

**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, October 20, 2008 at 7:00pm.**

**PRESENT:** Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee David J. Wagenhauser, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Clerk Leslie A. Morelli.

**EXCUSED:** Interim Treasurer Kari A. Olson

**ALSO PRESENT:** Village Attorney David F. Mayer, Fire Chief Timothy Rombaut, Ray & Jackie Morris, Jim & Joan Hamlin, Jeff Davignon, Lynne Gardner, Charles Garlock, Duane Beckett, Wayne & Patricia Bennett, Mike & Kathy Snyder, Norman GianCursio, Carrie Maziarz, Robin Waller, Fred Webster

**CALL TO ORDER:** Mayor Wexler 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."

**REVIEW OF MEETING MINUTES:** Mayor Wexler called for any additions or corrections to the minutes of the last meeting.

➔ Trustee Hunsinger moved, unanimously carried 5/0 that the minutes of the meeting held October 6, 2008, be approved as amended.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT:**

1. Duane Beckett of 107 West Avenue and owner of Sunnking Recycling and Computers, Etc. said he employs 50 people and had leased 85 Clinton Street to SUNY BSG for 2 months at \$5,000 for use for their haunted house. He said the haunted house was squashed by Village administration and code enforcement. That \$5,000 rent would have gone back into his business and some of it back into the community. He said he is disappointed that officials didn't come to him and work to make it happen. BSG was told they needed Village Board approval and that the next meeting was not until tonight. This didn't leave them enough time. This caused SUNY BSG ran away scared and has had to buy tickets and make plans to bus students to a haunted house in Henrietta, and he is out \$5,000. He said SUNY BSG understands that the Village would no longer welcome its Brock the Port event in the Village and that they've been encouraged to keep it on campus. Unfortunately, that means it will no longer be open to the community and will be only for students without the mass of police support. He said this is another missed opportunity for improved college-community relations.

The Trustees said this is the first they've heard about the proposed haunted house within the Village. Mayor Wexler shared that a student representative of SUNY BSG had just recently come to see the Code Enforcement Officer and was told what was needed and that it would have to come before the Village Board. There is a process and the right people need to be involved early on. Regarding Brock the Port held in the Village the last two years, the event caused a great deal of problems in the Village and police and code enforcement were all over the place.

D. Beckett said the Village should have done what they could to make it work. Mayor Wexler responded that SUNY BSG should have come prepared quite some time ago, not 2 weeks before the event. D. Beckett shared that the event was held in former retail space in the Town of Sweden last year and 350 non-students participated. He said the Village should work better with SUNY, and if the college wasn't here, it would be like Bergen.

Trustee Wagenhauser said he does not equate a haunted house to Brock the Port and is disappointed that the Mayor did not apprise the Village Board of this, even by simple memo. Maybe there would have been a chance to intervene.

Trustee Castaneda said although the Trustees were not made aware of this possibility, SUNY BSG should have provided the information to the entire Board and done so much sooner for proper planning. She stressed that the Village does collaborate with SUNY in many ways.

- Wayne Bennett of State Street said he received a letter dated October 7<sup>th</sup> from Trustee Hunsinger and read it into the record.

“Dear Mr. Bennett:

While openly criticizing the stances taken by members of the board of trustees certainly is your prerogative; your credibility and the community's confidence in your ability to discharge fairly the duties of your office as the village's Ethics Board chairman is predicated on a presumption of your neutrality. Surely you recognize that directly and publicly admonishing certain village board members as you have during the last two meetings of the village board casts overwhelming doubt on your ability to remain impartial should any matter come before the Ethics Board.

In short, your actions have created a conflict of interest that calls into question your ability to participate in—much less lead—the village's Ethics Board. In the interest of ensuring public trust in this fledgling municipal body it's members and their actions must be beyond reproach. Unfortunately I believe that your actions have not. I think it appropriate at this time for you to tender your resignation from the Ethics Board.”

W. Bennett read his response into the record.

“Dear Trustee Hunsinger,

Openly criticizing Village board members is a right for citizens of the village and of the United States of America. I use my rights, I vote, and I like to be informed. Criticizing, questioning, and / or complaining how I view elected officials, **who are paid**, on how they act on motions or laws being forced or enforced on the public, or how they could improve, is not only a right but an **obligation** to our freedoms. Complaining of two meetings, where I admonish certain board members, when not taking into account of ALL the meetings that I have attended thru my years living here, and all of WHOM I have admonished. I am sure there are people here who can attest that I have openly criticized everyone seated here on this board as well as other board members of the past. Of those **two** meetings that you have mentioned, I have questioned how people do there jobs, I have never taken a personal stance against anyone. I have questioned codes that are an infringement on the basic right of privacy. If you can't stand the heat get out of the kitchen. But I have never made any issue a personal matter or personal attack. I personally feel it matters not who is sitting on the village board, a family member (wife or child, except my mother, she gets a free pass), or a stranger or you, that if while holding office and evidence came forward that misconduct has taken place. I will do my job and report those findings. It matters not WHO I criticize, question, or complain about. I believe **all** who hold office, elected paid officials who are to work for the community, have to worry about, ETHICS, conflict of interest or reproach, their character, and honor, ELECTED officials, who are paid by taxpayers, have to maintain a code of ethics. I only have to review them. As you have stated in this hall, the ethics board does not have any judicial, punitive actions or authority available to us. We can only investigate and advise the board. IT does not matter to me WHO breaks the rules. I would think that there is no better resume for my post than having a watch dog that growls. Your letter is insulting and a defamation of my character, and possible libel. I will state that your attacks have also caused me considerable stress the last month. I will NOT resign my post as Ethics Board Member.

