

Regular meeting of the Board of Trustees of the Village of Brockport was held in the Auditorium of the A.D. Oliver Middle School 40 Allen Street Brockport, New York, March 27, 2012 at 7:00pm.

PRESENT: Mayor M. Connie Castañeda, Trustee Margaret B. Blackman, Trustee Kent R. Blair Trustee Carol L. Hannan, Trustee Scott W. Hunsinger, Manager/Treasurer Michael A. Giardino, Clerk Leslie A. Morelli, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Superintendent Harry G. Donahue, Fire Chief Michael J. Henry, Attorney Robert S. Leni, Esq.

ALSO PRESENT: Daniel P. Hendricks, Eric Roth, Linda Ketchum, Mary Jo Nayman, Joan Hamlin, Dean & Carol Westcott, John Cohen, Mary Pat Musselman, Annette Locke, R.M. Marroz, Jackie Morris, Merrill & Shoshana Melnick, SriRam Bakshi, Thomas Mangan, Brian Winant, Marcy Stickles, Mike & Cheryl Conner, Jackie Henry, Tom Lang, Jimmy Zisovski, Susan Smith, Ian Blount, Jennifer Starmone, Rudy & Joan Aceto, Pam Ketchum, Ken Rombaut, Francisco & Linda Borrayo, Rhett King, Karen LoBracco, Bill Andrews, and many others who did not sign in.

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

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

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

PUBLIC HEARINGS:

- Accepting dedication of water mains, sanitary sewers, storm sewers, manholes, roadways, sidewalks & related infrastructure appurtenances – Sunflower Landing Sections 1 & 2 –

Mayor Castañeda called for a motion to open the public hearing.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to close the regular meeting and open the public hearing at 7:04pm.

The following legal notice that was published in Suburban News, posted on the Village website and at Village Hall.

VILLAGE OF BROCKPORT
Notice of Public Hearing

Please take notice that the Board of Trustees of the Village of Brockport will hold a public hearing beginning at 7:00 p.m. on Tuesday, March 27, 2012, at the A.D. Oliver Middle School Auditorium at 40 Allen Street, Brockport, NY 14420 to consider acceptance of an offer of dedication with respect to Sections 1 and 2 of the Sunflower Landing Subdivision, including the designated streets being the right of ways known as Anita's Lane and Laurie Crescent, as laid out in the two corresponding subdivision plat maps entitled Sunflower Landing, Section 1, Final and Sunflower Landing, Section 2 and a resubdivision of Lot R-43, recorded in the Monroe County Clerk's Office on March 21, 2007 in Liber 330 of Maps, Page 83 and June 3, 2009 in Liber 336 of Maps, Page 94, respectively, together with the corresponding water mains, sanitary sewers, storm sewers, manholes, roadways, sidewalks and related infrastructure appurtenances, with the exception of the stormwater detention pond.

All interested parties will be given the opportunity to be heard.

Mayor Castañeda welcomed the public to the hearing. She read the guidelines for public comment posted and on the back of the agenda. Trustee Hunsinger clarified that public comment at this time is limited to this specific matter. Mayor Castañeda asked public to provide their name and address for the record. If it is a prepared statement, please submit a hard copy to the Clerk after reading it.

Mayor Castañeda asked if there was any public comment on this specific matter.

Hearing none, Mayor Castañeda called for a motion to close the public hearing.

→ Trustee Hannan moved, Trustee Blackman seconded, carried 5/0 to close the public hearing and reopen the regular meeting at 7:07pm.

Mayor Castañeda asked if there was any Board comment on this specific matter.

Hearing none, Mayor Castañeda called for a motion for resolution.

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

RESOLUTION

WHEREAS, the required work for the dedicated facilities of Sections 1 and 2 of the Sunflower Landing Subdivision, including all punch list items, have been reported to be completed by Village Engineer Jason A. Foote, P.E., with the recommendation that the Village of Brockport thus accept dedication of all corresponding water mains, sanitary sewers, storm sewers, manholes, roadways, sidewalks and related infrastructure appurtenances installed as part of Sections 1 and 2 of the Sunflower Subdivision, with the exception of the stormwater detention pond, and

WHEREAS, Village of Brockport Superintendent of Public Works Harry Donahue has accepted the above-referenced recommendation for dedication, as proposed, and

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Brockport for a public hearing to consider acceptance of the offer of dedication with respect to said Sections 1 and 2 of the Sunflower Landing Subdivision, including the designated right of ways known as Anita’s Lane and Laurie Crescent, as public streets, and

WHEREAS, notice of said public hearing was duly advertised in the Suburban News on March 19, 2012, and was duly posted at Village Hall and the Village website, and

WHEREAS, said public hearing was duly held at the Brockport Middle School Auditorium, 40 Allen Street, Village of Brockport, New York, on March 27, 2012, where all parties in attendance were given the opportunity to speak on behalf of or in opposition to said acceptance; and

WHEREAS, the Village Board of Trustees finds it in the best interest of the Village to accept such dedication; and

