

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, November 16, 2009 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, 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, DPW Superintendent Harry G. Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Scott Smith

ALSO PRESENT: Village Attorney David F. Mayer, Village Engineer Jason Foote, Art Appleby, Jim Drake, Kathy Snyder, Rich Miller, Norm Giancursio, Carrie Maziarz, Mary Jo Nayman, Jim & Joan Hamlin, Mary Ann Thorpe, Roy Heise, Bernie LoBracco, Jim Goetz, Bernie Daily, Jackie Morris, Francisco & Linda Borrayo, Hanny Heyen, John Brugger, Jeff Woodin, Dave Moore, Fred Webster

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

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

APPROVAL OF MINUTES OF PREVIOUS MEETING: Mayor Castañeda called for any additions or corrections to the minutes of the last meetings.

- ➔ Trustee Hunsinger moved, Trustee Legg abstained due to absence, carried 4/0/1 that the minutes of the meeting held October 19, 2009, be approved as amended.
- ➔ Deputy Mayor Martin moved, Trustee Hunsinger abstained due to absence, carried 4/0/1 that the minutes of the meeting held November 4, 2009, be approved as amended.

Chief Varrenti said he wished to clarify for the record the information presented by Trustee Blair on page 5 as to the number of vehicles per department. He said the Police Department has 8 vehicles. It has 7.

AUDIT – PAY BILLS:

- ➔ Deputy Mayor Martin moved, unanimously carried 5/0 that the bills be allowed and paid upon audit.

	<u>Date Paid</u>	<u>Beg. Ck #</u>	<u>End Ck #</u>	<u>Amount</u>	
FUND (A):					
<u>General</u>	11/17/09	179680	179716	\$50,027.91	
				\$50,027.91	Total General
<u>Reserves</u>				\$-	Total Reserves
<u>Fire</u>	11/17/09	179668	179668	- VOID	
	11/17/09	179669	179679	\$5,428.99	
				\$5,428.99	Total Fire
<u>Ambulance</u>	11/17/09	1692	1701	\$7,705.08	
				\$7,705.08	Total Ambulance
FUND (F):					
<u>Water</u>	11/17/09	2451	2456	\$34,869.99	
				\$34,869.99	Total Water
FUND (H):					
<u>Capital</u>	11/17/09	2347	2348	\$27,917.00	
				\$27,917.00	Total Capital
				\$125,948.97	Grand Total

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Jim Drake of Unique Gift Boutique on Main Street – expressed concern of the Main Street sewer and water construction deadline having been set back from November 30th to December 15th. While he realizes the project has to get done, 25 to 30% of the merchants annual sales come between Thanksgiving and Christmas. Delays in construction are cause for real concern. He said he has spoken with Project Manager Jason Foote and looks forward to more information this evening.

2. Rich Miller of 52 State Street – congratulated Christopher Martin on his appointment as Trustee/Deputy Mayor and said he knows he cares about the Village and that Mayor Castañeda couldn't have made a better choice to fill the vacancy. Commented that the Village is fiscal distress and that the Board needs to grant financial relief and work with leaner means. Commented that it is an interesting Board with a mix of personalities and some being quick to spend money that taxpayers work hard for. Can't spend our way out of a problem. Village Board must do the right things by the taxpayers and by the Towns of Sweden and Clarkson regarding misallocated fire contract monies. Urged the Board to get control of the financial monster or it will devour the Village. Speculated that this could be the last Village Board. Taxpayers needn't pay for this or past administrations mistakes.

3. Joan Hamlin of Park Avenue – read the following statement into the record:

“In the last 2 weeks I've received several phone calls. People are realizing our Village is in financial crisis. It's not something that has just happened. Those of us who try to be informed have questioned the spending practices of the Village for the past 7 to 8 years. We've heard phrases like “creative revenue” and “you've got to spend money to make money”. I guess we've seen where that's gotten us. We have been hemorrhaging money during those years and now we're broke!

The state is encouraging Villages and Towns to consolidate services. We've had a long history of doing just that. Our library, fire department and court are a few examples of this. At a recent meeting we've heard mentioned the idea of starting a Village court. Sweden loses money each year operating our town court. In 2008 the cost was over \$184,000 less revenue with a cost to all Sweden taxpayers of over \$26,000. This year the state said they'd like to see lawyers, not lay people, as local judges and justices which has the possibility of raising the expense even more. We heard at a Village meeting we could put a high surcharge on tickets to help cover the cost. I guess my question is “Since when has justice become a revenue source”?

The only way to reduce expenses to Village taxpayers is to reduce services. We need to address the “elephant sitting in the middle of the room”. The only duplicate service and the most costly department by far that we have is the police department. As much as I've tried to justify this expense it's finally got to be addressed. We already pay for the sheriff's department in our Monroe County taxes. Has anyone spoken o Sherriff O'Flynn to see what our options are? If we eliminate one shift would the sheriff cover for us? If we went to all sheriff coverage, how many men could be assigned to our area? Could we get extra patrols for weekends and special events? Would the department have to hire more deputies? What would be the possible increase in cost over our current county tax? As Chief Varrenti said at the time he was looking at 911 to replace our dispatchers a few years back, “We might like to drive a Cadillac but we can only afford a Ford”. The Village is in trouble and we need to tighten our belts. We won't know unless we seriously look at all our possibilities, not just a select few. This may be a good time because the police union contract is to be renewed in 2010.

About a year ago somebody asked me, “If the Village police are comfortable with sheriff's deputies protecting their families, why do we so loudly hear we need Village police to protect ours?” The answer was easy I thought and I said, “They're the police and they can protect their own homes.” The next comeback was, “They are gone from home at least 1/3 of the hours in a day. Who protects their families then?” Touché! I had to acknowledge that point.

Recently I've been asked about the possibility of a tri municipal police department. If the sheriff is satisfactory for Sweden and Clarkson why would they take on the expense of our police force?

I believe I want my Village police department. I know I don't want to dissolve my Village, but if we don't begin discussing all our financial options, we will lose both.

Our Village is in crisis and our trustees said at a recent meeting they would be communicating mainly by e-mail. You can't even manage to get 5 people to sit in a room and have a civil discussion. What a sad way to solve the Village's problems!”

4. Francisco Borraro of Utica Street – disappointed to see the agenda items under Trustee Legg regarding a water rate increase and implementation of sewer fee.

Trustee Legg reminded Mayor Castañeda that public comment should be addressed to the entire Board. Mayor Castañeda concurred and asked that F. Borraro make his remarks to the entire

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Board. Deputy Mayor Martin said any Board member may present agenda items, but such issues would be a decision of the entire Board.

F. Borraro referred to a D&C article that cited Monroe County as having the second highest taxes in the nation and Brockport as having the second highest taxes in the County. To consider raising fees or taxes is wrong. The Board should be looking at where it can save – not how much more money it can get.

