded Trustee Hannan that it is not customary to respond during Public Comment – to simply let the public say what they have to say and address the Board as a whole.

G. Martin said she believes the Trustees are running the show, not allowing the Mayor to do her job, and dragging the Village down.

- Colin Martin of Crescent Drive (Town of Sweden) – said while the Trustees do not serve the Mayor, the Police Chief is supposed to. Why is that the case everywhere but Brockport?
- Harry Snyder of Main Street – said the Mayor reminds everyone at every opportunity that she is the Chief Executive Officer of the Village. If the Police Department or individuals are a problem, the Mayor does not have the capabilities to handle them.

Mayor Castañeda said as Mayor she is the CEO of the Village. However, it is up to the Board to follow through with recommendations for personnel discipline and the like. She can send as many memos to the Department Heads as she feels needed, but until the Trustees agree there are concerns that need to be addressed, some will continue to do as they please.

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

The people have spoken. We want to keep our police department and village intact. We would like to have a vote regarding keeping our mayor or not, but that isn't possible right now. The police department is very well supervised and respected. Our mayor does little or no supervising. It is only a part-time position after all, but this is also part of the plan. Do little or nothing to improve chances of passing a dissolution vote next time.

I applaud the trustees for working hard to keep the village fiscally sound and improving the environment of our community. These four people on our village board are very active in keeping our village safe and beautiful. One does nothing. I would like the mayor to step down. Let people who care about preserving our village to work unhindered by negativity, conflicts of interest and delay tactics at every turn.

The latest turn of events tells you exactly what our mayor thinks of the taxpayers. Suing the very Village people she is sworn to represent. In essence, she is blaming others for her bad decision making. This is a mockery of the office of mayor and all the good people who have served in the office. Mayor, please, it's time to vacate your seat.

- Val Ciciotti of East Avenue – read the following prepared statement:

The mayor states in her article in this week's Suburban News that "code enforcement will become a criminal, rather than civil matter". Let's consider if this is a lie. Code Enforcement laws are created by the municipality and exist for the residents. Therefore they are civil in nature between the municipality and the resident. The only way code enforcement will become criminal is if a public servant fails to perform their duty and in doing so obtains a benefit. The mayor's charges are criminal because she is A.) public servant B.) was reported to have not been performing her duty to uphold the law, which in this case was adhering to local code that specifies that "Owners are required to register with the Village Code Enforcement Officer their residential rental properties C.) in doing so obtained a benefit which as reported in this case is the rent she obtained from the tenants.

The mayor's statement in her article in the Suburban News shows a lack of integrity, it distorts the truth to achieve an objective. The objective in this matter was to persuade residents at any cost to vote no on the code enforcement referendum. Is this the type of person you want overseeing code enforcement? If not, vote YES on "The Referendum for Code Enforcement" on June 19.

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

Brockport has been through its trials and tribulations in the last decade or more with conflicts over the use of Village property and the changing of whole neighborhoods from owner occupied family homes to rentals. Many landlords have been intent on using neighborhood homes as rental properties for highly transient adolescent tenants with no ties to the neighborhoods they live in. Because of their not yet fully developed adolescent brains, many transient tenants, also known as college students, engage in behavior which is disruptive and destructive to the people they live among.

This conflict has led to acrimonious feelings and has destroyed the peace and contentment of community life. The irresponsible and opportunistic landlords have taken a litigious strategy to sue the Village and exhaust the Village financial reserves by dragging out lawsuits for years on end. The taxpayers and owner-occupied family homeowners have seen their taxes continually increase because of these frivolous lawsuits. The manipulation of Village operations has been to the landlords financial advantage and at the expense of their fellow citizens and neighbors.

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The spiritual experience of the people of Brockport has become rancorous and contentious. The forces of alienation have destroyed harmony and cooperation, as well as a sense of safety and security. Instead, typical of transient situations, there is a breakdown or absence of social norms and values. Those who worship the golden dollar have mocked and persecuted those who value the integrity and authenticity of deep-rooted human relationships and stable neighborhoods.

Vote yes on the referendum – vote yes for code enforcement – vote yes for a new day in the Village of Brockport.

Mayor Castañeda asked P. Ketchum if she is a landlord.
P. Ketchum said she is and she supports the referendum.