WHEREAS, the Brockport Village Board of Trustees has determined that acceptance of this dedication is a Type II action under the State Environmental Quality Review Act (SEQRA), pursuant to 6 NYCRR § 617.5, for which no further action is required under SEQRA,

NOW THEREFORE BE IT RESOLVED THAT,

The Board of Trustees of the Village of Brockport hereby agrees to accept the dedication with respect to Sections 1 and 2 of the Sunflower Landing Subdivision, including the designated streets being the right of ways known as Anita’s Lane and Laurie Crescent, as laid out in the two corresponding subdivision plat maps entitled Sunflower Landing, Section 1, Final and Sunflower Landing, Section 2 and a resubdivision of Lot R-43, recorded in the Monroe County Clerk’s Office on March 21, 2007 in Liber 330 of Maps, Page 83 and June 3, 2009 in Liber 336 of Maps, Page 94, respectively, as set forth in the attached legal description entitled Right of Way Description Anita’s Lane and Laurie Crescent Sunflower Landing, Sections 1 & 2, together with the corresponding water mains, sanitary sewers, storm sewers, manholes, roadways, sidewalks and related infrastructure appurtenances, with the exception of the stormwater detention pond.

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

Mayor Castaneda	yes
Village Trustee Blackman	yes
Village Trustee Blair	yes
Village Trustee Hannan	yes
Village Trustee Hunsinger	yes

Result: 5/0. Motion passes.

- Proposed Local Law #1-2012 to override the tax levy limit established in General Municipal Law § 3-c –

Mayor Castañeda called for a motion to open the public hearing.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to close the regular meeting and open the public hearing at 7:08pm.

The following legal notice that was published in Suburban News, posted on the Village website and at Village Hall.

VILLAGE OF BROCKPORT
Notice of Public Hearing

Please take notice that the Board of Trustees of the Village of Brockport will hold a public hearing beginning at 7:00 pm on Tuesday, March 27, 2012, at the A.D. Oliver Middle School Auditorium at 40 Allen Street Brockport, NY 14420 to consider proposed Local Law #1 of 2012, a Local Law to override the tax levy limit established in General Municipal Law § 3-c as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Brockport to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Brockport, County of Monroe, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

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

All interested parties will be given an opportunity to speak for or against this proposed legislation.

Mayor Castañeda welcomed the public to the hearing. She referred to the guidelines for public comment posted and on the back of the agenda. She asked if there is anyone that wished to comment on this specific matter. She asked public to provide their name and address for the record. If it is a prepared statement, please submit a hard copy to the Clerk after reading it.

Mayor Castañeda asked if there was any public comment on this specific matter.

Hearing none, Mayor Castañeda called for a motion to close the public hearing.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to close the public hearing and reopen the regular meeting at 7:10pm.

Mayor Castañeda asked if there was any Board comment on this specific matter.

Trustee Blair commented that adopting the tax cap override can be used as a precaution. At this point, it does not appear that the budget will exceed the tax cap.

Trustee Blackman concurred and said she has no intention of exceeding the tax cap and does not believe any member of the Board wishes to do so. This is a safeguard measure to avoid penalties for miscalculation.

Mayor Castañeda concurred and referred to NYCOM correspondence indicating that adopting the override gives a municipality the authority to do so as a precaution or should a municipality come to the conclusion that to continue to provide the services expected of the taxpayers it must exceed the tax cap.

Mayor Castañeda called for a motion for resolution.

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

ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF BROCKPORT
LOCAL LAW NUMBER 1– 2012

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Brockport for a

parties on a proposed Local Law to override the tax levy limit established in General Municipal Law § 3-c; and

WHEREAS, notice of said public hearing was duly advertised in the Suburban News, the official newspaper of the Village, on March 19, 2012, and was also duly posted on the Village Clerk's signboard at Village Hall and on the Village website; and

WHEREAS, said public hearing was duly held at the above-designated A.D. Oliver Middle School Auditorium at 7:00 p.m. on March 27, 2012, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Brockport Village Board of Trustees has determined that adoption of said proposed local law is a Type II action under the State Environmental Quality Review Act (SEQRA), pursuant to 6 NYCRR § 617.5, for which no further action is required under SEQRA; and

WHEREAS, the Village Board of the Village of Brockport, after due deliberation, finds it in the best interest of said Village of Brockport to adopt said local law;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Brockport hereby adopts said local law number 1-2012 entitled A Local Law To Override The Tax Levy Limit Established in General Municipal Law § 3-c, a copy of which is attached hereto and made a part of this resolution; and

BE IT FURTHER RESOLVED, that that Village Clerk be and is hereby directed to enter said local law in the minutes of this meeting and in the Local Law Book of the Village of Brockport, and to give due notice of the adoption of said Local Law to the New York Secretary of State.

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

Mayor Castaneda	no
Village Trustee Blackman	yes
Village Trustee Blair	yes
Village Trustee Hannan	yes
Village Trustee Hunsinger	yes

Result: 4/1 to adopt Local Law #1 of 2012.