5. Andrew Saul of Main Street – Clerk Morelli read the following letter dated November 5th into the record:

Dear Mayor and Trustees:

First of all, I would like to belatedly thank the Mayor for her prompt written response to and initial action on my previous letter of concern (July 16, 2009). Although I have not looked in the last few weeks, I have not so far heard of seen evidence that the NY Canal Corporation has installed water-level safety grab cables yet. I now request that they be pressed to do so, in writing, by the Mayor or her designee.

My second reason for writing again is that today I was nearly struck by a left-turning car, in broad daylight, while I was crossing on foot, with the light, half-way across the street, in a crosswalk.

I have previously brought pedestrian safety to the attention of the Police Chief and some Trustees and, while I was answered politely, you can now more fully understand that I have serious, ongoing and unmet safety concerns for pedestrians in the Village. I have personally and repeatedly seen cars fail to stop for cross-walk using people of all ages, including the elderly and even a mother with a baby in a large stroller. I understand that, in addition to being common sense, it is a State law that cars must stop for pedestrians in a crosswalk.

The Police Chief has previously written to me that he is reluctant to ticket motorists for failing to yield unless the auxiliary bright green eye-level crosswalk street signs are in place in the center of the road at crosswalks. I understand this is because the Police have previously and publicly been attacked for alleged pedestrian “sting” operations. I strongly disagree with such attacks on any safety effort by our officers. To let grumbling decide is not good policy. However, lest this letter of mine be taken as another open opportunity to criticize the Brockport Police, I wish to add that that would be unproductive and unfair, as our police perform many valuable services very well. Still, protecting pedestrians is vital, and this issue fully deserves action.

The reason most often put forward to me that the Village and the Police are not doing more to directly address pedestrian safety is that we have coverage issues: so few officers on duty at any given time. I think one partial remedy is to station on-duty police patrol cars and officers at trouble intersections. Police cars having radios, our officers can respond just as fast from village crosswalk areas as they can from other places. I understand that other law enforcement bodies do this type of thing at dangerous intersections. Main and Centennial, Main and Monroe, and Main and Adams are all candidates for regular safety surveillance, in my opinion.

To cite statistics as to how few people are actually hit by cars in Brockport is begging the question. We should not wait until our luck runs out.

I respectfully request the following:

- 1) That my letter be read aloud and written into the minutes of the next Board meeting.
- 2) That a written response from the Mayor be provided to me after said meeting. I would, of course, also welcome a letter from each Trustee, and the Chief of Police.
- 3) That I be provided with a copy of subsequent correspondence related to my two concerns, above.

I look forward to both your positive action and to your reply.

Andrew W. Saul
141 S. Main Street
Brockport, NY 14420

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GUESTS:

1. Village Engineer's Office – Jason Foote – Main Street sewer and water project update -

Water Main:

- Cleaning and relining of the existing water main between Coleman Creek Road and Water Street is complete.
- Over the next few weeks the Contractor will make the final water main connections and water service transfers within the downtown area and the area north of the Canal. Most remaining water main work in the central business district should be done by Thanksgiving.
- Complete the installation of the new 12" water main along West Avenue.
- Complete the water service transfers and water main work along Lake Road.
- All water main work is expected to be completed by December 15th.

Sanitary Sewer:

- All sanitary sewer main and manholes have been installed.
- Sanitary laterals to be installed north of Canal and along East and West Avenue.
- All sanitary sewer work should be completed by November 30th.

Other:

- Approval of Pay Estimate #2: \$754,763.30

→ Trustee Blair moved, unanimously carried 5/0 to approve pay estimate #2 in the amount of \$754,763.30

- Approval of Change Order #2: \$14,813.70

→ Deputy Mayor Martin moved, unanimously carried 5/0 to approve change order #2 in the amount of \$14,813.70.

J. Foote reminded the Board that there was a \$294,000 contingency in the project and that change orders to date have totaled \$32,000. The project is running under budget which is good news.

Regarding the completion delay from November 30th to December 15th, the contractor is willing to push the work back to January, but that creates more of a problem. He would not recommend any delay. Communication with the merchants has increased as the contractor forwards daily updates to Brockport Merchants Association President Jo Matela who then forwards the information to the merchants.

2. Code Review Committee Chair Art Appleby –

- Recommend call for December public hearing to amend Chapter 13 – Ethics – Article VI Gifts and Favors – A. Appleby reviewed the proposed changes regarding gifts from persons interested in dealings with the Village and the addition of the definition of "Village matter" to definitions. Full text is available from the Village Clerk.

→ Trustee Legg moved, unanimously carried 5/0 to hold a public hearing on December 7th.

- Recommend temporarily suspend a-frame section of Chapter 43 – Signs – A. Appleby shared that he offered to draft a resolution for consideration of the Board regarding the use of A-frame type signs in the business district during the Main Street reconstruction. He spoke with Brockport Merchants Association President Jo Matela and Historic Preservation Board Chair Bill Andrews, both of whom welcomed his ideas. He is unsure if a public hearing would be required.

A. Appleby shared that some of the merchants existing signs may not conform to the 6 square foot maximum recommended. As it would be costly to have signs re-made, the Board may want to consider allowing larger.

Trustee Legg asked how much larger. A. Appleby said 8 square feet should suffice. Code Enforcement Officer Zarnstorff suggests no more than 3 ½ feet tall and is comfortable with the 6 square foot recommendation. Mayor Castañeda concurred. Trustee Legg concurred.

Mayor Castañeda said she asked the Village Attorney if a public hearing and local law would be required or if a simple motion would suffice. Village Attorney confirmed that a public hearing

would not be necessary and that the Board could adopt the proposed resolution this evening if it wished.

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→ Trustee Blair moved, unanimously carried 5/0 to adopt the following resolution:

Whereas: Village merchants are under hardship due to the Main Street reconstruction, and;

Whereas: Village merchants therefore need to maximize their visibility to pedestrian traffic, and;

Whereas: The use of A-frame type signs is a historically proven method of advertising;

Therefore, be it resolved, that the Village of Brockport Board of Trustees hereby suspend that portion of the Village Code, specifically Chapter 43, section 8:A, pertaining to A-frame signs, only while Main Street reconstruction continues, and adopts the following rules for their use.

- A-frame type signs may only be placed in front of the business to which they refer.
- Only one A-frame type sign is permitted per business.
- A-frame type signs may be no larger than six (6) square feet on each of two (2) sides.
- A-frame type signs may be placed only within the one third of the sidewalk closest to the store front or closest to the street.
- A-frame type signs may be placed on the sidewalk only during the normal business hours of the business to which they refer.

