

**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, December 21, 2009 at 7:00pm.**

**PRESENT:** Deputy Mayor Christopher R. Martin, Trustee Kent R. Blair, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, Clerk Leslie A. Morelli, Treasurer Gina M. Tojek, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Scott Smith

**EXCUSED:** Mayor M. Connie Castañeda, Village Attorney Michael Leone, DPW Superintendent Harry G. Donahue

**ALSO PRESENT:** Deputy Fire Chief Mike Henry, Assistant Fire Chief Don Marenus, Village Engineer Jason Foote, Bill Andrews, Margay Blackman, Kelly Smith, Hanny Heyen, Rachel Blair, Ray & Jackie Morris, Kyle Boyst, James Wallington, Dan & Missy Donovan, Ken & Cindy Rombaut, Jim & Joan Hamlin, J.D. Brederson, Ellen Aceto, Corey & Kristine Perry, Libby Caruso, Bernie LoBracco, M. Menear, J. Juby, Tony Perry, David Burrows, Fred Webster, John Bush, Ian Blount, Tony Peone, Bob Connors, Dave Moore, Bruce Hovey, Christine Green, Pam Ketchum, several others who did not sign in

**CALL TO ORDER:** Deputy Mayor Martin 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."

**APPROVAL OF MINUTES OF PREVIOUS MEETING:** Deputy Mayor Martin called for any additions or corrections to the minutes of the last meeting.

- ➔ Trustee Blair moved, Trustee Hunsinger seconded, unanimously carried 4/0 that the minutes of the meeting held December 7, 2009, be approved as amended.
- ➔ Trustee Hunsinger moved, Trustee Blair seconded, unanimously carried 4/0 that the minutes of the meeting held December 16, 2009, be approved as amended.

**Clarification on 12/7 minutes:**

Code Enforcement Officer Zarnstorff shared that the statement by the Mayor on page 14 of the December 7<sup>th</sup> minutes is incorrect. She referred to the Assistant Code Enforcement Officer as making \$15,000 per year. In fact, he makes \$8,700 per year.

Chief Varrenti shared that the statement by the Mayor on page 14 of the December 7<sup>th</sup> minutes is incorrect. She referred to the part time Police Department Clerk as making \$15,000 per year. In fact, the position makes \$10,000 per year. When K. Smith held the position \$10,000 was budgeted for the clerk work and \$3,500 for the grant writing work. He reminded the Board that he had recommended the hiring of 2 part time clerks to share the hours and \$10,000, but that only one was approved.

**AUDIT – PAY BILLS:**

- ➔ Trustee Hunsinger moved, Trustee Blair seconded, unanimously carried 4/0 that the bills be allowed and paid upon audit.

A/P Clearing Account Check #'s 000075-000166

	<u>Date Paid</u>	<u>Amount</u>
FUND (A): General (Includes fire & ambulance 3 <sup>rd</sup> party)	12/23/09	\$228,900.61
FUND (F): Water	12/23/09	\$44,979.59
FUND (H): Capital	12/23/09	\$1,497.61
	TOTAL:	\$275,377.81

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT:** None

**GUESTS:**

1. Jason Foote – Village Engineer
  - a. Main Street sewer & water project – briefing & pay estimate approval – J. Foote reported that the project is basically done. The worst is over. The detour signs are down. The contractors are off for 2 weeks and will return to do some minor work, but nothing that will require street closure or detours. Come spring, the contractor will do some lawn and sidewalk restoration work.

Trustee Legg asked when the project will be considered fully wrapped up. J. Foote said by mid-May since they need decent weather for lawn and sidewalk restoration. Deputy Mayor Martin said it sounds like they will be tidying up just as NYS DOT starts the road reconstruction. J. Foote said they will not be in DOT's way at all. Trustee Blair asked if the lawn and sidewalk restoration is part of the Village's contract with the contractor. J. Foote said yes. A retainage will be held until the work is complete. They are a reputable contractor and will definitely be back to do the work.

J. Foote distributed pay estimate #3 for the project. The total amount payable for this estimate is \$422,237.03. This contract is 78% complete as of December 11<sup>th</sup>.

→ Trustee Legg moved, Trustee Blair seconded, unanimously carried 4/0 to approve pay estimate #3 for \$422,237.03.

- b. Havenwood Section III / McCormick Place Phase 2 – letter of credit release – J. Foote reviewed the previously distributed statement of construction #7 regarding Havenwood Meadows Subdivision section 3, Phase 2. They recommend a release to the developer from the phase 2 letter of credit in the amount of \$4,130.13 for the installation of approximately 235 linear feet of concrete sidewalk within phase 2.

→ Trustee Legg moved, Trustee Hunsinger seconded, unanimously carried 4/0 to approve the letter of credit release in the amount of \$4,130.13.

2. Margay Blackman – Tree Board – summary of 10/22 Main Street meeting re trees – Tree Board Chair Margay Blackman introduced the members of the Tree Board in attendance this evening: Jackie Morris, Kathy Goetz, Ian Blount. She prepared and reviewed the attached "Your Village Tree Board and What it Does" and "Main Street Reconstruction Tree Removals and Replantings".