PUBLIC COMMENT:

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

All of us are for code enforcement. I want to thank the trustees for getting the referendum changing supervision on the ballot in June. Our village population doubles in size when college is in session. We need extra eyes and feet to keep this village safe and beautiful. As a member of Pro-Brockport, I support all that keeps Brockport safe and beautiful. If someone wants to join, let me know.

The mayor is not fulfilling her responsibilities to the residents of Brockport. Mayor, you should step down.

- Jimmy Zisovski of Jimmy Z's on Main Street – Jimmy Z. shared that he received some advertising banner flags from Perry's Ice Cream that he wishes to hang outside his store. He distributed a diagram showing the banner flags hanging from the building to the lamp posts. He was too late to get on the agenda, but thought he would take a chance under public comment.

Attorney Leni asked if he had applied for a sign permit through S. Zarnstorff. J. Zisovski said he spoke to S. Zarnstorff who referred him to the Village Board. Attorney Leni said that is unorthodox. S. Zarnstorff said it doesn't meet the Village code re signage. Attorney Leni said then a referral for a variance should have been made to the ZBA. S. Zarnstorff said the sign code does not direct appeals to the ZBA.

Mayor Castañeda suggested J. Zisovski make a more formal application of sorts for consideration at the 4/24 Village Board meeting. Attorney Leni suggested that written comment on such be received from Code Enforcement, DPW and Historic Preservation Board.

J. Zisovski said he would be happy to do so. He believes the advertising will benefit his business. If

approval is granted and it is determined that they do not look good or cause any concerns, he would be willing to take them down.

Trustee Blair suggested he have an alternate plan to hang them on the front of the building and
MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 5

not attach them to the lamp posts.

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

The mayor must resign from office.

I know she is claiming innocence and that this is political payback.

But without regard to whether or not she is guilty, she can no longer effectively govern. Wiser people than I have said “an appearance of a conflict of interest IS a conflict of interest”.

The mayor is the supervisor of the police department. How is that relationship supposed to function any more?

Issues facing the town, such as the ongoing discussions on code enforcement – whichever side the mayor chooses, her opponents will use this incident as a wedge – “Your arguments are invalid because we all know you will just do what you want.”

Not just code enforcement, though. Every single issue. “It looks like you violated your oath of office once...why should we trust you not to do so again?”

Its all the media will ever say about our small town until the mayor leaves office. This is too public, too much, and the village should not bear the consequences of this incident.

If the mayor doesn't do the right thing, I urge the citizens of the village to seek a solution with section 33.2 and/or section 36 of the NYS Public Officers Law by contacting the Governor and the Courts.

That said, I was prepared to give much the same speech 2 weeks ago at the cancelled meeting. I wanted to be fair at that time, but after the cancellation, I grew much more adamant about the mayoral problem. One of two things is true: either the rumors that she didn't want that meeting, so she stacked it with her supporters and asked them not to leave are true, in which case she is malicious, or she failed to anticipate that the meeting would be larger than usual after her arrest and therefore didn't solicit an alternative site. If that's the case, that's gross incompetence. In either situation, the mayor punishes the people of Brockport by staying in office.

John Cohen also commented that the sound in the auditorium is very poor and asked speakers to speak loudly so they can be heard and request better sound for future meetings at this location.

- Susan Smith of Main Street read and submitted the following prepared statement:

I would like to thank those on the board that voted to give the opportunity to let the residents decide who should supervise Code Enforcement at the February 27 board meeting. It's always a good idea to listen to the voters.

The idea of having code enforcement under the supervision of the police department is not a new idea. In fact, that seems to be the direction of code enforcement throughout our country. By joining resources, these enforcement agencies have proven to enhance the quality of life for residents.

Handling code enforcement out of the police department is a logical step that follows the “Broken Window” theory. The central theme of the broken window theory holds that when neighborhoods appear to be broken down and disordered, they serve as a magnet to delinquent behavior and crime.

A building with a broken window that remains un-repaired gives the image of disorder, then encourages further incivility. Like a neon sign, the broken window tells residents and other passersby that it doesn't matter and that no one cares. The “Broken Window” theory suggests that crime is not caused by broken down neighborhoods, but that they become magnets for crime and delinquent behavior.

A proactive approach is taken when Code Enforcement and Law Enforcement join forces to identify and meet the needs of the citizens and business owners in our neighborhoods. Together, Code Enforcement and Law Enforcement have the opportunity and the responsibility to enhance the quality of life for all those that live and work in the Village of Brockport.

This referendum is not about power. It is about serving the residents of the village resourcefully. If we are looking for “a firm, fair, and consistent manor” to oversee Code Enforcement, the Chief of Police is the only

qualified supervisor. The Brockport Police Department has a full time Chief and officers are on duty 24/7 to provide support for Code Enforcement.

For the wellbeing of our community, I encourage the residents of the Village of Brockport to participate in the voting process on June 19, 2012. Vote YES to the Referendum regarding Chapter 59 Code Enforcement.

MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 6

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

The Village of Brockport is being trampled on by bullying, outlaw landlords and investors.

The highest government official seems to be a hypocrite and the code enforcement and zoning system in Brockport is being made a farce.