Use of Codification Service – Clerk Morelli referred to the issue of codification services and use of General Code Publishers as the vendor that was raised at the November 4th Village Board meeting. She referred to her November 6th e-mail to the Board and Code Review Committee as follows:

“Please be advised that after giving more thought to the Code Enforcement Officer and Code Review Committee’s proposal to eliminate use of General Code Publishers, and having had conversations with GCP and our Village Treasurer who has much experience with municipal codes, I must respectfully request that the matter be tabled. I did not expect the matter to be brought up at the 11/4 Village Board meeting as it was not on the agenda and I had not fully researched the recommendation yet. It was to be up for consideration 11/16. I believe that informal acceptance / concurrence of such recommendation may have been premature. GCP does a lot more than simply print our code books. It is an entire codification process that really cannot be handled in-house and GCP is highly respected in the industry. Therefore, at this point, as Village Clerk, and the one responsible for the maintenance of local laws and the Village Code, I will continue to utilize GCP for this necessary function. The use of a vendor needn’t be a matter for the Code Review Committee whose very important function is to review and propose amendments to the code. The committee should not have to concern themselves with the cost of code changes – just the content. While I can appreciate that the Board and Department Heads are all trying to cut costs where we can, this is not the place.”

3. Seymour Library Board President Jeff Davignon – Mayor Castañeda shared that she received a call from J. Davignon that was he was unable to attend as planned. He encourages any Trustees with questions on the 2010 funding proposal to contact him directly. Mayor Castañeda thanked J. Davignon for his willingness to participate in the Village Board workshop that she proposed be held either November 9th or 10th. Unfortunately, she was unable to get a quorum to agree to hold the meeting. She shared that when she was Village Board liaison to the Seymour Library, she attended their meetings regularly and knows how hard they work on their budget. She said while she believes the library is essential to the community, she is not in favor of a 4 or 7 percent increase. The Village cannot spend money it does not have. She asked the Board if they have enough information to render a funding decision this evening.

Trustee Blair said he spoke with J. Davignon earlier this evening and scheduled a meeting with him for Thursday. Deputy Mayor Martin suggestion the funding decision be tabled until all outstanding questions have been answered. Clerk Morelli will place this on the December 7th meeting agenda.

DEPARTMENT REPORTS:

A. PUBLIC WORKS – Superintendent Harry G. Donahue

1. Authorize Mayor to sign municipal cooperation agreement between Villages of Brockport, Hilton, Spencerport – sewer video inspection system – Superintendent Donahue referred to the

proposed agreement and shared that it is a renewal of an agreement about to expire. Clerk Morelli confirmed that it has been reviewed by the Village Attorney. Trustee Legg asked if the points made by the Village Attorney had been addressed. Clerk Morelli and DPW Superintendent Donahue said they had.

→ Deputy Mayor Martin moved, unanimously carried 5/0 to approve the intermunicipal agreement between the Villages of Brockport, Hilton and Spencerport regarding the sewer video inspection system.

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2. Declare surplus and authorize sale of 3 pagers – Superintendent Donahue shared that having gone to cell phones, they no longer have need for pagers and can save on monthly service fees.

→ Trustee Legg moved, unanimously carried 5/0 to declare surplus and authorize the sale of said 3 pagers.

3. Board direction on holiday decorating – purchase of wreaths for lampposts – Superintendent Donahue shared that there is very little left in the celebrations budget line. He asked for Board direction as to whether they wished to spend the \$600+ on wreaths for lampposts in the downtown commercial district.

Deputy Mayor Martin suggested the Village not purchase wreaths this year. Trustee Legg said Village Board action / direction should not be necessary, as the cost does not meet the spending limit set forth in the Village's purchasing and procurement policy.

Mayor Castañeda said she is working with Christine Howlett and the Step Up Community Project regarding students volunteering their time with the Museum. Maybe they would be willing to assist with wreaths. H. Donahue said years ago the Sweden Senior Center made them.

Trustee Hunsinger commented that there was a lot of public outcry over how Main Street looked over the summer and the Merchants Association through Lift Bridge Book Shop coordinated an adopt a tree program for flowers. Maybe they would be willing to do the same for wreaths. He'd be happy to personally donate.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Calls for service / crime reporting – Chief Varrenti reported 13,500 calls for service year to date. He referred to a recent newspaper article regarding suburban crime that showed a 24% increase in crime in Brockport from 2007 to 2008. He said numbers and statistics can be manipulated to arrive at a false conclusion. For instance, Webster showed a 35% increase and Fairport showed a 25% increase. That being said Fairport didn't have nearly the amount of crime Brockport had. If a community doesn't consistently have certain crimes then any crime will show a great increase yet doesn't mean there is a crime problem. For instance Brockport will show a 200% increase in murders this year but that doesn't mean there is a homicide problem in Brockport. On the other hand Brockport may not show an increase in rapes or robberies from past years, but that doesn't mean there isn't a problem with crime. One has to look at the raw data rather than percentage increases to truly determine crime trends in a municipality. He reviewed data for Brockport that includes the following year to date crimes: 2 homicides, 3 shootings, 2 forcible rapes, 1 bank robbery, 2 other violent robberies, 10 violent assaults, 42 burglaries, 37 larcenies, 5 motor vehicle thefts, 1 kidnapping/sexual assault, 23 marijuana arrests, 5 other drug arrests, 4 other sex offenses, 1 extortion, 3 forgeries, 81 criminal mischiefs, 10 frauds, 65 simple assaults, 2 possession of burglary tools, 19 disorderly conducts and 58 DWI arrests.

Chief Varrenti shared that there was a burglary in progress on November 2nd at the Welcome Center. Police responded in 6 seconds, caught 3 people and recovered the property. He said he is proud of the department's clearance rate. Chief Varrenti shared that there was an incident last week on Erie Street with an individual passed out and unresponsive. The Officer performed an intubation to open the airway and the individual was flown to Erie Community Medical Center and is in critical condition.

2. Saul Letter – Chief Varrenti referred to the Andrew Saul letter read into the record earlier. He commends him for his passion, as he is vigilant and does not give up. The issues with the crosswalks are obvious. It is not prudent to erect signage or re-stripe while the street is under construction. He urges all pedestrians to be careful when crossing – even if they are using a crosswalk or crossing with a light. Use common sense and never assume a driver sees you.

3. Financial Distress – Chief Varrenti referred to the Village’s financial condition and urged that everyone realize that it was not caused by one person or one service, but was the “perfect storm” of circumstances. He is confident the Village will do whatever it can to see its way through the storm without losing essential services.
4. Review of 211 waiver application – Chief Varrenti reported that as directed by the Board, he, Trustee Hunsinger and Clerk Morelli followed all necessary requirements set forth by NYS Civil Service in regards to the 211 waiver process. He said although it serves him personally to be able to collect his pension, it is a benefit to the Village as they do not have to pay beyond salary such as paying into retirement or for his health care. Chief Varrenti further praised Clerk Morelli, Treasurer Tojek and Deputy Clerk-Treasurer Olson for all of their efforts, said he is proud to be their colleague and that everyone could take lessons from them on communications, professionalism, and work ethic.