The Village of Brockport Tree Board, created in 2005, has 8 members and one ex-officio member who serves as a consultant. It meets the, 2<sup>nd</sup> Tuesday of the month at 7pm, September through June. Meetings are held at the Seymour library and are open to the public. For more information on the board and our mission, visit our website: <http://treeboard.brockportny.org/>

**Activities/Accomplishments**

- VILLAGE TREES ON A DATABASE As of September 2006 all village trees are on a database which DPW maintains
- TREE ORDINANCES adopted by the village board August 18, 2008
- ARBOR DAY CELEBRATIONS, 2006-2009 major tree plantings with community, college, and Brockport School System volunteers
- 133 TREES PLANTED, 2006-2009
- 32 LILACS PLANTED in Corbett Park, Arbor Day 2009.
- TREE CITY USA status awarded by the National Arbor Day Foundation in 2009. We join area communities Brighton, Fairport, Greece and Rochester with this distinction.
- FUNDING SOURCES (2006–present)

*shade tree purchase line* in the village budget.

*Grants:* \$11,400 from DEC

*Reimbursements:* \$2450 from National Grid

*Donations:* \$1710

- DETERMINING AREAS OF GREATEST NEED Tree board members surveyed 4 quadrants of village in 2009 to determine areas of greatest need for planting
- <sup>a</sup> TREE REQUESTS: We encourage home owners in need of a tree on the tree lawn to request one, using the form on our website (also available at the village hall). A tree board member will meet with you to determine the appropriate species and variety of tree for your space.

**Challenges**

- Keeping tree replacements apace with tree removals
- Contending with obstacles to planting—sewer junctions, water and gas lines, subsurface stumps from removed trees.
- Maintaining our tree city status and a program of planting in the face of budget cuts

On October 22, 2009 the Tree Board and Bruce Cunningham, DOT landscape architect for the Main Street Reconstruction project, held a public meeting regarding Main Street trees to which all Main Street property owners, the Superintendent of DPW, and Village Board were invited.

Despite the disruption that this construction project will inevitably cause, it provides an opportunity for the village to plan the treescape of Main Street, to replace trees in poor condition, and to plant trees in long vacant tree spaces. The state is providing funds for planting replacement trees and new trees.

The Tree Board met twice with Bruce Cunningham, to walk the length of Main Street, discuss specific removals/replantings, and select the tree species to be planted. Below is a brief summary of Mr. Cunningham’s presentation at that meeting with an update on impacted trees.

- More than 150 trees were evaluated: 135 will be impacted, 112 of those will be saved
- As of 12/09: there are 23 known removals; 15 of these will be replaced.
- Additionally, there are 8 known removals due to the village underground utility work. Up to 10 more village removals may occur based on a preliminary review of the utility plans. Some of these removals are trees that had been previously identified for removal under the Main Street Reconstruction project. The state has offered to provide replacement trees for village tree removals, where appropriate.
- \* *Criteria for removal:* tree in poor or hazardous condition, or may suffer unavoidable construction impacts
- 37 new trees to be planted; 20 will be small trees under utility lines, 17 will be large trees not under utility lines
- Downtown business section trees will remain
- Tree species were selected in conformance with the goals of increasing species diversity, hardiness and tolerance of urban conditions, insect resistance, providing spring flowers and fall color
- Small trees: American Salute Crabapple, Chanticleer Pear, Goldenraintree, Hedge maple, Sugar Tyme Crabapple
- Large trees: Autumn Blaze Maple, American Gold Ginkgo, Bloodgood London Planetree, Dawn Redwood, Green Vase Zelcova, Kentucky Coffeetree, Shademaster Honeylocust

For further information:

Bruce Cunningham, R4 Landscape Architect  
e-mail: [bcunningham@dot.state.ny.us](mailto:bcunningham@dot.state.ny.us)  
phone: (585) 272-4831

Deputy Mayor Martin commented that DPW was able to install the Tree City USA sign at the north end of the Village as they did at the south end. M. Blackman said she noticed and is appreciative.

3. Bill Andrews – Historic Preservation Board – award designation plaques & certificates – B. Andrews shared that the Historic Preservation Board accepted applications, held a public

owners were invited to this evening's meeting to be awarded with their certificate and plaque. The plaque is to be placed to the right of the front door sill. B. Andrews thanked the Board for their support of historic preservation efforts and said these recent designations are a direct result of the home improvement program they adopted. B. Andrews said A.D. Oliver Middle School, the Methodist Church, the Alumni House (and Lakeview Cemetery in Sweden) are up for consideration on the state or national registers.

Deputy Mayor Martin presented certificates and plaques to the following and thanked them for their willingness to participate in historic preservation:

- 54 Park Avenue – James Wallington for Bruce Leslie
- 18 Gordon Street – Leigh Zimmerman & Hal Legg
- 60 Clinton Street – Greater Brockport Development Corporation
- 24 Chappell Street – Melissa Sheldon-Fleming & Daniel M. Donovan
- 108 State Street – Kristine & Corey Perry
- 114 State Street – Christine Green & Paul Moyer
- 73 State Street – Jamie & Keir Wilson

Frances Bovenzi and Paul Gallaway of 191 Utica Street were not in attendance. B. Andrews will be sure they get their certificate and plaque.

4. Bill Andrews – Welcome Center – 2009 report – B. Andrews, as member of the Welcome Center Management Committee and coordinator of the Canalfront Greeter Program said he wished to report on the 2009 season. There were 539 boats compared to 532 in 2008. Revenues of \$5,307 were brought in for fees and ice compared to \$4,951 in 2008. They lent out bicycles 477 times. Although the borrow a bike program was originally intended as a service to boaters, they found that more community residents borrowed bicycles than boaters. B. Andrews thanked Jack Mazzarella for all his work on the bikes. The program has been so successful, that Albion recently adopted a similar program based on Brockport's guidance. B. Andrews credited the more than 100 community volunteers that serve as canal front greeters. Boaters like the greeters, Brockport's historic downtown and the shops. He shared that the publisher of the most extensive printed canal guide commented that there are other welcome centers, but that Brockport and Waterford are the only ones manned entirely by volunteers. B. Andrews thanked the Board for their continued support.