In addition to the concern about recent events regarding the Mayor's arrest, I would encourage the residents of Brockport to focus on the Zoning Board of Appeals meeting Thursday, April 5, 2012 at 7pm at Village Hall. There is an application to convert yet another single family house to a two family.

The uncontrolled growth of rental property in the Village of Brockport needs to stop. We have more than enough rental units.

- Rhett King of Adams Street read a prepared statement, but did not submit it for easy inclusion into the record. He did, however, distribute a copy of a 2/27/12 article from the Tonawanda News regarding "Using the police as tax collectors" The following were underlined or circled:

"But, that trust in the police can easily be ruined (and has been) by unsavory local governments that choose to abuse the police power that they possess."

"There's also the village of Brockport, where they are known – even on a snow-free 50-degree November day – to ticket every vehicle parked on what is, for that day, determined to be the wrong side of the street, as village laws account for snowplowing that might theoretically occur during that period in snowier times. Therefore, they take advantage of thousands of part-time residents (college students) and those who come to town to visit them, all of whom will be unlikely to contest or barter down their tickets in court."

Summary: R. King said he is concerned for the taxpayers and residents of the Village. The Board should represent the entire community and not just a few special interest groups. Employees get pitted against employees. Neighbors get pitted against neighbors. The real facts are hidden. Some say the Mayor and her recent arrest are a distraction. The majority of the Board could care less about most of the taxpayers and residents of the Village and about keeping taxes down. The majority of the Board blamed the Towns of Sweden and Clarkson for the demise of Brockport Fire Department and Ambulance when it was the Village's inability to manage monies effectively. The voters voted for a Fire District and the ambulance has separated into a private entity. Bashing the Mayor is awful. She is innocent until proven guilty. Don't be too quick to judge. The upcoming referendum on supervision of code enforcement – politically motivated? Power struggle? The reference to what Gates did re code enforcement is not what this is.

Now, tonight the Trustees overrode the tax cap and yet the Mayor's tentative budget proposes a flat tax rate. He said he hopes the intention to not exceed the tax cap comes true. There is a shortfall in the budget. Brockport has the highest taxes, has had double digit tax increases the last few years, the second highest water rates, now sewer fees, the highest paid police force when you consider salary, overtime, comp time...

Most of the Board are members of Pro Brockport. What have the Trustees done to benefit taxpayers? Why do they cater to special interest groups?

- Gail Martin – said she lives in the Town of Sweden, but that what happens in the Village of Brockport affects the greater community. She said it is clear the Trustees do not support the Mayor and it is disturbing. It can be seen at meetings, on recordings of the meetings and in the meetings minutes. She said she hasn't seen the Trustees back up the Mayor on anything. The Mayor was elected by the voters. She said she does not know why the Trustees do not care for her or respect her. She said she does. She doesn't like how things are run.

GUESTS:

- Marc & Jon Marcello – 58 Main – 4/28 Spring Pig Roast & Music Festival – M & J Marcello were not in attendance. Board referred to the letter in their packets. Trustee Blair said it seems to be the same as last year. Attorney Leni said he has no issue if Police, Codes, DPW have none.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to approve the Spring Pig Roast & Music Festival at 58 Main Saturday 4/28 from 2-9pm.

MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 7

CERTIFICATES & PROCLAMATIONS:

- Ian Blount, Tree Board Chair – 4/27 Arbor Day proclamation -

Mayor Castañeda asked Tree Board Chair Ian Blount to step forward.

Mayor Castañeda asked for a motion to adopt the proclamation.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to adopt the following:

VILLAGE OF BROCKPORT
PROCLAMATION

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

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

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

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

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

BE IT THEREFORE RESOLVED, that I, Maria Connie Castañeda, Mayor of the Village of Brockport do hereby proclaim April 27th, 2012 as Arbor Day in the Village of Brockport and encourage all our citizens to participate in appropriate activities and to take advantage of the benefits of the parks and other natural areas in our community.

IN WITNESS WHEREOF, I do hereby set my hand, and cause the Corporate Seal of the Village of Brockport to be affixed this 27th day of March, in the year 2012.

Mayor Castañeda asked Tree Board Chair Blount if he wished to share any information about the April 27th Arbor Day event.

Tree Board Chair Blount thanked the Board for the proclamation. He shared that thanks to Trustee Blackman the Village received a NYS DEC grant to cover the 2012 and 2013 Arbor Day plantings. He said the Tree Board has planted 200 trees in the last few years. This year's Arbor Day event will be Friday, April 27th and begin at 10am with a ceremony and planting demonstration at Barry Street Park followed by tree planting on Barry Street and at the Barry Street Park. Public is welcome.

CONSENSUS ITEMS:

- **APPROVAL OF MINUTES:**

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the minutes of the 3/6 work session be approved as written.

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the minutes of the 3/13 meeting be approved as written (meeting did not take place due to over occupancy).