- Letter from Anne Macpherson of Centennial Avenue received 6/4 read into the record by Clerk Morelli:

For those drivers heading eastbound on Centennial Avenue who do not know that it is illegal to turn left from Centennial onto Main Street, the signage along Centennial is confusing. Just before Chappell Street there is a “no left turn” sign, but drivers unfamiliar with the village either do not see the “at Main Street” wording at the bottom of the sign, or do not know where Main Street is. It is entirely possible that they think Chappell Street is Main Street, given that the sign is just before the Chappell T-junction. New signage is needed to encourage such drivers to take the left at Chappell instead of avoiding it. As such drivers approach the Main Street intersection there is another “no left turn” sign but given how many drivers try to turn left, it is clearly not being noticed. (I do not think it is usually deliberate rule-breaking, as I have repeatedly told such drivers that what they’re trying to do is not allowed, and they seem genuinely surprised and immediately turn right.) I think that drivers unfamiliar with the village are more focused on the stop sign at the east end of Centennial, and on watching Main Street traffic. The result is that drivers signal left but are unable to turn left because of the Main Street traffic volume. Inevitably this causes traffic build-up on Centennial Avenue, and sometimes it causes the driver taking the illegal left to do so in a rather unsafe manner. New signage is needed to ensure that drivers understand that the left turn is illegal at that point. Perhaps a sign across from Centennial, on the east side of Main Street at the corner of Hillcrest, would be effective.

For those of us who live on Centennial the frequency of delays in getting onto Main Street heading south because of drivers holding up traffic trying to turn left is annoying. But as a concerned resident, the unsafe left turns are of even more concern. Drivers new to the village who sense traffic building up behind them and desperately looking for an opening to turn left sometimes cut it very close, and of course in so doing are not necessarily watching for pedestrians at the crosswalk across Main Street just north of Centennial. Such pedestrians are not necessarily checking for cars turning left from Centennial, especially if they are familiar with the rule and assume no cars will be turning left. I worry about collisions and/or pedestrians being struck because of the results of the confusing signage.

Mayor Castañeda commented that her late father used to watch and count how many cars turn left from Centennial Avenue onto Main Street. She said she has even seen a Brockport Police car do so.

GUESTS:

- Richard Harris - Representative from SUNY Community Development – 8/25 Saturday of Service – introduced himself as Coordinator of Service and Community Building and said this fall new freshmen students will be coming into the community to do various community service projects. If there are projects that the Village or community groups would like to have completed for example, painting, yard work, or the like, they want to know about it. The Community Development Department is seeking organizations to serve as host sites for 2 hours on Saturday, August 25, 2012 between 1:30pm – 5:00pm for at least 15 SUNY Brockport students.

Those interested can register at <http://www.brockport.edu/serve/saturday/index.html> or call 395-5245.

Mayor Castañeda said DPW Superintendent Donahue may have some ideas. Clerk Morelli said she would be sure he gets the information.

CERTIFICATES & PROCLAMATIONS:

- Proclamation – Monika Andrews Day – the Board presented William G. Andrews with the following proclamation:

WHEREAS, on July 21st the Utica Street Playground will be dedicated as “The Monika Andrews Children’s Park” in recognition of Monika Andrews’ successful establishment of the first handicapped

accessible playground in Monroe County for all the youth of the greater Brockport community; and

WHEREAS, on July 21st the Brockport Ecumenical Food Shelf, whose mission is to reduce hunger by **MINUTES OF VILLAGE BOARD MEETING HELD June 12, 2012 continued.....page 5**

providing food relief to eligible residents in Brockport, Sweden and Clarkson, will dedicate its main room to Monika Andrews in recognition of her leadership as president of this community organization; and

WHEREAS, on July 21st Monika Andrews' life will be celebrated by her large family and many friends as her earthly remains are interred in Brockport's historic High Street Cemetery;

NOW, THEREFORE, Maria Connie Castañeda, Mayor of the Village of Brockport along with Trustees Blackman, Blair, Hannan, and Hunsinger do hereby proclaim July 21, 2012 to be Monika Andrews Day in recognition and commemoration of Monika's lifetime of compassionate community service in these and myriad other volunteer activities including CROP, Habitat for Humanity, Meals on Wheels, Lakeside Twigs, and hospice nursing.

IN WITNESS WHEREOF, we do hereby set our hand, and cause the Corporate Seal of the Village of Brockport to be affixed this 12th day of June, in the year 2012.

B. Andrews accepted the proclamation and said he is immensely gratified by it. While nothing compensates for her loss, it is comforting to have recognition of her many community efforts. He thanked the Board for this gesture.

CONSENSUS ITEMS:

• **APPROVAL OF MINUTES:**

→ Trustee Blair moved, Trustee Blackman seconded, carried 4/0 that the minutes of the 5/22 meeting be approved as written.

A quorum of those present at the 5/30 special meeting was not in attendance to be able to approve the minutes. This will be postponed to the 6/26 meeting.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 4/0 that the minutes of the 6/5 work session be approved as written.