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Clerk Morelli thanked Chief Varrenti for his kind words, as sincere positive feedback is always appreciated. She said she engaged with representatives of Civil Service to ensure proper procedures as this was her first involvement with the 211 waiver process. She verified that the Village did its due diligence to determine that there are no other qualified non-retirees available for recruitment and that both promotional and open competitive certification of eligibles listings were utilized and candidates canvassed.

→ Trustee Hunsinger moved, Mayor Castañeda opposed, carried 4/1 to approve the 211 waiver application:

RESOLVED:

- a) That all eligible candidates on both promotional and competitive civil service lists for Chief of Police were canvassed by Brockport Village Clerk Morelli and all eligible non-retired candidates responded to the canvass by stating that none were interested in the position of Chief of Police.
- b) Authorizing and directing the Mayor to sign the waiver by no later than November 17, 2009.

Mayor Castañeda commented that she has never been in support of the 211 waiver. She further commented that she believes the majority of this Board made a mistake in going against counsel and granting a 10 year contract to Chief Varrenti – a contract that extends beyond the term of any sitting Board member. She further commented that while she likely does not have the support of a majority of the Village Board, she believes the voters/taxpayers should decide through referendum if they wish to maintain their local police department.

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

1. Work Load – Code Enforcement Officer Zarnstorff shared that his office (he and part time CEO Vaughan and part time Clerk Krahe) keep extremely busy. The year to date numbers are down a bit from the same time last year, but he had been without Assistant CEO Vaughan’s help for a couple of months. They are close to being caught back up and maintain a good level of service. He said it was a good construction season, and building permits increased, despite economic conditions. Developers here keep building and each new home brings new taxes. Yes, services are provided, but 2 of the 3 new subdivisions are under Homeowners Associations. Ten new homes were built this year. He asked all to put their thinking caps on as to what can be done to help the developers sell even more. This might include incentives for developers.

D. FIRE / AMBULANCE / DISPATCH - Chief Scott Smith

1. Calls for Service – Chief Smith reported 850 fire calls year to date and 1,839 EMS calls year to date. He referred to the Erie Street individual down call that Chief Varrenti mentioned. He was first on the scene with the police officer who made a difference in saving this individual’s life. He mentioned a dryer fire on Coleman Creek Road that was put out quickly before it spread.
2. Membership Drops & Adds – none
3. Accept resignation of Peter C. Smith as part time dispatcher –

→ Deputy Mayor Martin moved, unanimously carried 5/0 to accept with regrets the resignation of Peter Smith as part time dispatcher.

4. Award bid Auctions International – sale of 2003 Ford Explorer –

→ Trustee Blair moved, unanimously carried 5/0 to accept the high bid of \$4,300 from Auctions

International for the 2003 Ford Explorer used by the Fire Department VIN #13ZA95795 with 99,345 miles on it and to accept the next highest bid of \$4,200 should the highest bid fall through.

5. Request approval for purchase of mandated controlled substance storage cabinets – 3rd party billing – to maintain the ALS agency status, it is necessary to begin stocking controlled substances. This requires the purchase of specially designed secured cabinets. They have two quotes for the cabinets. One for \$3,820 and one for \$2,835. They recommend approving the purchase of Stanley Security Solutions Electronic Storage Locker at \$2,835. This will continue the process of becoming in compliance with this mandate. This will be paid for out of 3rd party billing funds.

Clerk Morelli asked if there was a third quote obtained. Chief Smith said there was not a comparable third quote.

→ Deputy Mayor Martin moved, unanimously carried 5/0 to authorize the purchase of mandated controlled substance storage cabinets at a cost of \$2,835 from 3rd party billing funds.

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6. Request approval for EMS Vital Signs Conference – 3rd party billing – The EMS Vital Signs conference in 2010 is in New York City. Last year it was local. The request is to send 18 people that would require 9 rooms at a total of \$6,171.12 from 3rd party billing funds. As volunteer EMT's they are required to maintain certifications and recertify every 3 years. This 3-day conference provides approximately 12 hours of training geared toward recertification.

Trustee Blair asked if ambulances would be covered. Chief Smith said yes, by career staff and volunteers not attending the conference. Trustee Blair said this was budgeted. Trustee Legg asked if all 18 are up for recertification. Chief Smith said they accrue hours each year and renew every 3 years.

→ Mayor Castañeda moved, unanimously carried 5/0 to approve said travel/training expense at a cost of \$6,171.12 from 3rd party billing funds.

E. TREASURER – Gina M. Tojek

1. Work Load – Treasurer Tojek reported being extremely busy.
2. Close out Small Reserve Balances – Treasurer Tojek asked for authorization to close out a small balance of \$37.04 in Reserve #33 Fire Truck Rehab and a small balance of \$228.09 in Reserve #38 Rescue Truck Replacement to Reserve #22 Fire Equipment Replacement Reserve.

→ Deputy Mayor Martin moved, unanimously carried 5/0 to close out the balances in Reserve #33 and #38 to Reserve #22.

3. 2009 Fire Service Rental Payments to Capens and Clarkson – Treasurer Tojek asked for direction as to paying the 2009 rental payments of \$4,000 each to Capen Hose Company and the Town of Clarkson. She commented that it appears past payments have been inconsistent and that in the future she will follow the date established in the new fire contracts.

→ Deputy Mayor Martin moved, unanimously carried 5/0 authorizing the 2009 rental payments of \$4,000 each to Capen Hose Company and Town of Clarkson.

F. CLERK - Leslie A. Morelli

1. 2010 Employee Insurances – December open enrollment – health & dental & HRA – Clerk Morelli referred to the information provided to the Board and outlined the authorizations needed this evening.
 - a. Set non-union HRA amounts – as the '08'09 Board promised, rectify the disparity that existed in 2008 and 2009 as to HRA amount among non-union employees. In essence, DPW Superintendent Donahue, Foreman Moore and former Foreman Herzog received higher amounts than the rest of the non-union staff. Treasurer Tojek commented that a Trustee had consulted the Village Attorney last year who confirmed that such practice could be considered discrimination of benefits within an employee group. It was not pursued last year, but there could be consequences to that practice continuing.

→ Deputy Mayor Martin moved, unanimously carried 5/0 to set the non-union HRA amounts as follows: \$200 for single, \$500 for 2-person, \$600 for family as opposed to the Police union HRA amounts for the same health plan of \$1,000 for single, \$1,500 for 2-person, \$1,800 for family.