→ Trustee Hannan moved, Trustee Blackman seconded, Trustee Hunsinger abstained due to absence, carried 4/0/1 that the minutes of the 3/15 work session be approved as amended.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 that the minutes of the 3/19 work session be approved as written (meeting did not take place due to lack of quorum).

- **APPROVAL OF BILLS TO BE PAID**

→ Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the bills be allowed and paid upon audit.

A/P Clearing Account

	<u>Abstract Date</u>	<u>Amount</u>
FUND (A): <u>General</u>	3/27/12	\$97,709.09
FUND (F): <u>Water</u>	3/27/12	\$15,825.77

MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 8

FUND (H): <u>Capital</u>	-	-
FUND (T): <u>(Trust & Agency)</u>	-	-
		\$113,534.86 grand total

MANAGER/TREASURER & CLERK REPORTS:

- o Manager/Treasurer – Michael A. Giardino
- o FY 2012-2013 Budget – Mayor’s tentative budget filed with Clerk 3/20 – public hearing 4/10 -

Mayor Castañeda thanked VM/T Giardino for his work with the Village the last 6 months and thanked consultant Dan Hendricks and Intern Eric Roth for their assistance as well. Mayor Castañeda asked VM/T Giardino to present the tentative budget filed with Clerk Morelli 3/20.

VM/T Giardino gave a Power Point presentation regarding the General Fund and the Water Fund (attached at the end of the minutes and posted to the Village website.)

Board discussion:

Trustee Blackman questioned general government support unallocated insurance.

VM/T Giardino said it had been underbudgeted last year.

Trustee Blackman questioned whether the Smith Street Bridge maintenance monies should be in a special fund.

VM/T Giardino said it does not need to be in a special fund as it has its own account line right in the General Fund budget.

Trustee Blackman questioned sewer being in the General Fund and that her understanding was that the Board’s adoption of Local Law in 2011 amending the Village Code Chapter on Sewers required the establishment of a sewer fund.

VM/T Giardino said sewer remains in the General Fund and has its own account lines. Accounting standards give the provision to segregate it into its own Fund (Sewer Fund), just like the Water Fund is done. This can be done. It would have no effect on the levy.

Trustee Hunsinger said the Village has been playing catch up for years. Taking \$215,000 from fund balance is money that the Village has worked hard through controls to save and build up. He asked VM/T if it is fiscally responsible to take money from fund balance (savings) to achieve a flat tax.

VM/T said it is fine to do so. However, if the Village continued to do so, it will deplete the fund balance in 5 years at this rate. It would be prudent to use no more than 10% of current fund balance (which is \$1.2 million) to balance the budget.

VM/T Giardino commended controls having been put in place and the hard work of the Departments. Revenues are slated to exceed expenses by \$365,000 by the end of this fiscal year.

VM/T Giardino said it has been his pleasure working for the Village of Brockport these past 6 months.

Summary: Mayor Castañeda thanked VM/T Giardino, Consultant Dan Hendricks and Intern Eric Roth for their work on the budget. She said she does not seem to work with Trustees who understand the need for long term planning. It is no secret that employee costs are the largest part of the budget at 71.8%. The Police Department is chief among this. Several months ago, much to Trustees dismay, she provided the required written notice several months ago to the members of the Stetson Club Police Union and CSEA DPW Union and Civil Service about the possibility of layoffs. The Trustees have been unwilling to consider staff reductions in the Unionized departments. As to the property tax cap formula, it is not simple. She instructed VM/T Giardino to present her tentative budget with no tax increase. Unfortunately, the tentative budget does not increase services, provide for capital improvements or replace vehicles and equipment. It does provide for a 3% pay increase for all. She said former Treasurer Lovejoy shared information on rising costs with the Board, so it should not be a surprise. The Village needs to learn to live within its means. It shouldn’t plan on using fund balance again until it

is depleted.

Mayor Castañeda reminded everyone that a public hearing will be held on the budget at 7pm 4/10 at the Middle School Auditorium.

MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 9

- Clerk – Leslie Ann Morelli
 - Wishes M. Giardino well – Clerk Morelli said it has been a pleasure working with VM/T Giardino these last 6 months. She wishes him well in his new position with Monroe County Airport.
 - Vacancies - Clerk Morelli reminded all of the deadline of Noon 3/28 for position interest forms for various Board/Committee vacancies and employment application, resume, cover letter for the Deputy Clerk Treasurer position.
- **DEPARTMENT REPORTS:** (Department Heads are in attendance the 4th Tuesday of each month)
 - Building / Zoning / Code Enforcement – Codes Officer Scott C. Zarnstorff
 - No report.
 - Police – Police Chief Daniel P. Varrenti
 - Investigation of Interest – Chief Varrenti said he is happy to report that as a result of 2 months of investigation by Brockport Police Department and Ogden Police Department, 2 individuals have been identified and will be arrested for defacing properties with graffiti.
 - Wishes M. Giardino well – Chief Varrenti said it has been a pleasure working with VM/T Giardino these last 6 months. He has been a consummate professional. He wishes him well in his new position with Monroe County Airport.
 - Response to Rhett King public comment - Chief Varrenti said Mr. King shows up annually to complain about the budget and ultimately blame the police department for it. In fact there is a very small yet very vocal group of people who blame the police department for anything that goes wrong in the village. The police department is to blame for taxes going up, for arrests that must be made and for crime when arrests aren't made. Mr. King spoke in a factual manner when in fact nothing he said was factual. He spoke about distractions and blamed the board for these distracts when in reality he was a distraction meant to take the light off of truly factual issues that exist in this village.