• **APPROVAL OF BILLS TO BE PAID**

→ Trustee Blair moved, Trustee Hannan seconded, carried 4/0 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>	5/31/12	\$27,359.91
	6/12/12	\$87,104.17
FUND (F): <u>Water</u>	6/12/12	\$10,144.55
FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust & Agency)</u>	6/12/12	\$802.28
		\$125,410.91 grand total

CLERK REPORT:

- Clerk – Leslie Ann Morelli – no report

PERSONNEL ITEMS:

- Welcome Center adds – once a week volunteer cleaner & supervisor from LAI –

→ Trustee Blair moved, Trustee Blackman seconded, carried 4/0 to appoint Diana Macomber from LAI as Welcome Center volunteer cleaner and Lisa Winkley from LAI as Welcome Center volunteer cleaner's supervisor on the condition that they sign and return to the Village Clerk a hold harmless agreement.

- Fire Department membership drops/adds –

→ Trustee Blackman moved, Trustee Hannan seconded, carried 4/0 to accept the following membership drops: Bill Duff, Kevin Keenan, Ian Newville, Andre Vega, and the following exempt certificate: Brooke Stoll.

- Hire 4th Seasonal (summer) DPW Laborer –

→ Trustee Blackman moved, Trustee Hannan seconded, carried 4/0 to hire Brennan Penders as DPW Seasonal (summer) Laborer to begin June 18th at \$8.50 per hour.

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○ Assistant Building Inspector position – IS competitive Civil Service – next meeting for VB to advise if wish to keep as competitive or pursue process with Civil Service to change to non-competitive

○ Police Chief Varrenti 211 waiver renewal application -

→ Trustee Blair moved, Trustee Blackman seconded, to adopt the following resolution:

RESOLVED:

a) That all eligible candidates on both promotional and competitive Monroe County Civil Service lists for Chief of Police were canvassed by the Village Clerk and 4 of 7 candidates responded to the canvass by stating they were interested in the position of Chief of Police. However, only 2 of those 4 are eligible **non**-retired candidates. The two non-retired candidates interested do not establish a list, as three are needed per Civil Service.

b) Authorizing and directing the Mayor to sign the waiver renewal application by no later than June 13, 2012.

c) Authorizing and directing the Village Clerk to submit canvas materials to Monroe County Civil Service and waiver renewal application and copy of canvas materials and this resolution to New York State Civil Service and Daniel P. Varrenti by no later than June 14, 2012.

Discussion:

Trustee Hannan included having the Village Clerk copy the canvas materials to Chief Varrenti. Clerk Morelli said she has done so in the past.

Mayor Castañeda shared that she reached out to the Village's Civil Service rep at the County level with some questions and she is awaiting a response. The questions relate to the fact that D. Varrenti was hired off a Civil Service list from Ontario County and whether we can canvas other counties Civil Service lists. She also disagrees with some of D. Varrenti's responses to questions in the application cited in the various attachments including but not limited to the statement that he routinely serves as a patrol officer. She is aware of some complaints regarding the Police Department. She is aware that there is a qualified current member of the Department as Lieutenant Cuzzupoli is on the promotional Civil Service list for Police Chief yet responds that he is not interested in the position each time canvassed.

Trustee Blair expressed concern that Mayor Castañeda why she failed to cite her concerns until now. Mayor Castañeda said she has previously had concerns and continues to have concerns regarding the waiver and process set forth by the State re canvassing.

Upon roll call vote:

Trustee Blair	yes
Trustee Blackman	yes
Trustee Hannan	yes
Trustee Hunsinger	absent
Mayor Castañeda	no

Result: Carried 3/1

OLD BUSINESS:

○ Consider requests of Advisory Board (Committee) re Emily L. Knapp Museum & Library of Local History – Mayor Castañeda shared that discussion took place at the 6/5 work session on the requests. Regarding paying Village Historian \$2,400 for her annual stipend not budgeted for in 2010 and 2011, she said Attorney Leni previously informed the Board and confirmed again that the Village cannot retroactively pay the Village Historian her \$1,200 stipend that was removed from the budget in 2010 and 2011, whether it is coming from the Shafer Trust or anywhere else. It was not appropriated. Regarding the proposals for various from the Shafer Trust, Treasurer Hendricks provided the Board with an update as to the balance in the fund as of 4/30 \$136,866.18 – half for museum and half for library. She said this will be placed on a future agenda for further consideration.

NEW BUSINESS:

○ Accept and authorize Mayor to execute Chatfield Engineers proposal re Liberty Street storm sewer replacement – Mayor Castañeda shared that DPW Superintendent Donahue

recommends such. The project is located between Liberty Street and the Villager Apartment complex and will help alleviate the flooding problems in the area. It involves the replacement of approximately 300 linear feet of the existing undersized storm sewer from the north end of the complex parking lot to Brockport Creek. This is regarding engineering services – preliminary and design phase. Ultimately, DPW will be completing the installation of the new storm sewer and catch basins.