- b. Establish 2-person dental option – currently the Village offers only a single plan and a family plan for dental. Guardian dental is willing to establish a 2-person plan since several employees and many retirees only need 2-person coverage. This would result in a small savings. Smile Saver does not currently offer a 2-person plan, but Clerk Morelli will make them aware that

we would be interested in such.

→ Trustee Hunsinger moved, unanimously carried 5/0 to authorize Clerk Morelli to establish a 2-person dental plan where applicable.

Establish 2-person dental buyout amount – the Employee Handbook would need to be amended to reflect a 2-person dental buyout. Clerk Morelli recommends a \$28 monthly payment totaling \$336 per year for not taking dental insurance.

→ Trustee Legg moved, unanimously carried 5/0 to authorize Clerk Morelli to establish a 2-person dental buyout amount of \$28 per month = \$336 per year.

c. NYS Mandate re health coverage for unmarried young adults through 29 – re premiums – Clerk Morelli referred to the new mandate and that her understanding is that the Village has the option of offering such at much higher premiums or offering such by billing the employee/dependent who qualifies. She said she anticipates the Village would not wish to pursue investigating the cost of covering such, but wanted to let them know this is an option and yet another administrative function she will have to perform.

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Mayor Castañeda and Treasurer Tojek commended Clerk Morelli for her work on employee insurances. Treasurer Tojek asked the status of getting the DPW Union and a few retirees off the highest premium plan, Blue Choice Select. Clerk Morelli referred to her memo and recommendations and stressed that if Mayor Castañeda were to open negotiations with CSEA for this singular purpose, it would need to be done very quickly as open enrollment is in December. Otherwise, it will need to be negotiated this winter/spring, as their contract expires 5/31/10 and Blue Choice Select is being discontinued by Excellus 12/31/10.

G. VILLAGE MANAGER – (vacant)

H. ECONOMIC DEVELOPMENT COORDINATOR – (vacant)

I. VILLAGE ATTORNEY – David F. Mayer, Esq. of Harris, Chesworth, O'Brien, Leone, et al.

VILLAGE BOARD REPORTS:

A. Mayor M. Connie Castañeda

1. Finance Meeting – Mayor Castañeda shared that her meeting with Treasurer Tojek and Bernard P. Donegan Municipal Finance scheduled for 4:30pm Tuesday, November 17th will be open to the public. This is not a special meeting of the Village Board and no action will be taken.

2. Thanks – Mayor Castañeda thanked SUNY students for their work on the Utica Street Park and the north Canal bank between Main Street and Fayette Street on October 24th's Make A Difference Day and for Brockport High School Wrestling Team members for raking leaves at the Morgan Manning House on November 14th.

3. SUNY Town/Gown Committee – Mayor Castañeda shared that SUNY Brockport is re-establishing a Town/Gown type committee, similar to the former Good Neighbor Committee. She recommended representatives to serve. Their first meeting is at 4pm on December 2nd.

B. Deputy Mayor Christopher R. Martin

1. Department of Public Works – Deputy Mayor Martin thanked DPW Superintendent Donahue for meeting with him to bring him up to speed as a liaison.

2. Police Department – Deputy Mayor Martin thanked Police Chief Varrenti for meeting with him to bring him up to speed as a liaison.

3. Village Counsel – Deputy Mayor Martin reported that he has met with counsel.

4. Museum & Historic Preservation – Deputy Mayor Martin looks forward to working with his other liaison assignments.

C. Trustee Kent R. Blair

1. Trustee Blair read the following statement into the record:

Dispatch

On November 10th Trustee Hunsinger, Chief's Smith and Henry, Director Merklinger and one of his managers from Monroe County 911 center met with us to review the current dispatch application that is in Brockport and what is available from the county 911 system.

We reviewed the positives and negatives in regards to the dispatch services provided by both locations.

It is NYS law that 911 offer to dispatch for Brockport if we decided to eliminate the local dispatch.

The fire service dispatch is made up of 5 channels used by 911:

Fire Channel 1 – City of Rochester

Fire Channel 2 – CFR (Airport) and City fire response channel to adjoining districts/towns – also for major incidents

Fire Channel 3 – Secondary fire channel used as a scene channel by strictly county fire departments

Fire Channel 4 - Secondary fire channel used as a scene channel by strictly county fire departments

Fire Channel 5 – Main county fire dispatch channel

Generally all Monroe county fire departments are dispatched on channel 5.

Currently the village of Brockport is dispatched on Monroe county fire channel 5 (main fire channel) by our own dispatchers. Once an incident is dispatched the full assignment will move to Monroe county fire channel 4(Scene/incident channel). This opens up the Monroe county fire channel 5 for all other fire agencies and the 911 center to dispatch incidents and to cut down on radio traffic.

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In the event that there are multiple major incidents taking place at the exact same time in the county that is using the secondary fire channel 4, Brockport has the ability to move to the village channel 158.940MHz that is owned and used by DPW, Police and Fire Department/EMS.

The Brockport Chiefs' concern is about the shared radio traffic/volume on the fire channel 4 in the event of a major incident. Their concern is this – in the event that Brockport is working a fire or motor vehicle accident and is using Monroe county channel 4, they now have the ability to go to the village channel and continue the communications with fewer interruptions.

There is a project that will be taking place over the next 3 year. In 2012 911 will be purchasing the new Red Alert emergency dispatch software with all modules for reporting. Each fire department is responsible for purchasing and maintaining the PC's at each fire house. Also in 2013 Monroe County 911 fire channels will be going narrow band on the VHF frequencies (Condensing the frequency spectrum to allow for more space for more channels). There are a few radios that will need to be retrofitted or purchased at the village expense. The normal life expectancy for a 2 way VHF radio was 20 years, according to John Merklinger the average life span now is up to 7 years.

Another concern was if we eliminated the local dispatch is the simplex alarm system at the SUNY Brockport campus that currently rings into our local dispatch center on Market Street. This would need to be re-routed to the 911 center at a cost. This cost could potentially be paid by the college and/or shared by the village. More research on that needs to be completed but should not be a game stopper.

The Monroe County 911 center is able to take over the dispatch service in as little as 6 weeks if we decide to move forward. If we decide to move this route, Director Merklinger will have a field technician perform a ride out of the Brockport Fire service area to ensure proper signal coverage. Over the past few years 911 has installed 4 more transmitters on Channel 4 for better coverage. Also these channels are going to become simulcast (this will work off a repeater system, all radios will be heard, even portables)

Things currently being worked on to decrease the radio traffic – Installation and use of MDT's (Mobile Data Terminal's) in the emergency response vehicles, also 911 is working to purchase and license more channels to decrease radio traffic.