Fact the Brockport Police Department (BPD) is smaller than the SUNY Brockport Police Department.
Fact the BPD once had 14 full time police officers.
Fact the BPD now has 12 full time police officers.
Fact this represents an almost 20% reduction in work force.
Fact the BPD once had 8 part time officers.
Fact the BPD now has 3 part time officers.
Fact I requested money be put in the budget to hire more PT officer to reduce O.T. and save money.
Fact the Mayor struck this money from the budget.
Fact the overtime in the late 1990s and early 2000s was in excess of 200K.
Fact the BPD overtime for the 2011-2012 budget year is on course to come in at about 100K.
Fact the BPD is one of the smallest police departments in NYS when compared to other same size communities that house colleges the size of SUNY Brockport.
Fact I've asked for additional FT police officers for 10 years to better serve the community and reduce overtime.
Fact I've received 1 additional full time officer for 1 of those 10 years and it drove overtime down to the 80K range.
Fact overtime should be used to exceed the day to day operations.
Fact in Brockport overtime is used to operate on a day to day basis.
Fact that additional officer eventually left the department and his position was never replaced.
Fact the members of the BPD are some of the best most dedicated police officers I've worked with in my 33 year career.
Fact regardless what goes wrong in this village fiscally or otherwise the police department or its members are to blame.
Fact I could provide a number of additional facts but the fact is the facts don't really matter to the vocal minority group.
Fact when you ask 11 people to do the job of 14 people those 11 people will make more money than what the 14 people made.
Fact Mr. King who likes to proclaim he quotes facts has no clue what the facts truly are nor does he

and/or a small group of other people he associates with really care.

Opinion: There are a small group of people in this village who have done what they want to do for so long they actually believe they are entitled to their actions. If there was no police department or code enforcement department they would not have to answer to anyone, would truly be exempt from the law and would continue to do as they have done for years.....whatever they want.

MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 10

- o Public Works – Superintendent Harry G. Donahue
 - Wishes M. Giardino well – DPW Superintendent Donahue said it has been a pleasure working with VM/T Giardino these last 6 months. He wishes him well in his new position with Monroe County Airport.
 - Authorize hydrant flushing dates: 4/16-4/18 –

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to authorize the following:

The following Public Notice should be published in the April 8, 2012 & April 15, 2012 issue of the Suburban News and on the Village website:

*VILLAGE OF BROCKPORT
NOTICE
WATER MAIN FLUSHING*

*PLEASE TAKE NOTICE that WATER MAIN FLUSHING in the
Village of Brockport will take place April 16–18, 2012.*

As part of our routine maintenance of the water distribution system in the Village, Department of Public Works crews will be flushing water mains on **April 16 thru 18, 2012**. We do this periodically to clean the mains and flush out sediment accumulations that may settle out in the mains. The flushing will ensure that you have a safe and healthy supply of drinking water.

Flushing operations will be conducted between 9:00am and 1:00pm in the following locations on the date indicated:

Monday, April 16, 2012:

North of the canal.
All hydrants EAST and WEST
of North Main Street (NYS Route 19)

Tuesday, April 17, 2012:

SOUTH of the canal.
All hydrants EAST of Main Street
(NYS Route 19)

Wednesday, April 18, 2012:

SOUTH of the canal
All hydrants WEST of Main Street
(NYS Route 19)

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

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

- Authorize brush pick up dates: week of 4/23 & week of 10/22 -

→ Trustee Hannan moved, Trustee Blackman seconded, carried 5/0 to authorize the following:

The following Public Notice should be published in the April 1, 2012 issue of the Suburban News and on the Village website:

*VILLAGE OF BROCKPORT
NOTICE
BRUSH PICKUP*

BRUSH ONLY WILL BE PICKED UP:
Last full week of April & October 2012 as specified below

RULES:

The Department of Public Works will be conducting **BRUSH ONLY** pickups. Beginning Monday April 23, 2012 and Monday, October 22, 2012, the DPW will be picking up **BRUSH ONLY**. This is being provided as a service to Village residents to alleviate the continual placement of brush at curbside. There will be only 1 pass down each street and a maximum of 1 truck load of brush per residence. **DO NOT PLACE BRUSH AT CURBSIDE UNTIL THE SATURDAY OR SUNDAY BEFORE THE ABOVE NOTED DATES.**

MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 11

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

THERE WILL NOT BE A SPRING JUNK PICKUP, ONLY BRUSH WILL BE PICKED UP. For items other than brush you should contact your refuse hauler.

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

- o Fire / Ambulance – Chief Michael J. Henry
 - Chief Henry provided the following report:

216+ Fire Calls to Date.