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→ Trustee Hannan moved, Trustee Blackman seconded, carried 4/0 to accept and authorize the Mayor to execute the Chatfield Engineers Engineering proposal regarding Liberty Street storm sewer replacement – cost of \$3,100.

Trustee Blair said he assumes SEQR comes at a later point. Clerk Morelli said yes. This is simply the engineering design phase.

- Authorize application for NYS DEC grant – Trustee Blackman referred to the grant opportunity and materials included in the packet. She said the amount being applied for however, is \$6,710. It is a matching grant of which \$3,350 would come from NYS DEC, \$2,500 from the National Grid tree planting reimbursements, and \$850 in in-kind services from the Village in administrative personnel. There is no cash outlay from the Village.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 4/0 to adopt the following resolution:

RESOLVED, that Margaret B. Blackman, as Trustee of the Village of Brockport, is hereby authorized and directed to file an application for a NYS DEC Urban and Community Forestry Grant for a re-inventory of Brockport's public trees in an amount not to exceed \$6,710, and upon approval of said request to have Maria Connie Castañeda, as Mayor of the Village of Brockport enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Village of Brockport for such grant.

- Authorize a letter of interest to Western Erie Canal Main Street Program as first step of process toward becoming a National Main Street Community – Trustee Blackman referred to notice regarding the Western Erie Canal Main Street Program accepting applications to become a National Main Street Community.

She indicated that Bill Andrews attended a session on this. B. Andrews said he is not yet convinced that it would be of substantial benefit to the Village. There is currently nothing built into the program for grant funding and could incur a substantial financial commitment by the Village over a three-year period.

Trustee Blackman said from her understanding this designation could be instrumental in receiving advice and future possible grant opportunities.

B. Andrews said there is no harm in expressing interest and getting more information.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 4/0 to authorize the submission of a letter of interest by the June 29th deadline.

Clerk Morelli said she would be happy to place the letter on Village letterhead and send it out – just let her know who will be composing the letter.

- Village Court Report #3 – (7:50pm – 8:15pm) – Trustee Blackman did a Power Point presentation based on her report as follows:

Introduction

In considering the feasibility of a village court for Brockport, we looked for the most comparable examples of village courts in New York State. An essential feature of that comparability is the presence of a SUNY campus within the village boundary. Of the 12 SUNY college campus communities in New York State, two have village courts, Geneseo and Fredonia. Their respective towns of Geneseo and Pomfret, by law, also have town courts.

Carol Hannan, Chief Varrenti, and I paid a visit to each of these two villages, and Tanya Raycroft, our student intern, accompanied us to Fredonia. In each place we met with a village judge and the chief of police, and at Geneseo, a court clerk. We collected the annual reports of the respective police departments, toured and photographed their courts, and collected information on village ordinances and fines, court operations, staffing and finances.

The Communities and their Commonalities

Geneseo, Fredonia and Brockport all have a sense of place linked to local history with expressed attention to historic preservation. All three historic downtowns are listed on the National Register of Historic Places. Geneseo and Brockport are the most similar in size, with populations of 8,031 and 8,336, respectively. Fredonia is notably larger with 11,230. Geographically Brockport is the smallest, **MINUTES OF VILLAGE BOARD MEETING HELD June 12, 2012 continued.....page 8**

comprising 2.2 square miles; Geneseo is 2.79, and Fredonia, 5.2 square miles. Brockport is also the most densely populated with 3,789 people per square mile; Geneseo has 2,878 and Fredonia, 2,160.

Regarding their SUNY institutions, The College at Brockport has the largest enrollment with 8,312; Fredonia has 5,730, and Geneseo, 5,445. The law enforcement issues related to the college presence faced by the villages are similar—off-campus house parties with underage drinking, disorderly conduct, violation of noise ordinances, and the attraction of outsiders to the campus and surrounding village. Fredonia, for example, gets a large influx of weekend visitors from Rochester area colleges that are more than 2 hours away.

Although, like Brockport, both Geneseo and Fredonia feel the financial pinch from a large tax exempt state property in the middle of their villages, the assessed valuation of these villages is greater than Brockport’s; their top ten taxpayers contribute considerably more tax dollars than Brockport’s. Consequently the tax rates in Geneseo and Fredonia are lower than Brockport’s. Within its village boundaries. Geneseo, for example, has a super Wal-Mart, several apartment complexes, a Country Max, a Hampton Inn and a sportswear manufacturer. The Village of Fredonia also has a Wal-Mart and a manufacturer of preserved jellies, peanut butter, syrups and salad dressings (Carriage House).

Code Enforcement

Both Geneseo and Fredonia have a stronger code enforcement presence than Brockport currently does. Geneseo has one full-time code enforcement officer and one half-time officer who they share with the town. Fredonia has two full-time code enforcement officers for the village.