It is YOUR ability to remain neutral, unbiased and / or informative. Twice you have insulted me, once in public and now in this letter, you called into question my character and honor. To say that I have to keep quiet about matters that concern my village, that I **live** in, that I **pay** taxes to, that I care about, is about as un-American, close minded, immature, ignorant statement a person could make. This is Especially true when you do not KNOW me. If anyone should be asking for a resignation, maybe they should be asking you.”

- Robin Waller of South Avenue read her comments into the record.

“I was **very exited** when Scott and Hal where elected. I felt you both where interested in the concerns of the people and would continue the good work that was started. How ever I wonder how you can be truly concerned about what people think about something when you put it to a vote, them ask for public discussion without any prior notice. Then you announce we will not be having workshops or meeting or whatever you want to call them, which means we have even less involvement in the decisions that rule our lives. Since we will not be able to find out what is going on or being voted on until it is to late. I know you mean well and your just trying to get things done, but I am trying to explain how it looks to your supports from the outside looking in.

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I know the hiring of more police has been something on the minds of many for a while, but I question the timing. I have always been in **complete support of the police Department**, and I do not think it is something we can do without. However I think this move **now** is going to sour the people of the village against the police department, with talks of budgets and contracts, I fear losing them all together. I am not completely convinced this is the time, in the mist of a recession, when so many people are struggling to make ends meet, is the time to spend money and making future commitment we can't afford.

Sure I would like 2 more tow trucks, 2 more mechanics, and a new building for my business, but I don't spend money I don't have, even if I know I will in the future. Sure we have the business to support it, but we are coming on unsure times. Instead we will hire part time people to cover our needs, and tighten our belt until we can be sure of the economic future of the country.

Can't we hire more part time police officers, at least until we can make sure everything balances out like the chief thinks it will? I have the confidence in the chief that he can make it work without such a commitment. I have long been a strong supporter of the police department. And I have sat myself with the Chief and discussed issues regarding the department. However in viewing the village meeting on TV I was surprised you put hiring 2 more **full** time police officers on the table *at this time*. Due to the current economy and the budget crisis we are in, hiring does not seem to be in our best interest to gain support for the police department in view of the contract negotiations, and the current state of the country. People are worried, most people are looking at how to save and cut costs.

As for the farmers market, the mayor is being silly. End the "Village Market" this year. Start up a "Merchants Farmers Market" next season. The difference, only the name and associations, problem solved. Things really can be that simple.

You told me when you were running for office you would listen, and answer if we asked, so I am asking, why can't we hire more part time help to fill in the gaps for the police department? Seems like a healthy compromise, a win win situation. Thank you for your time and consideration."

R. Waller said since having e-mailed some Trustees, she touched base with Chief Varrenti who was nice enough to dumb down the explanation for her regarding overtime costs, scheduling and the cost to hire 2 officers. She said the Police Department provides a Cadillac service, but unfortunately the Village currently has a Kia budget. She said her older relatives on fixed incomes will no longer be able to afford to live here and will have to move.

**GUESTS:**

1. Swearing in of Sam Cubiotti as part time police officer
2. Seymour Library Board Trustees (Brockport representatives) Jeff Davignon and Lynne Gardner regarding the proposed Library budget - J. Davignon reminded the Board that the Seymour Library is a joint municipal library and that the Board of Trustees is comprised of 9 members, 3 from the Village of Brockport, 3 from the Town of Sweden, and 3 from the Town of Clarkson. Their meetings are held the third Tuesday of each month and are open to the public. The main goals include increasing patron satisfaction, being financially responsible and maintaining appropriate paid and volunteer staffing. These goals are achieved through a dedicated staff, outstanding collection and great patrons with the understanding that with the state of the economy, libraries are needed even more so when funding is not the greatest. They, like others, have to do more with less. They do their best to insure that every dollar has an impact. The mission is to bring information and resources to the public that in turn helps people make good decisions and make better outcomes. Patrons are treated with respect and without bias. The collection represents the values of the community. J. Davignon shared some statistics: an over 5% increase to 103,000 visits to the library, 172,000 materials checked out, a 13% increase in computer use with 22,500 sessions logged in, an expanded literacy and job/career information section which is especially important in these difficult economic times. In 2009 they expect just a 1% increase in total expenses. This can be achieved by making a 12% cut in contractual expenses such as lawn care while taking a green/organic approach and by insourcing some work such as computers by promoting a part time staffer. They thank the municipalities for its past support. The tri-municipal library is truly a model of intermunicipal cooperation.