**DEPARTMENT REPORTS:**

- A. PUBLIC WORKS – Superintendent Harry G. Donahue (excused)
1. Village Mechanic – Deputy Mayor Martin shared that he, DPW Superintendent Donahue and Foreman Moore started the interview process from the applicant pool to fill the upcoming vacancy for Village mechanic, as K. Garrison plans to retire soon. They will have more information in January.
- B. POLICE DEPARTMENT – Chief Daniel P. Varrenti
1. Crime Reporting – Chief Varrenti reported the following crime statistics which are the numbers reported to and maintained by the NYS Division of Criminal Justice Service. He reminded the Board that the NYSDCJS numbers are not necessarily consistent with our reporting as they take only the highest charge of those with more than one.

Year to date:

- Murder – 2
- Rape – 3
- Robbery – 3
- Assault – 11
- Burglary – 50
- Larceny – 111
- Motor Vehicle Theft – 7
- Kidnapping – 2
- Marijuana – 26
- Other Dangerous Drugs – 6
- Sex Offenses - 6
- Extortion – 1
- Forgery & Counterfeiting - 3
- + numerous criminal mischiefs, frauds, simple assaults

Chief Varrenti summarized that the Village has certainly had its share of crime year to date. Chief Varrenti commented on having attended some of the F. Garcia trial that resulted in 3 concurrent life sentences. He pondered the need for a death penalty for cases such as this and sends his condolences to the families of the victims.

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2. Taser cartridge reimbursement - Chief Varrenti presented Treasurer Tojek with a check for \$56 for reimbursement of 2 Taser cartridges having been deployed at a recent requested training/demonstration.
3. Explorer Post donation – Chief Varrenti shared that the local Wal Mart Manager tripled his usual donation to \$1,500 to the Brockport Police Department Explorer Post. This is a gift – a non-match grant. The Explorers, he and some BPD members spent time at Lakeside Beikirch Care Center and presented them with \$500 for their use. In the past, they have gotten a television and a karaoke machine. He said it is always a joy to interact with the care center residents who are so appreciative of the attention. He said the Explorer Post is a self-sufficient program and the Wal Mart donation will go a long way.
4. Financial review of Police Department – Chief Varrenti thanked Treasurer Tojek for supplying him and Department Heads with monthly reports of department appropriations and expenditures. He reported that 6 months into the fiscal year, he has expended 50.9%, so he is proud to say his department is right on budget, and that's with being 3 officers down. One is on light duty for medical. One is on light duty for maternity. One was never hired, so a vacancy remains.

Chief Varrenti said he was disturbed but not surprised by the December 8<sup>th</sup> Democrat and Chronicle editorial that chastised the Brockport Village Board about cuts made and not made and the tough decisions needing to be made. The editorial indicated that the Mayor has done her part on behalf of the taxpayers. However, why someone would tell the D&C that the Police Department represents 50% of the budget, when that is inaccurate, is beyond him. It represents 33%, one-third, not one-half.

Chief Varrenti commented on previous comments made by Joan Hamlin during prior public comment sessions whereby she related in a prepared statement that the Village has tried what Chief Varrenti has recommended... "spend money to save money"... and it's obvious that this doesn't work. Chief Varrenti refuted J. Hamlin's statement by pointing out that this has worked when done in the past but isn't being done presently. He contends that J. Hamlin's statement is inaccurate and does not reflect his philosophy relative to public policy or public finance. Chief Varrenti stated he has and continues to specifically speak of grant writing. To not spend \$3,000 for a grant writer to recover \$20,000 in available state money is simply counterproductive, irresponsible and self defeating. Presently the Village, and/or the Police Department, employs absolutely nobody for the purposes of writing grants for the Village, the Police Department or any other departments within the Village.

When Kelly Smith was a part time police clerk, she also served as a part time grant writer for the Police Department. She was paid \$3,000 for the grant related work and got the department \$20,000 in just one grant. To not fund grant writing for the Police Department, or other departments in the Village for that matter, is unwise. We continue to lose funding opportunities. The state and federal monies simply go to other communities. We lose out on "free" money. Chief Varrenti cited examples of outdated or inefficient equipment such as roof racks that could use replacement and might be eligible for grant funding. It doesn't make sense to cut off the hand that feeds you.

5. Stetson Club Negotiations – Chief Varrenti said he has always expressed a willingness to assist the Village with union negotiations. He was once a member of a union. He knows the job of the officers and their mindset. He believes he can help simplify what can be a long and arduous process. He thanked the Village Board for their appointment of him at the December 16<sup>th</sup> meeting to negotiate on the village's behalf the Stetson Club contract but questioned what was meant by the statement "preliminarily represent the Village in collective bargaining agreement negotiations with the Stetson Club. He asked that "preliminarily" be defined at a future meeting.

Chief Varrenti asked that the Board meet with him in executive session at their next meeting, January 4<sup>th</sup>, as to their expectations with negotiations. He said he hopes to return to the Village Board by March 1<sup>st</sup>.

Deputy Mayor Martin said that while the Board supports such, that was the Mayor's decision. Trustee Legg concurred and said the Trustees have no purview in the matter.

6. Happy Holidays to all.

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

1. Developer/Builder Incentives – CEO Zarnstorff updated the Board on having conversed with

his liaison, Trustee Hunsinger, on the idea of reaching out to the developers/builders of the 3 subdivisions under construction in the Village. He has reached out to 2 so far and they have

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expressed an interest in getting together after the holidays to discuss ideas that might spur construction. These 3 subdivisions will add to the Village's tax base.