Village Police

Village police departments in these three communities offer comparisons in size, staffing, and number of arrests. Fredonia has the largest, with 15 full-time officers and 6 part-timers. Geneseo has 7 full-time officers (an 8th full-time position is currently vacant) and 5 part-time; Brockport has 11 full-time, and 2 part-time. These figures translate to one full-time officer for every 1003 people in Geneseo, one for every 758 people in Brockport, and one for every 749 in Fredonia.

Police staffing bears a direct relationship to the college population and its presence in the village. Fredonia has six officers on duty on Friday and Saturday nights, four on Thursdays and never fewer than two on any shift. Like Fredonia, Brockport has a minimum of two officers on duty at all times, and three at night, with additional part-timers depending on the time of year and special events. Geneseo tries to have two officers on every shift, and has three on Friday and Saturday nights when the college is in session.

Arrests

The number of arrests by village police in these communities can be helpful in determining whether Brockport has sufficient court business to support a village court.

ARRESTS 2011	BROCKPORT	FREDONIA	GENESEO
VTL (vehicle and traffic)	1662	1233	*2159
Penal Law	291	555	576
Village Ordinance	441	273	255
Parking tickets	1578	**2000	**2418

* Routes 20A and 39 pass through Geneseo and account for the greater number of VTL arrests
 ** Have metered parking downtown

The Village Courts

Geneseo

The Geneseo Village Court is held in the town hall, a 19th century building on the main street of town.

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The courtroom, which holds 80 people, is also used by the Geneseo Town Court. In return, the town pays a portion of the operating costs of the building. Village and town have separate judges (2 each) but share 1 full-time and two part-time court clerks. Village judges are paid \$10,808 (town judges \$12,578), the part-time court clerks \$20/hour, and the full-time court clerk \$34,298. The clerk salaries and benefits for the full-time clerk are split 60/40 between the village and town. Part-time village police provide court security. The sheriff's department provides security for the town court. Town and village courts share a single phone number and a single office, but each court has its own computer and pays separately for the required court software. Village court is held every Tuesday with the two judges alternating. The village court handles over 3,000 cases a year.

Though both operate in the black, the Geneseo Village Court produces considerably more revenue than the Geneseo Town Court. After salaries, benefits, and contractual costs, \$120,747 in fines and parking fines and fees remained with the village in 2011.

Fredonia

The Fredonia Village Court was created in 1969; court is held on the third floor of the historic village hall, built in the 1860s and formerly the Fredonia Academy and later the Normal School. The courtroom holds 130 people. It and the judge and clerks' offices have been refurbished through annual grants offered statewide to justice courts by the Office of Court Administration. Like Geneseo, both town and village use the courtroom. The town pays the village \$6,500 annually for courtroom use. Both town and village court clerks—2 full-time clerks for each jurisdiction—have their offices there as do the judges. The Fredonia police part-timers provide court security for the village court. The town hires retired police as court officers at \$12.50 an hour. The village judge serves as the primary judge for the town as well. As a village judge, he is paid \$20,000 a year; as town judge, \$15,000. The acting judge, who serves only when the primary judge is unavailable, is paid \$5,000 a year for his village work. Village court is held every Wednesday. In 2011 the village handled 2,314 cases; the town of Pomfret, 3,753 cases. By comparison, the Sweden Town Court, with the town and village's cases, handles about 4,300 cases a year.

The Fredonia Village Court also produces more revenue than the Pomfret Town Court, though like Geneseo, both village and town courts operate in the black. The Village of Fredonia nets \$63,028 plus \$57,811 for parking for a total of \$120,839 after paying salaries, benefits and contractual costs.

The following table shows a comparison among Geneseo village and town courts, Fredonia Village and Pomfret Town Court, and the Sweden Town Court. Note that, combined, the Geneseo town and village courts retain almost \$21,000 more than the Sweden Town Court retains. Pomfret town and Fredonia village courts retain \$141,000 more than the Sweden Town Court.¹

Court	Rank in State by income	Total	State	County	Local
Village of Geneseo	195	341,773	\$190,790	\$18,955	132,028*
Town of Geneseo	318	205,638	\$129,251	\$7335	69,053
Village of Fredonia	238	292,011	\$84,845	\$20, 813	186,353*
Town of Pomfret	164	397,410	\$253,293	\$9007	135,109
Town of Sweden	152	421,338	\$197,030	\$44,172	180,136*

*Does not include parking fines. Sweden retains \$151,000 after paying Brockport for village

ordinance and parking fines (See Justice Court Report #1, pages 6-7)

The following table provides a comparison among Geneseo, Fredonia, and Brockport in regard to the types of fines that Brockport, without a village court, retains.² The primary difference in parking fees and fines is due to metered parking in the downtown areas of Geneseo and Fredonia.