Calls of Significance since last January Meeting:

March 2, 2012, responded to 47 High Street at 8 pm for an order of smoke. Found a fire under the porch started by a discarded cigarette after a 2 hour exhaustive search for the cause. Brockport Codes requested.

March 5, 2012 at 7:04 AM were dispatched to 8301 W. Ridge Road Lot 45 for a trailer fire. Fire was held to the bottom of the trailer with some extension into the floor. One support member slipped on ice while walking back to his vehicle.

March 18, 2012, 1:57 AM Brockport Fire and Monroe Ambulance were dispatched to West Sweden Road for the vehicle flipped in a ditch with a person trapped. R238, P234 and P232 responded to the scene for the extrication and possible Mercy Flight Landing Zone.

Notes:

- Need to declare old dispatch office equipment as surplus. Spencerport Ambulance is interested in 1 console for parts. The rest will need to be thrown out or scrapped.
- Need to sign off on DOH form letter allowing BFD to operate EMS equipment.
- Would like to note that Dr. Jack Davidoff from Lakeside ED will stay on as our BFD Fire EMS Medical Director as he was for the BFD when we had an Ambulance Corp there is no charge to the village.
- Researching replacement of current Hurst Tool Equipment on Rescue 238 with more modern tools capable of cutting new vehicles with higher tensile metals on April 7th using funds available in our budget. This is proven life saving equipment we need to keep up with for our Village and District residence.
- Researching adding Class A Foam to Pumper 2325 to bring to standards of Pumper 232 and 234.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to declare old dispatch office equipment as surplus for sale or scrap.

Attorney Leni said it can be donated if to another municipality. Otherwise, a nominal fee should be charged such as getting a scrap estimate.

→ Trustee Hunsinger moved, Trustee Blair seconded, carried 5/0 to approve and authorize the Mayor to execute the following statement of authority to provide public EMS:

NYS Dept of Health
Bureau of Emergency Medical Services

Re: Statement of authority to provide public EMS

To Whom It May Concern:

This is to serve notice that the Board of Trustees of the Village of Brockport has granted authority to the Brockport Fire Department to provide emergency medical care, as defined by Article 30 of NYS Public Health Law, to the Village of Brockport, and all other areas served by the Brockport Fire Department, until such time as the transfer of operations to the Brockport Fire District is completed which is expected to occur on or about July 1, 2012. Response is on a regular and ongoing basis and is dispatched by the Monroe County Emergency Operations Center.

The Village of Brockport understands it assumes all liability, to the extent permissible by law, for granting operational authority for such EMS response within its jurisdiction, and requests the issuance **MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 12**

by NYS Department of Health an EMS Agency ID code to the Brockport Fire Department, to the extent as set forth above.

→ Trustee Blackman moved, Trustee Hannan seconded, carried 5/0 to authorize the continuation of Dr. Jack Davidoff from Lakeside ED as Brockport Fire Department Medical Director to 7/1/12 (until the Fire District is up and running).

• **PERSONNEL ITEMS:**

○ Mayor's appointment of Village Treasurer to complete term in progress to 6/30/13 – Mayor Castañeda announced her appointment of Daniel P. Hendricks as Village Treasurer (part time) to fill a vacancy to 6/30/13. D. Hendricks introduced himself, gave a brief overview of his experience, and said he looks forward to the opportunity to assist the Village of Brockport.

○ Deputy Clerk-Treasurer applications due to Clerk by Noon, 3/28 for Mayor's review – On 3/29, Clerk Morelli will forward all applications received to Mayor Castañeda for review and consideration of whom to interview. Mayor Castañeda shared that not filling the Manager position, filling the Treasurer vacancy part time, and filling the Deputy Clerk-Treasurer vacancy full time will save \$11,200 while more adequately staffing Village Hall.

OLD BUSINESS:

○ Smith Street Bridge winter closure –

→ Trustee Hunsinger moved, Mayor Castañeda seconded, carried 5/0 to re-open the Smith Street Bridge earlier than April 1st as scheduled. (Mayor Castañeda directed DPW Superintendent Donahue to do so last week.)

→ Trustee Hunsinger moved, Mayor Castañeda seconded, to keep the Smith Street Bridge open year-round and forego December 1st to March 31st winter closings.

Discussion:

Attorney Leni said this is entirely up to the Board.

Trustee Blackman said she would love to see it open year round, but there were valid reasons for winter closure. She would prefer to table decision on this until sufficient information is gathered. This motion was sprung without notice.

→ Trustee Blackman moved, Trustee Hunsinger seconded, to table the motion to keep the Smith Street Bridge open year-round until sufficient information is gathered.

Clerk Morelli will provide Trustee Blackman with meeting minutes regarding the Smith Street Bridge and place this as an agenda item early in the new fiscal year.

NEW BUSINESS:

○ Authorize Village Attorney to attend 2 more Code Review Committee meetings – Trustee Hannan said the Code Review Committee appreciated the opportunity to meet with Village Attorney Leni and would like the Board to authorize his attendance at 2 more of their meetings.