2. Village Owned Parcels – CEO Zarnstorff expressed a willingness to take a look at the deeds Trustee Blair gathered from Clerk Morelli and Treasurer Tojek of the various Village owned parcels. There may be some zoning change opportunities with some.
3. Code Review Committee – CEO Zarnstorff shared that they are currently reviewing the sign code. He mentioned that the upcoming NYSDOT reconstruction of Main Street and of the modern roundabout with center island at the intersection of Main Street and East/West Avenues presents challenges and opportunities as it relates to signage.

Deputy Mayor Martin shared that the Main Street Rehabilitation Committee is working on plans for the center island so that it is not simply concrete or grass. S. Zarnstorff said he would be willing to coordinate his and the Code Review Committee's thoughts with them. Deputy Mayor Martin suggested he or CRC Chair Appleby reach out to the MSRC and attend their next meeting.

4. Happy Holidays to all.

**D. FIRE / AMBULANCE / DISPATCH - Chief Scott Smith**

1. Calls for Service – 934 Fire calls year to date and 2,018 EMS calls year to date.
2. Membership Drops & Adds – none
3. Adopt 2010 Med Ex Rates & pricing addendum per billable account – Per EMS Chief VanDervort's memo in part:  
“Due to a decline in the CPI of 1.3%, I suggest to the Board to not raise the rates except in two categories. First off is the ALS 1 Emergency rate, which covers our typical ALS response/transport. The reason for a rather significant increase is due to the increase in Medicare ALS interface services and the upcoming implementation of Controlled Substances. This has also been applied to the ALS 2 category which deals with treatments that are above and beyond the “routine” care given by a paramedic unit (i.e. – intubation, Rapid Sequence Intubation, multiple medications, etc.). Typically we have also lagged behind slightly in the mileage rate, so there is also a suggested slight increase there to help offset unstable fuel costs.”

→ Trustee Hunsinger moved, Trustee Blair seconded, unanimously carried 4/0 to approve the following 2010 Med Ex rates upon recommendation of EMS Chief VanDervort and concurrence of Chief Smith, and to authorize the Mayor or Deputy Mayor to sign it and the contract amendment.

BLS Non-Emergency – remains at \$395  
BLS Emergency – remains at \$500  
ALS 1 Non-Emergency – remains at \$520  
ALS 1 Emergency – goes to \$750  
ALS 2 – goes to \$800  
ALS Interface – remains at \$630  
Special Care – remains at \$840  
Mileage – goes to \$18

**Addendum  
Section A**

Village of Brockport Ambulance will pay to MedEx a Base Fee for each billable account, the sum of \$37 for calendar year 2010. This pricing Addendum shall remain in effect until modified and agreed upon by all parties involved.

4. Grant – thermal imaging cameras – Chief Smith reported that grant paperwork is ready for submittal for \$15,000 reimbursement and should go back into the new equipment line.
5. Site Survey – Chief Smith reported that he received the preliminary questionnaire from Holman and is working on completing it.
6. Pool Car – Chief Smith expressed dismay that he was not notified by the Mayor or one of his liaisons as to the action taken at the December 7<sup>th</sup> meeting to remove the pool car from use by the Fire Department volunteers and assign it for sole use by the Assistant Code Enforcement

Officer. He asked if reimbursement would be made to the Fire Department line, as it was originally purchased from their line.

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7. Elimination of Dispatch – Chief Smith expressed dismay that he was not notified by the Mayor or one of his liaisons as to the action taken at the December 7<sup>th</sup> meeting to eliminate local dispatch as of March 10, 2010. He was under the impression it was still being investigated and had no idea it was at the point of decision.

**E. TREASURER – Gina M. Tojek**

1. Work Load – Treasurer Tojek shared that her office continues to be extremely busy and that she stays in close touch with the Mayor and her liaison.
2. Happy Holidays to all.

**F. CLERK - Leslie A. Morelli**

1. Happy Holidays to all.

**G. VILLAGE MANAGER – (vacant)**

**H. ECONOMIC DEVELOPMENT COORDINATOR – (vacant)**

**I. VILLAGE ATTORNEY – Michael Leone, Esq. of Harris, Chesworth, O'Brien, Leone, et al. (excused)**

**VILLAGE BOARD REPORTS:**

**A. Mayor M. Connie Castañeda (excused)**

Deputy Mayor Martin read the following statement from Mayor Castañeda who is out of town.

**Mayor's Report**

1. On Monday, December 14, I met with CSEA Union President John Streb and Dean Adams. The CSEA has submitted proposals which have been shared with the Trustees and Village Attorney for review and suggestions.
2. On Tuesday, December 15, 2009 Superintendent of Public Works Donahue and I met with State Senator George Maziarz. He's put in a request for Stimulus funding for the Main St. sewer main and water line replacement. We should know the outcome by the 1<sup>st</sup> quarter of the New Year.  
I met with the Deputy Mayor and Chief Varrenti to discuss Department Issues and upcoming Stetson Club Negotiations later that evening.
3. On Wednesday, December 16 we had a workshop. I would first like to thank the board members. The meeting was productive and hopefully the first step in real communication which will take countless hours of eyeball to eyeball, back and forth with all the key players at the table. It will mean listening – listening to Professionals like Tom Lauffer and Chuck Bastian, our Treasurer Gina Tojek and Department Heads and employees but most importantly the tax payers. The board will need to be relentless about coming to see and accept things through a constant interactive process aimed at consensus through open and transparent communication. I would request that all motions set forward that night be tabled until such a time when the board can meet with Dept. heads to talk and further evaluate potential savings and consequences....The board needs to meet with the dept. heads to continue to look at the current budgets and see what expenditures and projects we can put off... Having a spending freeze to curtail expenditures and unnecessary spending... will all help our current dire financial situation.