Part-time supervisors at the fire department

Learned that we employ two supervisors at the fire department to manage the EMS personnel – we allocated a budget line for these 2 employees and they have not been working the entire hours they were hired for. According to our treasurer we have only spent 55% of the budget line. These employees could easily be giving a portion of the dispatchers' paperwork to fulfill their hours if we eliminated dispatch.

Parks

I spent 3 hours visiting each park in the village with the Parks committee this past Saturday – Advised Harry Donahue that there is two safety concerns I would be sending to him to correct. These corrections could be easily fixed by our staff in the DPW

DPW

I confirmed with Harry Donahue received the request for the fuel usage report for each vehicle.

Deeds

I received the deeds for the properties that the village owns – I stated that I would like to research the properties further and also the 3 properties on South Ave – if we find these are free and clear, the community could potentially see for sale signs in the near future.

D. Trustee Scott W. Hunsinger

1. Police Department – fiscal work – Trustee Hunsinger reported on the work of he and Chief Varrenti over the last few weeks as to cost saving measures related to the \$89,900 or 7.44% of the Police Department budget that is allocated for items such as fuel, supplies, OSHA and PESH requirements, repairs to police vehicles, oil, bullets, firearms, postage, phones, software licenses, bike patrol, lease agreements, uniforms, legal books, STOP DWI enforcement, contracts, mandated state training, etc. Chief Varrenti directly controls \$27,824 of that \$89,900 and \$7,450 was eliminated. The remainder of the department’s budget, \$1,119,039 or 92.56% is salary related.
2. Code Enforcement – Trustee Hunsinger thanked Code Enforcement Officer Zarnstorff for their regular communications as liaison.
3. Department of Public Works – Trustee Hunsinger reported that he is working with Superintendent Donahue on potential budget cuts as liaison.

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4. Fire/Ambulance/Communications – Trustee Hunsinger reported that he had to excuse himself from the November 10th meeting regarding potential elimination of dispatch, due to no more than 2 Board members being allowed under the Open Meetings Law. Trustee Blair organized the meeting and Deputy Mayor Martin attended as well.

E. Trustee Hal S. Legg

Trustee Legg read the following statement into the record:

1. Announcement of Walk! Bike! Brockport! Santa train rides –

The Walk!Bike!Brockport! Committee reports that the Santa train rides are slated for Saturday, December 5 and Sunday, December 6. Trains will depart from the Northside Service Center on Park Avenue each day at noon, 1:30 and 3. Thanks to Lance and Brad Alexander for allowing this event to be staged at their business once again.

Clerk Morelli said she believes the times have been changed to noon, 2pm and 4pm and that she would have confirmation out on the holiday flyer by the end of the week.

2. Adoption of federally mandated identity theft prevention program –

This item is the result of a federal mandate stemming from the Fair and Accurate Credit Transactions legislation—the FACT Act—of 2003.

→ Trustee Legg moved, unanimously carried 5/0 to adopt the following Identity Theft Prevention Program effective December 1, 2009.

Village of Brockport

Identity Theft Prevention Program

Effective December 1, 2009

I. PROGRAM ADOPTION

The Village of Brockport (“Village”) developed this Identity Theft Prevention Program (“Program”) pursuant to the Federal Trade Commission’s (“FTC”) Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. This Program was developed with oversight and approval of the Village Board of Trustees. After consideration of the size and complexity of the Village’s operations and account systems, and the nature and scope of the Village’s activities, the Village Board of Trustees determined that this Program was appropriate for the Village, and therefore approved this Program on November 16, 2009.

II. DEFINITIONS AND PROGRAM

A. Red Flags Rule Definitions Used in this Program

“Identity Theft” is a “fraud committed or attempted using the identifying information of another person without authority.”

A “Red Flag” is a “pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

A “Covered Account” includes all utility accounts that are administered by the Village.

“Program Administrator” is the individual designated with primary responsibility for oversight of the program. (See Section VI below).

“Identifying information” is “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, computer’s Internet Protocol address, or routing code.

B. Fulfilling Requirements of the Red Flags Rule

Under the Red Flags Rule, the Village is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and

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4. Ensure the Program is updated periodically to reflect changes in risks to customers or to the safety and soundness of the customer from Identity Theft.

III. IDENTIFICATION OF RED FLAGS

In order to identify relevant Red Flags, the Village considers the types of accounts that it offers and maintains, methods it provides to open its accounts, methods it provides to access its accounts, and its previous experiences with Identity Theft. The Village identifies the following Red Flags in each of the listed categories:

A. Notifications and Warnings from Credit Reporting Agencies

Red Flags

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on an applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant;
4. Receipt of a notice of address discrepancy in response to a credit report request; and
5. Indication from a credit report of activity that is inconsistent with an applicant’s usual pattern or activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information; and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on an enrollment application);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so; and
8. A person’s identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Covered Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the customer's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use;
4. Mail sent to the customer is repeatedly returned as undeliverable;
5. Notice to the Village that a customer is not receiving mail sent by the Village;
6. Notice to the Village that an account has unauthorized activity;
7. Breach in the Village's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

1. Notice to the Village from a customer, Identity Theft victim, law enforcement or other person that the Village has opened or is maintaining a fraudulent account for a person engaged in Identity Theft. 5

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IV. DETECTING RED FLAGS

A. Customer Enrollment

In order to detect any of the Red Flags identified above associated with the enrollment of a customer, Village personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect:

1. Require certain identifying information such as name, date of birth, home address or other identification; and
2. Verify the customer's identity at time of enrollment (review of driver's license or other government-issued photo identification).

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing Covered Account, Village personnel will take the following steps to monitor transactions on an account:

Detect:

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses by mail or email and provide the customer a reasonable means of promptly reporting incorrect billing address changes; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Village personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

1. Continue to monitor a Covered Account for evidence of Identity Theft;
2. Contact the customer or applicant (for which a credit report was run);
3. Change any passwords or other security devices that permit access to Covered Accounts;
4. Not open a new Covered Account;
5. Provide the customer with a new customer identification number;
6. Notify the Program Administrator for determination of the appropriate step(s) to take;
7. Notify law enforcement;
8. File or assist in filing a Suspicious Activities Report ("SAR"); or
9. Determine that no response is warranted under the particular circumstances.