Mayor Wexler thanked J. Davignon for being here and for speaking with him by phone. He said he also met with Library Director C. Guthrie recently. He reminded the Board that they received the proposed budget a couple of weeks ago.

Trustee Castaneda said as Village Board liaison to the Library, she was at the last Library Board meeting. She asked J. Davignon if they have determined if they will maintain Sunday

hours. J. Davignon said that has not yet been determined. He said the 4-½% return on investments is not

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attainable due to economic conditions, so alternatives will need to be discussed. He said they always look to make cuts where possible without impacting greatly on services. He shared that they have an aggressive marketing campaign to see what the public wants from their library. They have also established business partnerships like the one with Northside Service Center in which they provide books on the best sellers list. He said patron feedback is like gold to them. This library has the 2<sup>nd</sup> lowest per capita spending for any library in Monroe County outside of Hamlin.

Trustee Castaneda asked J. Davignon if they are also looking to add a full time librarian. J. Davignon said one of the considerations is to increase the hours of a current part time state certified librarian. As mentioned earlier, this person would handle computer issues and would also handle adult programs. With increased use of computers, there are increased computer issues to be dealt with. In-sourcing this function should provide for a higher level of service and a quicker response. J. Davignon said it is not an easy time to put a budget together.

Trustee Castaneda asked when the Library Board wished a decision from the Village Board on the proposed budget. J. Davignon said tonight would be wonderful as long as the 3 municipalities have given it the attention it deserves. Trustee Castaneda said last year was a bit of a catch up in funding and that she felt it had been under funded. J. Davignon said they operated for some time without a certified library director so it was seen as a surplus.

Trustee Wagenhauser shared that he and Trustee Legg sat down with J. Davignon and reviewed the information provided. As a tri-municipal library, we come to the numbers in a strange way, utilizing the 2000 census numbers, but the Village's portion is the lowest of the three. He said he also spoke to the Sweden Supervisor's office and they indicated funding at a 3% increase. He said he thinks that is reasonable and would be in favor of a 3% increase as well.

Trustee Castaneda said the request was for a 7.3% increase from the Village and questioned the Town of Clarkson agreeing to the proposed 7% increase. J. Davignon said they were asked to create several budget scenarios.

L. Gardner said the money allocated for past empty position(s) had been carried over and that money is no longer there. They are asking for only 1% more in spending than last year. That's very responsible especially when the use of the library has gone up in these difficult economic times.

J. Davignon said the Library Board needs certainty so it can plan its programs. L. Gardner said they could wait for the Village's commitment until next time if they think the funding will increase. J. Davignon said it would speak well of the Village Board if it would step up and take the leadership role so the Library knows what funding it has to work with.

Mayor Wexler said last year's budget process ended at a 7% increase after several votes of the Village Board. This year's proposal is for a 7.3% (\$12,500) increase from the Village with no funds carried over from unfilled positions. J. Davignon stressed that the positive impact of having a Director in place has given the library a strategic vision as well as over \$20,000 in gifts and partnerships.

Mayor Wexler said he understands that the role of the Director and the Library Board has set points yet to be clarified, such as the Library Board dealing with the finances.

Trustee Wagenhauser said as a tri-municipal entity, basically the lowest bidder sets the bar. If the Town of Sweden has agreed to a 3% increase, looking for the Village to vote on a different number is moot. Mayor Wexler said all 3 municipalities need to agree. Trustee Castaneda concurred and said the Village set the bar low at 7% last year when the Town of Sweden was willing to go to 11%.

L. Gardner said the involved municipalities have sometimes put pressure on each other. J. Davignon said the Town of Clarkson has committed to a 7% increase for 2009.

→ Mayor Wexler moved, to authorize a 7% increase over 2008 for a total Village of Brockport share of \$184,406 for Seymour Library for 2009 as proposed by the Library Board.

Discussion:

Trustee Wagenhauser questioned the necessity to vote and outgun at 7% when the Town of Sweden has already set the bar at 3%.

Trustee Castaneda said she finds it odd that last year the Town of Sweden was willing to go 11%, but the Village came in at 7%.

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J. Davignon said there is a benefit to certainty, no matter what the number. If the Village can support a 3% percent increase, the Library Board will still deliver an outstanding product. He simply asks the Village Board to set a number and be assured that every dollar has an impact. He said the back and forth is time consuming for all parties and the community deserves better. Being able to go to the Library Board meeting tomorrow evening with certainty is important. He said they have prepared approximately 12 different budget scenarios. L. Gardner commented that they would rather have a 7% commitment, but there is a benefit to the certainty of a 3% commitment.

Mayor Wexler said when he met with Library Director Guthrie; he didn't ask what the Towns were considering. He just does not want to see any kids hurt that use the library. J. Davignon said with a professional staff in place, no kids would be hurt. They have offered more literacy services and have improved delivery of services. There comes a point of diminishing returns. He said for the cost of 1 DVD or bestseller for every resident would equal an 11% increase. There are different ways to rationalize an increase. It comes down to this question: To what extent are the municipalities willing to support its library? The library will, of course, work with what they are given. However, there are opportunity costs incurred when the Director has to work more than 40 hours a week, help man the front desk and deal with computer troubles.