Village Attorney Leni said he would be happy to do so, but suggests waiting until after July 1st as the outcome of the June referendum and the July start of the Fire District will impact some of their work.

Trustee Blair referred to the February attorney bill of over \$7,000. The monthly retainer is \$2,500 and the rest is for work outside the scope of services.

Village Attorney Leni said the number of hours well exceeded the \$2,500 retainer and could have been \$10,000. He concurs that cap and non-cap work can certainly add up. If charged strictly on an hourly basis, the Village would spend much more.

Trustee Blair questioned whether the Village Attorney's presence at the CRC meeting was productive. Village Attorney Leni said the meeting was effective, but more work will definitely be needed after July. Trustee Hannan asked Code Enforcement Officer Zarnstorf for his feedback.

S. Zarnstorff said the 4 chapters reviewed by the CRC were referred to the Village Attorney for review. It was not CRC's suggestion for Village Attorney to attend a meeting, but it definitely was productive. It provided an opportunity for direct dialogue on Attorney Leni's review of their work. These chapters had been awaiting review for some time. The parking chapter update was requested by NYS DOT long ago when they were preparing for the Main Street reconstruction.

MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 13

Mayor Castañeda said Attorney Leni pointed out that some of the proposed amendments to the chapters were not doable or not legal. CRC did their work and the Attorney provided his review.

S. Zarnstorff said it wasn't until a recent Village Board meeting that Attorney Leni provided a verbal overview of his review. The opportunity for CRC to hear from Attorney Leni directly was worthwhile.

Attorney Leni said more work is needed, but those chapters are not yet in a place to move forward with the Village Board.

At 8:55pm, Mayor excused Department Heads. Chief Varrenti stayed.

VILLAGE BOARD REPORTS:

- Mayor M. Connie Castañeda
 - Brockport Symphony Orchestra – Mayor Castañeda shared that she attended the March 8th BSO concert in which she accepted the Erie Canal score on behalf of the Village.
 - NYS DEC re 200 State Street – Mayor Castañeda shared that she attended the March 13th NYS DEC public information meeting regarding remediation plans for 200 State Street.
 - Economic Development Seminar – Mayor Castañeda reminded everyone of the 7pm March 28th seminar with Greg O'Connell and Louise Wadsworth.
 - NYS DOT meeting re Bridges – Mayor Castañeda reminded everyone of the 7pm March 30th public information meeting regarding the temporary closure and repairs for the Main Street and Park Avenue bridges.
- Trustee Margaret B. Blackman
 - Justice Court – Trustee Blackman reported that she continues to research justice courts and will soon be visiting that of Geneseo. She asked Clerk Morelli to put this under her report on the 4/24 agenda.
 - Re-Election June 2012- Trustee Blackman shared that she will be seeking re-election June 2012.
 - Budget - Trustee Blackman said readers of the Suburban News may have noted

the letter to the editor in last weekend's paper from Joyce Lobene, Mayor of Spencerport. It is a model for informing the citizens of exactly how their tax dollars are being spent. Spencerport's budget is also a model for how the budget process can be done when the Mayor and Board work together. I spoke with Mayor Lobene today who shared with me their budget process and the schedule they follow in drafting it. Unfortunately, although we trustees called for and held a special budget meeting to work together with village manager/treasurer and mayor, our first view of the mayor's budget was not until it was made available to the public. It doesn't have to happen this way, as Spencerport proves, and it shouldn't.

Mayor Castañeda reminded the Board that the tentative budget is the Mayor's budget. She said she directed VM/T Giardino to keep out some of what the Trustees wanted. If the Trustees want those items in, they will need to vote for them publicly.

Trustee Blackman said she believes the Brockport Village Board can do better – collaborate more.

Mayor Castañeda said she understands that Trustees scheduled individual or pair meetings with VM/T

Giardino and requested items be included.

Trustee Blackman said that is because they were not discussed when they should have been.

Trustee Blackman said she will share with the Board whatever information she receives from Spencerport.

- Trustee Kent R. Blair
 - Re-Election June 2013 - Trustee Blair shared that he will NOT be seeking re-election June 2013.
- Trustee Carol L. Hannan
 - Liaison / Committees – Trustee Hannan said she continues to meet with the various Boards/Committees that she is liaison to. Nothing new to report at this time.

MINUTES OF VILLAGE BOARD MEETING HELD March 27, 2012 continued.....page 14

- Trustee Scott W. Hunsinger
 - Budget – Trustee Hunsinger said he met with VM/T Giardino regarding the budget, but did not ask him to add anything. A budget is a living document – a plan to follow and should be looked at non-politically for what is important for the Village.
 - Wishes M. Giardino well – Trustee Hunsinger wishes VM/T Giardino well in his new position with Monroe County Airport. He said he appreciated his professionalism and wit. The Village was fortunate to have him here and is sorry to see him go.

ADJOURNMENT:

→ At 9:00pm, Trustee Blair moved, Trustee Hunsinger seconded, carried 5/0 that the meeting be adjourned.

Leslie Ann Morelli, Village Clerk