Protect Customer Identifying Information

In order to further prevent the likelihood of Identity Theft occurring with respect to Covered Accounts, the Village will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer account information when a decision has been made to no longer maintain such information;
3. Ensure that office computers with access to Covered Account information are password protected;
4. Avoid use of social security numbers
5. Ensure computer virus protection is up to date; and

6. Require and keep only the kinds of customer information that are necessary for Village purposes.

VI. PROGRAM ADMINISTRATION

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee (“Committee”) for the Village. The Committee is headed by a Program Administrator who may be the Mayor of the Village or his or her appointee. Two or more other individuals appointed by the Mayor of the Village or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for ensuring appropriate training of Village staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Village staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags and the responsive steps to be taken when a Red Flag is detected. Village staff shall be trained, as necessary, to effectively implement the Program. Village employees are expected to notify the Program Administrator once they become aware of an incident of Identity Theft or of the Village’s failure to comply with this Program. At least annually or as otherwise requested by the Program

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Administrator, Village staff responsible for development, implementation, and administration of the Program shall report to the Program Administrator on compliance with this Program. The report should address such issues as effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening and maintenance of Covered Accounts, service provider arrangements, significant incidents involving identity theft and management’s response, and recommendations for changes to the Program.

C. Service Provider Arrangements

In the event the Village engages a service provider to perform an activity in connection with one or more Covered Accounts, the Village will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Village's Program and report any Red Flags to the Program Administrator or the Village employee with primary oversight of the service provider relationship.

D. Non-disclosure of Specific Practices

For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices may need to be limited to the Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered “confidential” and should not be shared with other Village employees or the public. The Program Administrator shall inform the Committee and those employees with a need to know the information of those documents or specific practices which should be maintained in a confidential manner.

E. Program Updates

The Committee will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Village from Identity Theft. In doing so, the Committee will consider the Village's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Village's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Committee will update the Program.

3. Proposed update of village vehicle usage policy –

Leslie has circulated among board members and department heads my proposal to update the village’s vehicle use policy. This initiative began as the result of some of the consultations the village has had regarding finance and process. My goal is to enact these revisions in December. I look forward to the input of my colleagues. I thank the treasurer for her assistance in assembling this policy, and the police chief for his early feedback.

4. Proposal to establish village media policy –

This item is my proposal to enact a village media policy. We don’t have one at the moment, so I’ve taken a crack at it. I have copies for the board and department heads; and just like with the vehicle use policy, I look forward to their input and hope to act on this next month.

5. Update on progress toward proposed sewer user fee –

This item is merely an update on the proposed sewer use fee. Gina has done a great job providing the board with information related to the enactment of such a fee. What’s most important here, at least in my mind, is that the goal of this idea isn’t to profit, but to provide the village a way to fund work that’s related to the sewer in such way that sewer users’ costs are related to the benefits they receive. The state actually has prescribed the methods that the village may adopt as fair in determining this fee. I am in favor of pursuing this and anticipate continuing to work with Treasurer Tojek and general counsel toward the goal of adopting a local law in January.

6. Enactment of municipal water sales rate adjustment -

I suggested back in August, that the board consider adjusting municipal water prices in response to the market conditions surrounding this service. I would be remiss if I did not recognize that the village already charges more for water than does the Monroe County Water Authority. However, this recognition goes hand-in-hand with acknowledgement that the village is losing money by selling water at the current prices.

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While I’m not opposed to taking action that would lessen the burden of personnel-related expenses on the water fund, the fact is that those personnel-related expenses won’t magically disappear if the water fund doesn’t pay for them. Some other fund, most likely the general fund, will pick up the tab. We can play that shell game when we get to it.

In the meantime, to paraphrase from the report that Treasurer Tojek wrote, neither keeping the water fund solvent nor positioning the village to maintain its water system in a state of adequate repair are ignoble goals. Absent any proposal to reduce the costs of the water department, we pretty much have to raise the revenue of the water department to reach these goals.

→ Trustee Legg moved to set the commodity rate for the sale of water by the Village of Brockport to customers within the Village of Brockport at \$4.66 per thousand gallons of water, and to set the minimum charge per billing cycle for the sale of water by the Village of Brockport to customers within the Village of Brockport at \$20, and to set the minimum charge per billing cycle for the sale of water by the Village of Brockport to customers outside the Village of Brockport at \$25 beginning with the January 1, 2010 billing.

Discussion:

Deputy Mayor Martin provided the following statement to the Board in advance and read it into the record. He said he has had conversations with Treasurer Tojek, DPW Superintendent Donahue and former Board of Water Commissioners Chair Harley “Skip” Perry. He said Skip Perry recommends a 5 cents per 1,000 gallons increase.

With regard to the water fund; income, expenses and viability of maintaining our own water department, may I offer the following ...

- I strongly believe given current economic circumstances, it would be a huge disservice to the taxpayers of the Village to dissolve, sell or lease the Village Water System to the County of Monroe.

The department currently creates a revenue stream in excess of \$400,000 of which more than six Village salaries (9 employees with different apportionments) are currently attributed to, or funded by. While the reduction in profits or revenues being generated has seen a decline recently due to SUNY and other users not purchasing as much water, we will be forced to make a greater number of hard decisions surrounding balancing our over burdened tax base without the benefits of this department and the revenue it generates for us.

- I do not support, nor should any of us, the raising of rates for this service. If I lived on the other side of my south property line, I would be able to buy the same water, from ultimately the same source considerably cheaper. We (the Village) buy the water from Monroe County for \$1.67/K gals. The County sells it to my neighbor for \$2.50/K gals plus a “meter fee”. The Village sells it to me (at home) for \$3.63/K gals with no meter fee.

Purchase	Village pays	Village charges	County current	Village proposed
10,000 gallons	\$16.70*	\$36.30	\$35.80	\$46.60
33,000 gallons	\$55.11*	\$119.79	\$93.30	\$153.63

*Village pays meter fees on top of this fee to the county for the bulk meters at entry to the Village

The percentage will vary based on volume purchased as the Village rate remains constant, while the greater volume purchased from the County as a residential customer does not increase at the same rate or percentage due to the meter fee that does remain constant.

Having said all of that, I am certainly in favor of reducing expenses wherever we can. I think we need to review our revenue sources, and how to best manage them. I also believe that we need to maintain a competitive environment with County Water Rates to our residents or they will be the ones demanding a change, a change we may not be able to afford. Raising the rates to the value proposed will not even come close to maintaining a competitive rate.

If the current rates will not support the current expenses, maybe we should all be looking at which employees billed to this fund are being billed at a higher percentage of their work load than is actually attributable to the fund and adjusting them accordingly.

On another matter, I agree we need to better evaluate the Sewer Fee, although I would be cognizant of, and review the elimination of it only a few short years ago, before reinstating it.

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Trustee Blair asked the meter fee for our neighbors. Deputy Mayor Martin said 12 cents per day.

Trustee Legg asked Treasurer Tojek how much money the Water Fund lost last year. Treasurer Tojek said there is a \$105,000 deficit.