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<i>Receipt of fines 2011</i>	<i>Brockport</i>	<i>Geneseo</i>	<i>Fredonia</i>
<i>Village ordinances</i>	<i>\$27,290</i>	<i>\$34,775</i>	<i>\$19,785</i>
<i>Parking</i>	<i>\$29, 260</i>	<i>\$58, 219*</i>	<i>\$57, 811*</i>
<i>Total VO/Parking</i>	<i>\$56,550</i>	<i>\$92,994</i>	<i>\$77, 596</i>

** Includes fees from parking meters*

Summary and Conclusions

- Both Fredonia and Geneseo Village Courts generate about \$120,000 in net revenue (i.e. after expenses) for their respective communities, or about twice what Brockport receives without a village court.
- By contrast, the Sweden Town Court operates at a deficit of approximately \$35,000.
- Both Geneseo and Fredonia generate considerably more in parking revenue than Brockport, due to 1) a higher percentage of parking fines paid 2) metered parking in the downtown business area.
- The sharing of court space and court clerks by these village courts with their town courts increases their efficiency and saves costs. The Geneseo Village Court is especially cost effective, with only \$69,500 in salaries, benefits, and contractual costs.
- Throughout New York State, Justice Court revenue is primarily in traffic violations (VTL) and parking. 75% of the cases heard in Geneseo Village Court, for example, are VTL cases.
- In 2011 the Sweden Town Court prosecuted 2,868 VTL tickets; during that same period the Brockport police wrote 1,662 VTL tickets.
- In respect to current VTL and Penal law arrests and fines, the Brockport police department is working for the Town of Sweden—at no cost to them.
- Based on the above figures, we can safely say that a village court in Brockport—after expenses— would realize more revenue than we currently receive without a court, particularly if such a court operated with the efficiency of Geneseo and Fredonia village courts. Conservatively speaking, the additional net revenue would be in the neighborhood of \$50-60,000 beyond what we already receive for Village Ordinances and parking (approximately \$52,000).
- In considering the feasibility of a village court for Brockport, there remain issues beyond the financial viability of a village court that need to be addressed. These include: the startup costs for such a court that would have to be borne by the village such as computer hardware, software, law manuals, etc. The cost of any legal services for doing so, and, very importantly, where a village court would be held were it to be created. These issues will be addressed in a final report in the near future.

Acknowledgements

Thanks to the following individuals for meeting with us regarding their village courts: Judge Tom Bushnell, Court Clerk Jane Dulmage, and Police Chief Eric Osganian of Geneseo, Judge David Prince and Police Chief Bradley Meyers of Fredonia. Thanks also to Geneseo Village Clerk Marsha Merrick for providing budget information, and Judge Robert Connors of the Sweden Town Court for providing

an annual tally of cases heard in that court.

Sources

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- i That major and smaller highways run through the towns of Geneseo (routes 390, 20A, 39) and Pomfret (routes 5, 20, 60, and 90) has a not inconsequential impact on fines that come to these town courts.
- ii Comparing village ordinance fines between villages that have courts and those that don’t is problematic because, in the Office of Court Administration coding, the code for village ordinances includes ABC (Alcohol Beverage Control violations). Fines for these violations do not come back to villages without a court. Judge’s discretion is also a factor. In the case of Fredonia, for example, the low Village ordinance fine total is due to the judge’s decision to reduce charges for first offenders of village ordinances from \$100 to \$50. “The majority of students,” he noted, “are just making it financially, and \$100 was too much.” Fines are now \$50 for a first offense, and \$100 for a second offense.

VILLAGE BOARD REPORTS:

o Mayor M. Connie Castañeda

- NYCOM Ethics Workshop – Mayor Castañeda shared that the 6/6 NYCOM Ethics

workshop was very informative. She will copy her folder of information for the Village Attorney. She said it was stressed that Ethics Boards should not become political in nature, not be used as a sword, be well-balanced, not have a political agenda. It was also stressed that Ethics Board members need training, should only entertain signed complaints (not anonymous). While municipalities are required to have a Code of Ethics, they are not required to have an Ethics Board. She said when she was a Trustee she advocated for an Ethics Board. They are to render advisory opinions.

- Joint Town/Village Comprehensive Plan Update - Mayor Castañeda shared that the committee’s work is coming to an end. All members were given an opportunity to provide good input.

- Association of Monroe County Villages - Mayor Castañeda shared that at the 6/21

Dinner meeting of the Executive Committee (Mayors), Trustees and Village Attorneys are invited as there will be a presentation regarding the Seneca Falls Dissolution Experience. She asked Clerk Morelli as to the status of the RSVP’s. Clerk Morelli said only Mayor Castañeda, Treasurer Hendricks and Village Attorney Leni will be attending for Brockport.