Trustee Castaneda said she spoke with the Town of Sweden today and learned that they have a hiring freeze and that a 3% increase is what they've told their departments. She said she is willing to do more than 3% for the library. J. Davignon said a 3% increase means \$2,400 for the Town of Sweden.

Trustee Castaneda said a majority of the Village Board authorized the hiring of 2 additional full time police officers, yet the Library has been under funded and needs to catch up.

Call to question:

Mayor Wexler and Trustee Castaneda in favor.  
Trustees Wagenhauser, Hunsinger, Legg abstained.  
Motion failed.

Trustee Wagenhauser said it seems disingenuous to approve one percentage if it is really going to be the percentage by the municipality who set the low bar (Town of Sweden at 3%). He said he also supports the library and would like the increase to be more.

Trustee Hunsinger said it seems like the Village Board's hands are tied.

Trustee Castaneda suggested Brockport and Clarkson get the Town of Sweden to consider more. J. Davignon again stressed the importance of certainty – even if it is 3%.

→ Trustee Wagenhauser moved, to authorize a 3% increase over 2008 for a total Village of Brockport share of \$177,063 for Seymour Library for 2009.

Trustee Hunsinger asked Mayor Wexler if he would be willing to take the Village's flag down the street to Supervisor Lester to see if they can go higher. Mayor Wexler said he could do so.

Trustee Legg commented on this being a convoluted process and said he is sympathetic to the Library Board having to be put through the ringer 3 times, once by each municipality. He wondered if it would serve any purpose for the Village to split the difference between Sweden at 3% and Clarkson at 7% and go with 5%.

→ Trustee Wagenhauser withdrew his motion to authorize a 3% increase.

→ Trustee Legg moved, unanimously carried 5/0 to authorize a 5% increase over 2008 for a total Village of Brockport share of \$180,501 for Seymour Library for 2009.

Mayor Wexler said he would contact the Town of Sweden as to their % increase.

**DEPARTMENT REPORTS:**

A. PUBLIC WORKS – Superintendent Harry G. Donahue

1. Authorization to purchase & install new door for Welcome Center bathroom – Superintendent Donahue reminded the Board that the upstairs restroom originally had wooden casings and this was troublesome for the keycards. The residential doors with commercial openers were changed out by Rochester Colonial. Now the downstairs restroom needs the same at a cost of \$1,960 including installation. He said this expense could come from the \$4,600 plus fees generated this season at the Welcome Center.

→ Trustee Castañeda moved, unanimously carried 5/0 to authorize said expense.

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2. Authorization to accept bids received for items on Auctions International – Superintendent Donahue reported that bidding ended October 14<sup>th</sup> on the items previously approved to go on the Auctions International website. The results were as follows: John Deere mower \$395, Homelite trash pump #1 \$56 Homelite trash pump #2 \$46, Homelite trash pump #3 \$36, Homelite generator \$51, Miller arc welder \$130.

→ Trustee Castañeda moved, unanimously carried 5/0 to accept said bids.

3. Paving projects & intermunicipal cooperation – Superintendent Donahue reported having just completed paving of 5 streets within the Village as well as the Barry Street Park parking lot. He thanked the Towns of Sweden, Clarkson, Hamlin and the Villages of Spencerport and Hilton. This entailed 450+ tons of asphalt paid through New York State CHIPS, not Village monies.
4. Parks Audit – Superintendent Donahue reported that the concerns marked as urgent on the Parks Committee report were immediately addressed.

**B. POLICE DEPARTMENT – Chief Daniel P. Varrenti**

1. SPARTAC – accept new roster – Chief Varrenti asked the Board to accept the 2008-09 SPARTAC roster which includes: Francis J. Welch, Kent R. Blaie, Stacey E. Bartlett, Matthew A. Nauerth, Eileen S. Ryerse, Joshua M. Sentiff, Jon L. Perez-Bornheimer, Benjamin A. Folk.

→ Trustee Castañeda moved, unanimously carried 5/0 to accept said SPARTAC roster.

2. Police Explorer Program – accept new roster – Chief Varrenti asked the Board to accept the 2008-09 Explorer roster which includes: Eric Gallert, John Duthoy, Jessica Abert, A.J. Formicola, Luke Brown, Rachel Latone, James Maziarz, Danielle Watkins, Melynn Vanskiver, Melinda Hermance, Mallory Haynes, David Lyons, Jacob Mesiti, Ashlee Putnam, Joseph Storms, Joshua D. Ash, Jonathon T. Haynes, Nicole R. Kane, Edward R. Kane, Paul A. Kysor, Seamus P. Mykins, Sydni A. Remington, Trevor J. Speer, Annie L. Terilli, Nicholas A. White, Jessica N. Zaccour.

→ Trustee Legg moved, unanimously carried 5/0 to accept said Explorer roster.