Mayor Castañeda questioned water sales to SUNY. DPW Superintendent Donahue said usage is down and meters were checked. Treasurer Tojek said she picked up on the decrease in water sales last March. She said SUNY has apparently put in new efficiency toilets and low flow shower heads.

Mayor Castañeda asked how much can be attributed to decrease in water sales versus some employees being paid out of the Water Fund that don't do water work. Treasurer Tojek said she already decreased payroll regarding the allocation of salaries. She said the Water Fund was the "perfect storm" of circumstances.

- a) Decrease in sales
- b) Water fund is a service – can't stop providing water
- c) Introduced debt service of \$70,000 – this isn't a non-discretionary cost and we don't know what the long term debt service will be
- d) There has been no rate increase since 2004 since the Village Board disbanded the Board of Water Commissioners and took on that responsibility.

Treasurer Tojek said it was doomed to fail. She reminded the Board that a water rate increase will do nothing to affect the fund balance or put money into the reserves. It also does not consider replacement of the former Water Foreman. It just addresses operating costs. Even with a rate increase, sales will need to be monitored. Water is a business and needs to be run as such. It is not a shell game.

Call to Question:

→ Trustee Legg moved, Trustee Legg, Hunsinger, Blair in favor, Mayor Castañeda and Deputy Mayor Martin opposed, carried 3/2 to set the commodity rate for the sale of water by the Village of Brockport to customers within the Village of Brockport at \$4.66 per thousand gallons of water, and to set the minimum charge per billing cycle for the sale of water by the Village of Brockport to customers within the Village of Brockport at \$20, and to set the minimum charge per billing cycle for the sale of water by the Village of Brockport to customers outside the Village of Brockport at \$25 beginning with the January 1, 2010 billing.

7. Proposed amendment to Village Board meeting procedures – Section 9 –

This item is my suggestion that the village board make the seconding of motions a condition of their further entertainment, which is a common feature of most legislative bodies. To do that, we'll need to amend our meeting procedures. Hence, I move that the second sentence of the second paragraph of the Village of Brockport Village Board Meeting Procedures, Section 9 General Rules of Procedure be amended to state: "A motion shall be discussed or acted upon only if any member of the totally authorized voting power—except the member that made such motion—seconds such motion."

This will cause any motion not seconded to fail immediately, which is pretty standard for legislative

bodies.

Deputy Mayor Martin said he is curious as to amending this now rather than at the organizational meeting. Trustee Legg said he would rather discuss this with him off line.

→ Trustee Legg moved, Trustee Hunsinger seconded, Trustees Legg, Hunsinger, Blair in favor, Mayor Castañeda and Deputy Mayor Martin opposed, carried 3/2 to amend the second sentence of the second paragraph of the Village of Brockport Village Board Meeting Procedures, Section 9 General Rules of Procedure be amended to state: 'A motion shall be discussed or acted upon only if any member of the totally authorized voting power – except the member that made such motion – seconds such motion.'

Extension of past resolution re Webster Case: Clerk Morelli reminded the Board of the correspondence just received from Deputy Village Attorney Aloï as to the Webster case. Mayor Castañeda said she spoke with Village Counsel and that there is a concern regarding the Village Board's ability to bind the ZBA. However, this requested resolution of extension does not speak to that.

→ Trustee Hunsinger moved, Trustee Blair seconded, unanimously carried 5 to 0 to approve the following resolution:

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RESOLUTION

On motion duly made and carried,

Be it resolved that the Resolution of the Board of Trustees approving the settlement of the Webster litigation unanimously adopted on the 30th day of March, 2009, a copy of which is attached, is hereby restated, ratified and approved, and extended in full force and effect to the 31st day of January, 2010.

RESOLUTION of 3/30/09

On motion duly made and unanimously carried,

Be it resolved that the March '09 draft Settlement Agreement with Richard Webster (and with his brothers Frederick and Robert Webster, for properties owned jointly with Richard Webster), is hereby and herewith approved by the Board of Trustees of the Village of Brockport, in accordance with its terms, on this 30th day of March, 2009.

Be it further resolved that Deputy Attorney Frank A. Aloï, as attorney for the Zoning Board of Appeals of the Village of Brockport, is hereby and herewith authorized to execute the settlement agreement on behalf of the Zoning Board of Appeals of the Village of Brockport.

Be it further resolved that at such time as the settlement agreement is approved by Order of the Supreme Court in and for Monroe County, the Hon. Harold Galloway, JSC, Deputy Village Attorney Frank A. Aloï, is authorized to submit the settlement agreement to the Zoning Board of Appeal, for ratification.

Be it further resolved that Deputy Village Attorney Frank A. Aloï is hereby and herewith authorized to take such other and further steps, and to execute such other and further documents, as are necessary to finally implement this settlement, provided only that any such additional acts and/or documents be deemed ministerial and not a substantive change in the settlement agreement as approved by the Trustees.

Be it further resolved that this approval by the Board of Trustees shall remain in full force and effect for the 90 day period following approval, in which time it is anticipated that all further approvals can be completed in order to make the approval of the settlement agreement final, and without further condition.

Be it further resolved that in the event of any failure of conditions to this settlement, this

settlement agreement shall be deemed null and void, and of no further force and effect, and without prejudice to the position of either party to the pending litigation.

Back to Police Department –

Chief Varrenti commented that he has assigned an officer that is on light duty to an assignment outside the Village – part of a multi agency endeavor that seizes monies that the Village will be entitled to a percentage of if they participate. While those monies cannot go into the general fund, but to the special forfeiture fund for police department use such as vehicles or weapons. He said he believes this is a better use of an officer than sitting home on 207c leave. He said he never came to the Village Board prior to the assignment, as he was doing what he thought to be his job and a win/win situation for all.

Mayor Castañeda said she thought the Village Board several years ago indicated that they wished the Village of Brockport not to participate in this multi agency organization.

Chief Varrenti asked to be able to assign light duty assignments in the best interest of the Village, the Police Department and the employee(s) as to where he deems necessary.

Mayor Castañeda thanked Chief Varrenti for the information and said she wishes to table any such blanket authorization until giving it due consideration and consulting with Village counsel.

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Executive Session:

⇒ At 9:15pm, Trustee Hunsinger moved, unanimously carried 5/0 that the Board of Trustees of the Village of Brockport enter into an executive session to discuss a Police Department personnel discipline matter per “(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” with Police Chief Varrenti. Mayor Castañeda asked Clerk Morelli to attend as well.

⇒ At 9:45pm, Trustee Hunsinger moved, Trustee Legg seconded, unanimously carried 5/0 that the Board of Trustees re-enter the regular meeting.

ADJOURNMENT:

➔ Deputy Mayor Martin moved, Trustee Hunsinger seconded, unanimously carried 5/0 that the meeting be adjourned at 9:45pm.

Leslie Ann Morelli, Village Clerk