- Code Enforcement Proposition - Mayor Castañeda urged voters to vote “NO” on the proposition. Polls are open at Village Hall Tuesday, 6/19 Noon to 9pm.

o Trustee Margaret B. Blackman

- Farmers Market – Trustee Blackman reminded all that the season opens this Sunday from 8am to 1pm. Many of the same vendors are returning plus two new ones. Music will fill

the air and Lowe's will host a project for Father's Day.

- Next meeting - Trustee Blackman reminded all that she will not be at the 6/26 meeting as she will be out of town first attending her 50th high school reunion then traveling further for her Mother's 100th birthday celebration.

- Statement - Trustee Blackman shared that she submitted a statement for Suburban News but it didn't make it in. She read the following statement:

The mayor's arrest and intent to sue the village have had a disruptive effect on the municipal work environment and the business of the village. Needless to say, it is difficult for a village board to try and

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work together to do the village's business when one member of that board has allegedly violated the codes she is sworn to uphold and filed an intent to sue the village she represents. Legally, matters are even more complicated as our village attorney has had to recuse himself from any dealings with the case against the mayor.

I endorse my fellow trustees' comments to the Suburban News about our police department. I am dismayed at some of the public's fear-mongering about a "police state." I have had many occasions to work with Chief Varrenti, most recently on the village court issue, and have always found him to be professional, smart, and fair. I know the police officers in our department and have done ride-alongs with them on their night patrols. I am proud of Brockport's fine police department and know them all to do their job fairly and professionally. Frankly, we are lucky to have them.

- Trustee Kent R. Blair

- Double Standards – Trustee Blair expressed concern over a double standard – the Mayor being able to respond to those speaking during Public Comment but chastising the Trustees for doing so.

- NYCOM Ethics Workshop – Trustee Blair shared that he attended the 6/6 NYCOM Ethics workshop and found it to be a great class and a real eye-opener to what is best for this community.

- Parks Committee Vacancy - Trustee Blair said he wants to recognize Linda Ketchum. Linda has patiently waited to be brought up for placement onto the Parks Committee. Unfortunately, the mayor will not bring her name forward because of political reasons. The Parks Committee has welcomed Linda as a "volunteer" to assist behind the scenes and I personally want to thank her for not letting the political garbage get in the way of her commitment to this community.

- Code Enforcement Proposition - Trustee Blair read the following prepared statement:

It has been stated that this is a political move based on our current mayor. While I can admit our current mayor added an elevated layer of stress to this government; I support this move for all mayors to come. The fact is the mayor's position is part-time at best and generally begins after the workers for the village have left for the day. The enforcement of local laws needs a structure and educated staff to stay on top of the day to day operations of code enforcement.

Some say this is a power play of stripping the mayor of duties. Well, I guess that would make sense if the mayor didn't oversee the entire village anyways. The fact is the mayor is the CEO of the village and reminds us of that weekly.

Running a business based on e-mails and memos are not an effective way to run an organization, especially when we are in the business of providing customer service. Regular face to face meetings and dealing with major concerns of our employees and citizens immediately is what I would expect as a fellow taxpayer.

So why do I support the move of the Code Enforcement Office to the Police Department? Full time support and full time supervision, structure and protocols that can be followed and enforced and alignment of a department that is accredited with New York State.

From my time on the board I have made a general comment regularly, that comment is "No planning for the future". Code concerns go back decades and NO ONE on any prior boards has done anything to address the concerns. Just because we have always don't it a certain way doesn't make it the right way

to do things.

Go home and look this word up – **insanity – doing the same thing over and over again and expecting different results.**

You have seen NO negative campaigning about this referendum, no personal attacks on credibility and no name calling. Desperate people do desperate things.

- Trustee Carol L. Hannan

- NYCOM Ethics Workshop – Trustee Hannan shared that she attended the 6/6 Ethics workshop and found it very worthwhile. There is much that can be done to improve an Ethics Board and that rules that govern. However, it was made clear that the time to make changes to the membership or rules is NOT when a municipality is in some sort of crisis.

- Documenting Nominations to National Register of Historic Places – Trustee Hannan shared that she has toured the Village of Mount Morris which has received accolades for his **MINUTES OF VILLAGE BOARD MEETING HELD June 12, 2012 continued.....page 13**

historic and economic development efforts. While impressive, she believes the Village of Brockport to be superior.

- Downtown Commercial District Flowers – Trustee Hannan thanked the volunteers who hung the flower baskets. She arrived 10 minutes after the start time and the work was almost done!

- Code Enforcement Proposition - Trustee Hannan urged voters to vote “yes” on the proposition. It will have a very positive effect on the Village and be of no extra cost. She is dismayed by the fear and smear tactics of those urging a “no” vote. She has nothing but the highest regard for the Police Department. She said Police Chief Varrenti never asked to supervise Code Enforcement. We prevailed upon him.