3. 3<sup>rd</sup> Quarter Report – Chief Varrenti distributed the 3<sup>rd</sup> quarter report and encouraged the Board to review it and contact him with questions.
4. Hiring of 2 full time officers – Chief Varrenti referred to R. Waller's comments earlier and said he hopes she does not think he "dummied" down his explanation to her. R. Waller said she should have said, "simplified". Chief Varrenti said budgeting and scheduling is a complicated process with a lot of factors to be taken into account. He said he is in the process of writing a letter to the editor for this weekend's local papers that details such. He said the October 6<sup>th</sup> motion introduced by Trustee Hunsinger was a result of their meeting on October 3<sup>rd</sup>. As has been done previously with Mayor Wexler and Trustee Castañeda, they sat down and took a look at police scheduling and tried to fill all the slots. Trustee Hunsinger clearly understood that understaffing incurs overtime. At first blush, in the last 10 years, the Village has spent \$1,368,879 in police overtime. In actuality they've spent even more. Say an officer wants to take a vacation day on a Saturday evening, and they go below the 2 officer minimum, it is posted for overtime. Then that officer accrues 8 hours at time and a half and elects to put it into a "comp bank" to take off at another time. Now they have to post that time to be filled. It is a vicious cycle. So, it turns out not to be \$55 per hour overtime rate, but much much more. This one 8-hour shift can turn into 36 hours worth of overtime. All because 1 officer wanted to take 1 day off. Chief Varrenti said he has been here 7 years and has authored no less than 20 memos to Village Board members regarding understaffing. He said the approval to hire 2 officers will not bring the force back to 14 strong, but is certainly better than 11. Chief Varrenti said Mayor Wexler (a Trustee at the time of his hiring) had said at that time that the Village would need its new Police Chief to take a good look at overtime and that if this meant needing to hire another officer or maybe 2, they would have to.

Chief Varrenti said Trustee Hunsinger rightly determined that there are not enough pegs to fit in the holes (schedule). Chief Varrenti said at one point Trustee Castañeda jokingly commented "don't give the officers time off". Obviously, that is not an option and would be in

violation. Chief Varrenti said 2 other Trustees (Wagenhauser and Legg) agreed with Trustee Hunsinger and supported his motion. Chief Varrenti thanked them for their support. Chief Varrenti said he would be providing more detail in his upcoming editorial, which will contain data, not opinion. The crime report numbers say a lot, as there was a 20% decrease in crime in 2005 when just 1 officer was added. This meant a \$115,000 decrease in overtime when the department went from 11 to 12 officers and from 195 to 158 crimes per capita. Chief Varrenti said this is a recession and there is no luxury to waste a dime. However, a lot of money has been wasted over the last 10 years due to understaffing. The department went from 14 to 10 to 12 to 11. Some officers are exhausted and the Village could be very liable.

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He said what he wasn't able to convey in the last 7 years was clearly conveyed by the mediator at last week's mediation session regarding the police contract – that the department is understaffed – a municipality with a college – run 24/7 with only 11 officers. The hiring will spend Village money more wisely. If someone feels they can no longer support the department, then they never were a supporter to begin with. The hiring will NOT increase the budget. He asked if anyone would like to work at today's rate and then sell back the comp time 10 years from now at that rate? Trustee Legg said "sign me up". Chief Varrenti asked how do you budget for and manage that? He said his editorial would depict crime totals of other departments and staff strength comparisons with other municipalities with SUNY schools. He said he would have liked 15 officers, but is pleased to go from 11 to 13 at no added budget cost.

(8:40pm – substitute videographer left.)

**C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff**

1. Clarification re SUNY BSG Proposed Haunted House – S. Zarnstorff offered to provide some clarification on the issue raised earlier under public comment by Duane Beckett. He said BSG is not SUNY itself. Last May he met with BSG representatives at Brock the Port time and they mentioned the possibility of a haunted house within the Village. At that time, 5 months ago, they were informed that they needed proper planning and to provide information as soon as possible. They did not make contact until October 3<sup>rd</sup>. He spoke with them on October 6<sup>th</sup> and they gave a general indication of what they were proposing. He informed Mayor Wexler and it was agreed they needed to come before the Village Board and that the next scheduled meeting was October 20<sup>th</sup>. Since they hadn't planned well enough in advance, it was their decision to come prepared to the next Village Board meeting or reconsider the location. Apparently, BSG negotiated a contract with D. Beckett earlier, but failed to work with the Village. The event would have been special and unique and the Village needs to do due diligence regarding safety to protect the students and the public. The Village has not shirked its duties. Hopefully, the Village will work with BSG in the future, but in a timelier manner on their part.

**D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Timothy Rombaut**

1. Calls for Service – 793 fire and 1,704 EMS calls for a 2,497 call load year to date
2. Membership Drops & Adds – Chief Rombaut asked the Board to consider approving the following drops: Nicole Rambo, Eric Brown, Joseph Morabito, Matthew Yagley, Sean Dunlap; the following adds: Cody Gilliam to active fire from explorers, Gregory Gaulin to active fire mutual aid, James Frost to active fire and ambulance mutual aid, Craig Urbanke to active fire and ambulance, Heidi McKay to active fire and ambulance and fire police, Alexander Wingate to active ambulance, Robert Welden to active ambulance, Kenneth Tully to active ambulance, Rebecca Staut to active ambulance mutual aid; the following exempt certificates: Emily Cokely.

→ Trustee Castañeda moved, unanimously carried 5/0 to approve the previously mentioned drops, adds and exempt certificates.

3. Accept bid for sale of 1999 Ford Crown Victoria –

→ Trustee Wagenhauser moved, unanimously carried 5/0 to accept the bid of \$675 through Auctions International for the 1999 Crown Victoria VIN #2FAFP71W5XX144761.

4. Authorize advertise for sale on Auctions International of 4 used light bars –

→ Trustee Legg moved, unanimously carried 5/0 to declare surplus and authorize posting on Auctions International.com 5 MX-7000 light bars.

5. Authorize advertise for sale Pumper 234 –

→ Trustee Castañeda moved, unanimously carried 5/0 to advertise for sale pumper 234 in preparation for the new pumper scheduled to arrive in February or March.

6. Fire Department budget – Chief Rombaut referred to the proposed 2008-2009 Fire Department budget put together by the Fire Chiefs with some paring down by their liaison, Trustee Wagenhauser. Chief Rombaut said it is a very responsible budget considering the number of unfundated mandates and requirements to meet NFPA standards regarding protecting members with particular turnout gear and air bottles and such as well as increased fuel and maintenance costs. He shared that he met with representatives from the Towns of Sweden and Clarkson on it since they contract with the Village for Brockport Fire Department services. Chief Rombaut explained that the biggest jump is in the truck replacement fund, although they would have liked more. Bonding is not a good practice and they try to avoid it and instead budget for a 20 to 25

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year replacement cycle. He shared that 2 fire truck manufacturers have recently gone out of business due to emissions requirements. The dispatch office has some maintenance needs for the radios and as a result the console needs to upgrade technology. He said he is a taxpayer, too, and doesn't like to see increases, but knows it is a reality. The service remains quite inexpensive at .85 to .87 per 1,000 of assessed value for Brockport/Clarkson/Sweden compared to Hamlin at over \$2 per 1,000 and Walker at over \$3 per 1,000. He expressed concern that the generator and boiler at headquarters are on borrowed time and that they have to use space heaters for comfort.

Trustee Wagenhauser clarified that the fire budget is a lot different than the library budget in that it is not tri-municipal. The Towns of Sweden and Clarkson contract with the Village for Brockport Fire Department services. So there is no "low bidder" wins. He said the Fire Department continues to provide great service and a great "bang for your buck". The Village's increase would be only .22%. The Town of Clarkson's increase would be only 2.24%. The Town of Sweden's increase would be only 3.36%. This is based on the municipalities assessed values, which is why the Towns pay a little more. The truck replacement line has gone from \$100,000 to \$125,000. A survey will be done of equipment needs and to look at all options and alternatives regarding stations looking at ways to heat and maintain buildings rather than spend \$80,000 to replace a roof.

Mayor Wexler concurred that the increase is small and averages only 1.9% for all 3 municipalities. He thanked the Chiefs and Trustee Wagenhauser for their work on this. It is extremely fair.

→ Trustee Wagenhauser moved, unanimously carried 5/0 to accept the 2008-2009 Fire Department budget as proposed at \$770,973 broken down as follows:

Brockport	\$162,179
Clarkson	\$243,900
Sweden	\$317,494

Trustee Castañeda commented that NYS Power Authority had conducted an energy audit and made recommendations on Village buildings. Chief Rombaut said the site survey referred to early will look at the district served and will encompass buildings, staffing and vehicle/equipment needs.

E. INTERIM TREASURER – Kari A. Olson (excused)

F. CLERK - Leslie A. Morelli – no report

G. VILLAGE MANAGER -

H. VILLAGE ATTORNEY – David F. Mayer, Esq.

1. Travel time billing – Attorney Mayer thanked the Board for having him here and stated that he is glad to make it a regular occurrence by attending one Village Board meeting per month (the 3<sup>rd</sup> Monday). He said due to this, he spoke with his firm regarding the Village's legitimate concerns as to cost and they have decided to cut the travel rate in half.

**VILLAGE BOARD REPORTS:**

A. Mayor Morton Wexler

1. Hiking and Biking Trail – proposed agreement for property use – Mayor Wexler reminded the Board of the proposal presented by Bill Andrews recently and referred to the agreement drawn up by Town of Sweden Attorney Bell.

→ Trustee Castañeda moved to accept the agreement as written.

Discussion:

Trustee Wagenhauser questioned why the Village would grant an easement that would be permanent

and run with the land, rather than a revocable and renewable license. He recommended that decision be tabled until this is reviewed. He mentioned that the agreement should look more like the County's.

Village Attorney Mayer said he shares Trustee Wagenhauser's concern that it is structured as an easement instead of a license. Further, use language needs to be incorporated that indicates that it is solely for the purpose of a hiking trail.

Trustee Wagenhauser said this is Village property and shared that he helped clearing the way for a trail some time ago. This is land that has a value. An easement can reduce the property value and make it not as marketable.

Trustee Castañeda asked the Village Attorney if he responded to the Board. D. Mayer said he just did.

→ Trustee Castañeda withdrew her motion.

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2. Village Hall – Friday, December 26<sup>th</sup> and January 2<sup>nd</sup> – Mayor Wexler shared that the Village Hall is closed Christmas Day and New Years Day which fall on Thursdays, but are scheduled to be open the day after which fall on Fridays. A suggestion was made that the Board consider rewarding the Village Hall staff by closing Village Hall those two Fridays as business will likely be light.

Trustee Castañeda commented that the small Village Hall staff works hard regularly, but even harder of late.

→ Trustee Castañeda moved, unanimously carried 5/0 to close Village Hall on Friday, December 26<sup>th</sup> and Friday, January 2<sup>nd</sup>.

Clerk Morelli thanked the Board.

**B. Trustee / Vice Mayor Maria C. Castañeda**

1. Village Advisory Committee – There was no meeting October 14<sup>th</sup>. The next meeting will be Tuesday, November 11<sup>th</sup> at 7pm.
2. Step Up Community Project – Reported that on October 13<sup>th</sup> students weeded, raked and planted using a gift card donated by Wal Mart and enjoyed pizza donated by Mark's. They are taking requests to assist elderly or disabled residents with raking leaves.
3. Library – Indicated that she would be attending the Library Board meeting tomorrow.
4. 200 State Street – Reported that the County has set another date to try to auction the property.
5. Ethics – Read the following statement:

"I am extremely concerned about the letter sent by one of the village board members to the chair of one of the village's appointed groups. In this message, the village board member suggested that the appointed chair of the village ethics board should resign. This is very troubling. Village officials should not bully, intimidate, or interfere on the workings of any member of the various groups the full village board has duly and lawfully appointed. This kind of behavior by elected officials compromises the integrity of the elected official, and if it is allowed to continue by the rest of the village board, then it undermines and compromises the integrity of the full village board. I firmly request there be no future intimidation or interference from village board members towards our appointed or elected officials. If this activity persists, I respectfully request the Mayor to take appropriate action."

Trustee Wagenhauser questioned why anyone is discussing this at a public meeting.

**C. Trustee David J. Wagenhauser**

1. GBDC Strand Centennial Celebration – Attended the recent centennial celebration of The Strand.
2. TWIG Benefit – Attended a recent TWIG benefit.
3. Walk to School Day – Reported that the recent Walk to School Day organized by Walk Bike members was a big success with over 500 participants. Thanks go to all who worked on this.
4. Budget – Reported that 3<sup>rd</sup> quarter expenses are below budget and revenues are up. The first major piece of the upcoming Main Street water and sewer project will have a bond payment coming up. There was good news as the bond rate was set at 3.5% instead of 5.5% as projected. So, instead of \$197,000 in 2009, it will be \$150,000 with 40% attributed to the water fund and 60% attributed to the general fund.

Trustee Wagenhauser acknowledged Deputy Clerk / Interim Treasurer for doing an outstanding job. She is a quick study, intelligent and patient. She is a real asset to the Village. He said he and Chris Trento have provided assistance where needed as well as a lot of e-mails and phone calls to Ian Coyle.

He Reported that the Village received a \$21,000 refund from the workers compensation pool as a result of its performance in the past year. That means over \$110,000 in the last 2 ½ years. He thanked K. Olson and Clerk Morelli for their efforts regarding workers compensation.

Reported that he is working with Clerk Morelli regarding employee health insurance plans for 2009 and that he will continue to find ways to cut costs and find alternatives.

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D. Trustee Scott W. Hunsinger

1. TWIG benefit – Volunteered at the Sparkleberry TWIG event that benefits Lakeside Memorial Hospital.
2. 200 State Street – Continues to be a pet project. Has had conversations with Monroe County's Tim Murphy regarding the upcoming auction that has garnered 4 possible prospective buyers. Will attend the November 12<sup>th</sup> bid opening. He said everyone he has spoken with including Larry Thomas in Albany has been very encouraging. Information has not been hard to get.
3. Brockport Fire Exempts Spaghetti dinners – Encouraged attendance at the monthly dinners – held the 3<sup>rd</sup> Wednesday of each month from 5-7pm.
4. C. Graves Police Complaint – Thanked Chief Varrenti for looking into the matter brought forward by C. Graves at the last meeting and for the timely and efficient handling.

E. Trustee Hal S. Legg

1. Fewer Meetings – Read the following statement:

"I'd like to begin tonight by addressing the concerns of those who believe fewer meetings equal less work or accountability, and also this lingering idea that Trustee Hunsinger and I need time to come up to speed before being able to fulfill the obligations of this office. Let me just point out what we've done and what we are doing on behalf of taxpayers. I'm only going to hit the high points here.

"Between the two of us, we have:

"Voted to litigate a lawsuit that the village had been negotiating for years because we owed it to the taxpayers to get—at long last—a final disposition of this matter

"Voted to enact local laws to make housing safer for those who rent and to give our code enforcement professionals better tools to do their jobs. [To CEO Scott Zarnsdorf] How's that working out for you?

"Proposed a succession plan for the farmers' market, one that will get the village out of the business of selling vegetables.

"Taken the lead on researching a plan for the former Kleen Brite property at 200 State Street.

"Taken the lead on the hiring of Brockport's next treasurer.

"Worked with the Planning Board and Mr. Zarnsdorf to enhance the process with regard to monitoring planning board applicants' actions.

"And yes, even taken the initiative to look into the questionable activities—I know that not everyone would agree with that—of the Ethics Board.

"Not all of this has been easy work. Some of it is downright contentious. But here we are taking it on, not ducking responsibility, and accepting as gracefully as one reasonably can, even the most scathing, perhaps inappropriate, criticism.

"What it boils down to is this: at the end of my term as trustee, I will measure my service to Brockport by my body of work, not by the number of meetings I've attending. I hope that others will to."

2. Library Budget – Met with Library Trustee Jeff Davignon regarding the budget and with Trustee Wagenhauser and Supervisor Lester.
3. GBDC Strand Centennial Celebration – Attended the GBDC's event in celebration of The Strand.
4. Main Street Rehabilitation Project – Sewer & Water portion – Contacted Senator Schumer's Rochester office regarding funding opportunities for the Main Street water and sewer project.

5. Treasurer Search – Reported that the Search Committee has reviewed all applications and selected finalists and is planning for the interview phase.
6. Grants – Shared that since Village Manager Coyle's departure over 3 months ago, the area of grants has not been addressed. He proposed hiring Kelly Smith who works part time for the Police Department and for the Lakeside Foundation to assist in the area of grants within certain parameters.

→ Trustee Legg moved to hire Kelly Smith for up to 40 hours maximum at \$13 per hour to review existing grants in process and provide a report to the Board by December 1<sup>st</sup> as to necessary steps to close out those grants.

Discussion:

Trustee Wagenhauser suggested that if she had time left over in that 40 hours that she also be allowed

**MINUTES OF VILLAGE BOARD MEETING HELD October 20, 2008 continued.....page 11**

to look into what other grant opportunities might be out there for Village consideration. He asked if Trustee Legg would be willing to amend the motion to specify the dollar amount as \$520.

Mayor Wexler asked if she had time to do this. Trustee Legg said she expressed interest and could come in on some Fridays or work from home.

Trustee Wagenhauser reminded the Board that she was hired as a part time clerk at the Police Department but separately also as a grant writer for the Police Department. She also voluntarily assists the Fire Department with grants.

Trustee Castañeda said it would be nice if the Board could all look at the “box” of grant materials and suggested everyone chip in and help.

Trustee Wagenhauser said K. Smith has the experience in grant writing. Chief Rombaut said she thrives on it and has been a real asset.

Trustee Castañeda said she had suggested a grant writer from SUNY some time ago that was willing to assist the Village. She said it is funny the Board wasn't willing to get help then, but is now. Trustee Wagenhauser reminded her that at that time, Ian Coyle was here and filled that role.

Call to Question:

→ unanimously carried 5/0 to hire Kelly Smith for \$520 (up to 40 hours maximum at \$13 per hour) to review existing grants in process, research what other grant opportunities might be available and provide a report to the Board by December 1<sup>st</sup> as to necessary steps to close out existing grants and recommendation as to potential grants.

**PUBLIC COMMENT:**

1. Robin Waller of South Avenue apologized if she was unclear in her public comment earlier. She said she has always support the Police Department and feels it is a necessity. She simply was looking at the numbers. Regarding the Village Board, she said she is saddened to see the “you're either with me or against me” attitude of some past Village Board's rear its ugly head. She suggested the Village do a study as to how much SUNY uses the Village's infrastructure and look to finding ways SUNY can contribute – maybe a per student charge. Regarding decreasing the number of Village Board meetings by eliminating workshops – workshop meetings helped she and her South Avenue neighbors make their case to the Village Board on the importance of preserving the open space that was then designated as a Village park. If residents only hear of issues after they are already voted on, it provides no opportunity for public input. If the Village Board had an open mind and worked together, they could settle all the outstanding legal cases and spend less money on litigation. In closing, she shared that the silent majority just moves out of the Village – they don't necessarily always agree with the Village Board.

**Executive Session:**

⇒ At 9:42pm, Trustee Hunsinger moved, unanimously carried 5/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss Stetson Club contract negotiations and personnel issues related to the Ethics Board.

⇒ At 10:55pm, Trustee Wagenhauser moved, unanimously carried 5/0 that the Board of Trustees re-enter the regular meeting.

**AUDIT:**

➔ Trustee Castaneda moved, unanimously carried that the bills be allowed and paid upon audit.

<u>Village</u>	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
	10/21/08	177836-177886	\$54,051.72
	10/21/08	177878	voided - error
<u>Fire</u>	10/21/08	177800-177834	\$21,675.71
<u>Third Party Billing</u>	10/16/08	1361	\$22.10
	10/21/08	1362-1375	\$16,157.99
<u>Capital Projects</u>	10/21/08	2273-2279	\$5,593.42
<u>Water</u>	10/21/08	2101-2111	\$4,461.61

**ADJOURNMENT:**

➔ Trustee Castaneda moved, unanimously carried 5/0 that the meeting be adjourned at 10:56pm.

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Leslie Ann Morelli, Village Clerk