...Keeping in mind that we can't spend what we don't have...

I will be appointing a fact finding committee that will recommend and assist the board during the upcoming budget process.

Later that evening I attended the tri-municipal meeting with the Seymour Library board members and Sweden and Clarkson board members and supervisors. The library board would like the village and towns to forward a letter of home rule which would allow voters to decide on the forming of a library district. I personally am opposed to the forming of a library district as it is another layer of government and taxing entity. I am however not opposed to letting the voters decide and there for recommend a

letter of home rule be forthcoming from the village to allow to be put to a vote.

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4. On Thursday, December 17, I attended the bimonthly dinner meeting of the Mayor's Association. For the past several months I have visited new fire houses for the Village of Webster, Churchville and East Rochester. Many Mayors are of the same opinion as I that it is important to recognize and support our Volunteer Fire Departments as the cost of going to a paid department would far exceed the current cost of a volunteer department. Mayor Nancy Steedman from Churchville reported on the Council of Government initiative to begin a study for a consortium for health care. There is no commitment necessary from the municipality and have asked to be included in a study as savings can be significant.
5. On Tuesday, January 5<sup>th</sup> I will be swearing in the 2010 officers for Brockport Fire Department and Ambulance Corps. I offer my Congratulations to all the newly elected officers and members.
6. A meeting with Tom Lauffer and Chuck Bastian, Treasurer Tojek and board members has been scheduled for January 6 time to be determined..The public is welcome to attend.
7. I will be attending the rescheduled town gown meeting on January 20 at 4pm. These meetings help keep an open line of communication between the college community, the Town of Sweden, the Village of Brockport and all our residents.

**B. Deputy Mayor Christopher R. Martin**

1. Correspondence from Firefighter – Deputy Mayor Martin read the following into the record as per the request of Joseph Indelicato:

A Letter to the Village Board Members of Brockport. I humbly request that this letter be read into the public record at the next meeting.

It has come to my attention that you have recently made some poor decisions. It appears you are not aware of the value the volunteer fire department provides. I will be happy to clarify any questions you have, but first, let me get my facts straight.

1. It is my understanding that you have voted to remove the position of dispatcher from the fire department.
  2. You have voted to remove from fire department service our pool car.
  3. You have used monies from the towns of Sweden and Clarkson, intended to be spent on the fire department to balance your village budget and placed those funds in your general fund.
  4. You then failed to approve a motion to settle that issue, and did not back your Mayor's attempts to bring harmony.
  5. One of you have taken the time to hand write a note returning an invoice to the fire department with a comment to the effect of when you were a child, your mother sewed your patches on.
  6. You have prevented the fire department from spending it's allocation.
  7. You have approved hiring a part time clerk to assist the Police Department.
  8. You are planning to not renew the lease on Station 4 and have no current plans on a replacement.
- I realize that information can be distorted. I have not personally attended a meeting, as I thought that the village board could be counted upon to make reasonable decisions. Perhaps only four out of the eight items I have listed are correct. Assuming I am half wrong, and I do hope I am, I am truly disappointed. Only someone who has no idea the value that the Brockport Fire Department provides could make such decisions.

I have been a volunteer firefighter for over fifteen years. I have served in three departments in this county, including one of the largest departments, where I rose to the rank of Captain and worked side by side with career firefighters. I am an Emergency Medical Technician, qualified rescue tool operator, qualified operator on fire apparatus, and qualified interior firefighter. I am a sworn peace officer and Fire Police. I have completed National Incident Management courses offered by the State Emergency Management Office and the Federal Emergency Management Agency to the highest level offered, Incidents of National Significance. I have dozens of certificate courses I have taken over the years. I have received awards from Monroe County on several occasions due to my efforts as part of a team to respond to devastated areas in the state.

My purpose for mentioning this is to give you a little idea that I am qualified to make the following statements. My opinions are my own and do not reflect the Fire Department's.

Firefighters are for the most part, humble people. We often donate money and resources to other needy organizations, when we ourselves are a needy organization. Volunteer firefighters receive no direct compensation for their actions. "Pride is our pay." We take pride in our town, our village, our

department, our equipment, our apparatus, and our job. We enjoy washing the trucks and participating in parades and showing our village, or town, how proud we are to be a part of a valuable service that dates back over three hundred years to before the founding of this country. We like the respect and recognition that we receive. I can say that I am proud to be a member of the Brockport Fire Department.

The Village Board however, is not proud of me. They have demonstrated by their actions that my services are a necessary and unappreciated evil. That every dime that is spent on some other village  
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expense is better spent. That if they can keep 38 Market Street from falling down that is sufficient. That volunteers can use their own personal vehicles to travel to required training and conduct Fire Department business on their own nickel. That a paid Police force, who does provide a valuable service, but is compensated, deserves a part time clerk, but volunteers who also complete endless paperwork and reports, do not deserve a dispatcher, or assistance with paperwork.

I hope that I am wrong in my observations. My information comes to me from very reliable sources. Perhaps you didn't realize the actions you were taking would have such impact. I am confident however, that the fire department did indeed express their heartfelt opinions on the subject. I trust the officers of the Brockport Fire Department with my life and the lives of many I love, since I and my wife, daughter, mother-in-law, father-in-law, sister-in-law, nephews, niece, friends, and neighbors all live under the Brockport Fire Department's protection.

I expect a response from you. I expect that you will rescind your decision on the Fire Dispatcher, and the Pool Car. I expect you to come to terms with the Towns of Sweden and Clarkson within a month. And finally, I expect you to respect the Fire Department and make it a priority in your calculations, I can tell you from my experience, that the Brockport Fire Department is staffed with dedicated, professional, and compassionate people who deserve a bit more consideration. Not for my sake, but the sake of the continuation and prosperity of this essential and valuable service.

Thank you for your time, as I know yours is valuable and please know that mine is too. I pray a safe and blessed Christmas to you and your families.

Sincerely,

Joseph P. Indelicato, Firefighter, EMT  
2536 Lake Road, Hilton, NY 14468

C. Trustee Kent R. Blair

1. Finances - Trustee Blair commented that some drastic changes have been needed as this Board came into some dire financial conditions. None of the decisions made or to be made should be taken as a lack of respect for those that perform the services. He cited Chief Varrenti as an example on meeting budget expectations as he accurately projects his department's budget and stays within budget.
2. Parks – Trustee Blair shared that he met with some Parks Committee members and reviewed the list of items needing attention. Some pieces of equipment may need to be removed rather than repaired due to limited funds. The Parks Committee will be looking for volunteers in the neighborhoods of area parks to assist with parks clean up and maintenance where possible. Walk Bike Brockport Action Group has also expressed a willingness to help.
3. Fuel Logs – Trustee Blair thanked Deputy Mayor Martin for obtaining and providing him with the vehicle fuel logs he had previously requested from DPW. He reviewed them and will contact Superintendent Donahue with questions. He noted that some vehicles have very little fuel usage and some have thousands of dollars of fuel usage attributed to them.
4. Village Properties – Trustee Blair indicated that he would take CEO Zarnstorff up on his offer to review the deeds of Village properties and will forward the deeds to him. They are to be returned to Clerk Morelli when done.
5. Vehicle Usage – Trustee Blair reminded Department Heads that employees and volunteers using their personal vehicles for Village business can turn in their mileage for reimbursement at the current IRS rate which is 55 cents per mile.

D. Trustee Scott W. Hunsinger

1. Capen Hose Company – Station #4 – Trustee Hunsinger shared that he will be meeting with Capen Hose Company representatives after the holidays regarding Fire Department use of Station #4.
2. Village Mechanic – Trustee Hunsinger reported that he met with DPW Superintendent Donahue as to the upcoming retirement of the Village mechanic and steps for replacement.
3. Letter re Police Department – Trustee Hunsinger read the following letter into the record:

"I am writing this letter to acknowledge the exceptional work of the Village of Brockport's Police Department. From Chief Varrenti down to the officers you will find professionalism and integrity as their practicing standard.

Over the past year I have had several situations at one of my apartments that needed police intervention. The officers immediately responded and acted on the situation for the better resolve. Their professional yet courteous response defines the Benchmark of the Brockport Police Department.

In a day and age when police departments are being noticed for anything but professionalism "Our **MINUTES OF VILLAGE BOARD MEETING HELD December 23, 2009 continued.....page 10**

Department" continues to serve as a model of excellence.

My sentiments (sic) for the Brockport Police Department are also shared by numerous other Federal, State and Local law enforcement agencies that I interact with when conducting or participating in law enforcement training programs or writing grants for external funding. The comments I hear are same ones that I have echoed in this letter. Quite simply the Village of Brockport has an exceptional, hardworking and dedicated police department providing for the public safety of its residents.

As a tax payer in the village, a police officer and deputy sheriff in Orleans County and a college professor I just want to acknowledge my support for the Village of Brockport's Police Department. I also want to extend my sincere appreciation to all of you, and the many other village employees, who take pride in making our community work. Best wishes for a Happy Holiday Season.

Sincerely,

Gary J. Metz, M.S., M.P.A., MAC, CPP  
10 Talamora Trail  
Brockport, NY 14420"

Deputy Mayor Martin shared that G. Metz is a former part time Brockport police officer.

4. Consideration of suggested PD budget cuts – Trustee Hunsinger referred to the minutes of the December 16<sup>th</sup> meeting and said he wished to untable the motions he presented. He shared that he has had several meetings with Chief Varrenti and studied the numbers. Chief Varrenti is aware of the motions he has brought forward.

Deputy Mayor Martin asked Chief Varrenti if he wished to comment. Chief Varrenti said yes. He expressed concern of reducing the Police Department staffing to the size it was in the early 1990's when the Village had to do layoffs due to financial problems at that time. He has worked hard to build a department to be proud of. One that is accountable and cost effective. To try something that was tried previously, and didn't work, doesn't make sense. He said the Police Department has recently been referred to as a "sacred cow" or the "white elephant in the room".

Each and every year, the Village's financial problems come back to the Police Department. However, again, it is only 33% of the Village's budget. He said this is similar to other Police Departments in Monroe County. How about the other 67% of the Village budget? Year in and year out, the Police Department is the sacrificial lamb. Chief Varrenti said a lack of management caused the Village's financial problems, not the Department Heads or employees.

Unfortunately, they pay the price. He thanked Trustee Hunsinger for communicating with him, listening to him, and spending countless hours meeting. Nothing he or Trustee Hunsinger says comes as a surprise to each other. Chief Varrenti said this Village Board has inherited a monumental financial problem. He encouraged them to assign true blame and not use smoke and mirrors. Chief Varrenti expressed concern of the department being reduced to 8 full time officers. He said SUNY University Police has 15. Visibility will be reduced. Response time will slow. Currently, Brockport Police Department response time average 6.2 minutes – the fastest in the County. They have never prioritized calls, but they will need to do so now. Response time in an emergency is crucial. An extra 2 minutes can seem like an eternity. He said he is proud of their crime prevention efforts and their crime solving. The Village of Brockport does have crime. We can't bury our heads in the sand. The Village Board was elected to represent the people. They need to determine essential services and then fund them appropriately. If the Police Department is considered an essential service, it must be funded as such.

→ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 to untable.

→ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 to defer the hiring of the 12<sup>th</sup> patrol officer of the Brockport Police Department until a later date as to be determined by finances and need. (savings: \$68,821)

→ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 to defer the hiring of an officer to replace the officer who is in the process of being medically retired until a later date as to be determined by finances and need. (savings: \$108,367)

→ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 to cut the current part time budgeted hours by 50%. (savings: \$5,400)

→ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 to defer the hiring of a Grant Writer until a later date as to be determined by finances and need. (savings: \$3,507)

→ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 to immediately replace any officer who transfers out of the department. (savings: unknown. The next officers will NOT be brought in at top pay.)

Total savings: \$186,095

**MINUTES OF VILLAGE BOARD MEETING HELD December 21, 2009 continued.....page 11**

E. Trustee Hal S. Legg

1. Consideration of amendments to Village vehicle usage policy –

→ Deputy Mayor Martin moved, Trustee Legg seconded, unanimously carried 4/0 to incorporate the following underlined text into Trustee Legg's proposed amended policy:

"A village official, employee or volunteer shall not transport in a village vehicle persons who are not village officials, employees or volunteers, (exception: department supervisors issued take home vehicles may transport family members while maintaining 24/7 availability to their respective department in a non-emergency mode), or material or persons unrelated to the conduct of village business. For the purpose of this policy, persons affected by emergency situations to which emergency responders have responded are related to the conduct of village business."

→ Trustee Legg moved, Trustee Blair seconded, unanimously carried 4/0 to incorporate the following underlined text into Trustee Legg's proposed amended policy:

"A village official, employee or volunteer involved in a motor vehicle accident while using a municipal vehicle shall notify his supervisor as soon as practicable and within 24 hours of such accident; the applicable department head shall notify the mayor and file an accident report in the village clerk's office as soon as practicable and within 48 hours of such accident."

→ Trustee Legg moved, Trustee Hunsinger seconded, unanimously carried 4/0 to amend the village vehicle usage policy as follows:

### **Vehicle Usage**

**Policy Statement** – The village board may assign a village vehicle to a village official, employee or volunteer (whether on a case-by-case or continual basis). The village owns and maintains such vehicles, including related equipment, explicitly to conduct official village business. Personal use and the use of vehicles, including related equipment, for the private gain of any official, employee, or volunteer, including related equipment, except for commuting and de minimus personal use, is prohibited.

**General Standards** – Compliance with this policy requires observance of the following standards.

- The village board shall authorize (whether on a case-by-case or continual basis) the purpose(s) for which a village vehicle may be used.
- A department head to which the village board has assigned a vehicle, including any related equipment, shall maintain the general administrative jurisdiction of said vehicle, including directing its use by a subordinate.
- A department head shall maintain under his control and jurisdiction all keys to a vehicle assigned to his department when such vehicle is not in use.
- A village official, employee or volunteer shall not use a village vehicle for an unauthorized purpose.
- A village official, employee or volunteer cited for a parking violation, moving violation, or any other driving infraction or offense while using a municipal vehicle shall notify his supervisor as soon as practicable and within 24 hours of such citation.
- A village official, employee or volunteer operating a village vehicle shall be personally liable for fines resultant from conviction of a parking violation, moving violation, or any other driving infraction or offense committed while using a village vehicle.
- A village official, employee or volunteer involved in a motor vehicle accident while using a municipal vehicle shall notify his supervisor as soon as practicable and within 24 hours of such accident; the applicable department head shall notify the mayor and file an accident report in the village clerk's office as soon as practicable and within 48 hours of such accident.
- A village official, employee or volunteer shall not transport in a village vehicle persons who are not village officials, employees or volunteers (exception: department supervisors issued take home vehicles may transport family members while maintaining 24/7 availability to their respective department in a non-emergency mode), or material or persons unrelated to the conduct of village business. For the purpose of this policy, persons affected by emergency situations to which village emergency responders have responded are related to the conduct of village business.

- A village official, employee, or volunteer to whom a village vehicle, excluding a police vehicle, is assigned shall lock the same when not in use.
- A village official, employee or volunteer shall notify the appropriate department head of any malfunction of a village vehicle while it is assigned to him.
- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on village vehicles at any time, except those of a limited community service nature that have been authorized by the village board.
- Village vehicles, except unmarked police vehicles, shall be clearly marked with identification as approved by the village board.
- Smoking and the use of smokeless tobacco in village vehicles are prohibited.

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**Standards for Use of Fire Apparatus at Funerals, in Parades or Public Displays –**

The following standards apply in addition to the foregoing “General Standards.”

- No more than two pieces of fire department apparatus may be used simultaneously at funerals without prior approval from the village board.
- At the discretion of the fire chief, up to two pieces of fire department apparatus may be used for a period of up to 8 hours for a former Brockport Fire Department member’s funeral within Monroe County.
- At the discretion of the fire chief, one piece of fire department apparatus may be used for a period of up to 8 hours for a funeral within Monroe County’s resultant from an emergency responder’s line of duty death (LODD).
- Contingent upon prior approval from the mayor, one piece of fire department apparatus may be used for a funeral in any state adjoining the State of New York.
- Contingent upon prior approval from the mayor, 5 pieces of fire department apparatus may be used for a period of up to 8 hours in a parade or public display within Monroe, Orleans, Genesee and Livingston counties.
- Contingent upon prior approval from the village board, fire department apparatus may be used in a parade or public display within the State of New York, excluding Monroe, Orleans, Genesee and Livingston counties, or within any state adjoining the State of New York.

**Standards for Use of Police Vehicles –** The standards described by Brockport Police Department General Order 325 apply to the use of police vehicles in addition to the foregoing “General Standards.”

**Taxable Fringe Benefit –** Employees authorized to use a village vehicle on a 24-hour-per-day, seven-day-per-week basis may be subject to imputed income tax regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The village will use IRS Publication 15-B “Employers Tax Guide to Fringe Benefits,” Section 3, Fringe Benefit Valuation Rules, Commuting Rule in determining any tax liability and automatically update changes to the rate as made by the IRS. The rule establishes a \$1.50 per one-way commute value as the non-cash taxable fringe value. This value will be includable in the employee’s gross income and is subject to all federal withholding taxes. Employees who are assigned marked police and fire vehicles, unmarked police vehicles or specialized vehicles carrying tools and meeting certain other eligibility criteria established by the IRS will not be subject to the commuting valuation rule.

Trustee Legg commented that the amendment of the Village’s Vehicle Usage Policy was an item in the Village’s correction action plan after its audit for fiscal year ending 5/31/09.

2. Consideration of Village media policy – Trustee Legg referred to the media policy he proposed and introduced in November. He has heard no comment from fellow Board members.

Deputy Mayor Martin said Mayor Castañeda indicated she would like to hold off. Trustee Hunsinger said the Board has had it for a while now. Trustee Legg said there is no reason it could not be adopted and amended by the Board in the future.

→ Trustee Legg moved, Trustee Hunsinger seconded, In favor: Trustees Legg, Hunsinger, Blair. Opposed: Deputy Mayor Martin, Carried 3/1 to adopt the Village media policy as follows:

**Media Response and Submission**

**Policy Statement –** The village board acts to ensure coordinated, coherent, professional, accurate, and reliable communication between the village and media, and to sustain and reinforce a positive public image of the village by effectively disseminating timely, relevant, interesting information.

**General Standards –** For the purpose of this policy, a “statement” is spoken communication; a “submission” is written communication. Compliance with this policy requires observance of the following standards.

- Members of the village board are the official spokespersons of the village. Other village

officials, employees and volunteers shall not make official statements, whether unsolicited or in response to a media inquiry, except when authorized by the mayor or village board, or to affirm or clarify facts that are part of the public record.

- Official spokespersons shall respond to media inquiries.
- Official statements to the media, whether unsolicited or in response to an inquiry, shall accurately reflect the village's position as described by official documents such as but not limited to formal plans, adopted policies, and approved meeting minutes.
- A village official, employee or volunteer who wishes to make a personal statement regarding any village-related topic must clearly inform the media that he is making such statement as an individual, that his statement does not necessarily represent the position of the village, that the village has (or has not) taken a position on such topic, and that the majority of the village board

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may take a different position.

- Any unsolicited submission to the media, such as a press release, must be approved by the village board prior to its issuance.
- Any unsolicited submission to the media shall include in its heading the date of approval by the village board.
- Any direct quotation of a village official, employee or volunteer in a statement or submission to the media must be verified by official record or acknowledged as accurate by the party quoted prior to issuance of such statement or submission.

The foregoing media response and submission policy does not apply to: communications regarding fire department affairs issued by the fire chief or his designee; communications regarding police department affairs issued by the police chief or his designee; letters to editors; editorials; legal notices; and advertisements.

**3. Spending Moratorium -**

→ Trustee Legg moved, Trustee Blair seconded, unanimously carried 4/0 to immediately enact a moratorium on spending, subject to exception by the Board, from the following Village budget lines:

- A1325.4110 Clerk/Treasurer-Training
- A8020.4020 Planning Board-Conference Expense
- A8010.4020 Zoning-Conference Expense
- A8989.4000 Pub Svc Cable Access
- A1210.4000 Total Contractual Expenses (a discretionary line under the mayor)
- A7145.4000 Senior Center
- A7450.4000 Museum-Contractual Expenses
- A7550.4010 Celebrations-Summer Concerts
- A7550.4060 Celebrations-Main St. Flowers
- A7550.4030 Celebrations-Christmas Decorations
- A6520.4000 Farmers Market Manager
- A7510.4090 Historian-Miscellaneous
- A1210.2000 Mayor-Equipment

Trustee Legg noted that there is a provision in the motion for exception. Clerk Morelli said she was glad to hear that as the Village adopted the State regulation that requires each Planning Board and Zoning Board of Appeals member to receive a minimum of 4 hours of training each year. She shared that she conducted an audit of such in September and a recent training opportunity in November brought each member in compliance for this fiscal year. Trustee Legg further noted that some of these lines have already been expended, but that it would be a good bookmark for budget consideration for next fiscal year.

**4. Request executive session per 105.1(f) – personnel -**

**Executive Session:**

⇒ At 8:30pm, Trustee Legg moved, Trustee Blair seconded, unanimously carried 4/0 that the Board of Trustees of the Village of Brockport enter into an executive session per §105.1(f) “the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation” to discuss a personnel matter. The Board invited Fire Chief Smith to join them.

⇒ At 9:00pm, Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 5/0 that the Board of Trustees re-enter the regular meeting.

**ADJOURNMENT:**

- ➔ Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 4/0 that the meeting be adjourned at 9:00pm.

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Leslie Ann Morelli, Village Clerk