Mayor Castañeda said the idea was first brought to the Board by Trustees Blair and Hunsinger. However, Chief Varrenti has had something to do with all of this unlike what Trustee Hannan said.

Mayor Castañeda referred to the following correspondence:

-e-mail dated 11/17/10 from NYCOM’s John Galligan (now deceased)

excerpt:

I am not aware of any village in the State where one department head supervises another. However, there is a bigger problem associated with this proposal. Since the position in question is supervised by the Mayor, any transfer of the authority to supervise this position would diminish the power of the Mayor and would require the passage of a local law which would be subject to a referendum. Municipal Home Rule Law, §23(2)(f).

-letter dated 11/24/10 from Gates Police Chief David R. DiCaro

excerpt:

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 1:45pm, 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 than 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.

-e-mail dated 2/1/11 from Chief Varrenti to Richard Kaufman (USANYW) – regarding expenditure of asset forfeiture money for the physical move of the Code Enforcement Office to the Police Department. excerpt:

As such I have proposed moving the code enforcement officer from the village office to the police department.

- Request Executive Session - Trustee Hannan requested that the Trustees enter into executive session to discuss a personnel matter regarding the Mayor and pending litigation

regarding her Notice of Claim.

- Trustee Scott W. Hunsinger (excused)
 - Statement – Clerk Morelli read Trustee Hunsinger’s statement in his absence:

Citizens of the Village of Brockport, these are troubling times, that is if you believe “Chicken Little” that the sky is falling and a Police State is on the way. If you are smarter than that, which I know all of you are, then you realize the tragic amount of disinformation that is being put out there by “Snow White and the Seven Dwarves”. The problem is who to believe. I say believe the facts. This is not about one person, this is about the job and responsibilities that one person has and if that one person can or cannot carry out without prejudice. If you decide to buy into the notion of the end of the world in December, then rest assured that the “Four Horsemen of the Apocalypse” will be riding in to Brockport with a Police State in place. If you decide to find the facts, “the truth shall set you free”. I would finally like to suggest that all registered voters in the Village of Brockport get out and vote next Tuesday. At the end of the day the Vocal Minority and the Silent Majority will have to deal with the results for what is best for the future of Brockport.

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Mayor Castañeda said she, too, encourages voters to believe the facts. She began to reference Fire District discussions which happened a year ago. Trustees questioned if her argument related to the Code Enforcement supervision issue at hand.

Mayor Castañeda said for example Trustee Blackman changed her mind on the Fire District after learning the facts which weren’t what Trustees had stated in a letter in the Suburban News. The letter contained lies about giving up the Fire Department for a dollar. Members of the audience began to boo, tell the Mayor to “stop lying”, to “shut up”.

Mayor Castañeda chastised the uproar from the audience and asked disruptive citizens to leave. She suggested Police Chief Varrenti escort them out. Many members of the public left.

Mayor Castañeda said “this is how we act professionally?”

Trustee Blair said it is a two-way street.

Mayor Castañeda said her comments are relevant. She said a lot of time, effort, and money (Village Attorney time) was spent on negotiations. The first MOU would have been better for the Village, but the Trustees misled the public and ended up having to settle for a later MOU that was not as good for the Village. She said it is unfortunate that some people do not want to hear the truth. She cannot be silenced. She is the presiding officer. She said Trustee Blackman changed her mind on the Fire District. Why is that?

Mayor Castañeda said the people are often left to decide who is misleading the public.

EXECUTIVE SESSION:

→ At 8:36pm, Trustee Blair moved, Trustee Blackman seconded, carried 4/0 that the Board of Trustees of the Village of Brockport enter into executive session to discuss a personnel matter involving the Mayor and the Notice of Claim she served on the Village. Chief Varrenti will be invited in for part of it.

Chief Varrenti was called in at 8:47pm.

Mayor Castañeda stayed out.

→ At 9:06pm, Trustee Blair moved, Trustee Blackman seconded, carried 4/0 that the Board of Trustees of the Village of Brockport re-enter the regular meeting.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 3/1 to hold a special meeting at 4pm Friday, June 15th at Village Hall for the Trustees to meet with Chief Varrenti and Attorney Frank Aloï to discuss the notices of claim from the Mayor and the possibility of hiring F. Aloï as special counsel to the Trustees regarding this matter.

Mayor Castañeda reminded all in attendance that they should observe common courtesy and decorum at meetings. She noted for the record that many of the audience that were disruptive are known to be members of the Pro Brockport Political Action Committee. She also noted for the record that Police Chief Varrenti was present.

ADJOURNMENT:

→ At 9:10pm, Trustee Hannan moved, Trustee Blackman seconded, carried 4/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk