

**Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, October 7, 2002 at 7:30pm.**

**PRESENT:** Mayor Josephine C. Matela, Trustees Morton Wexler, James E. Whipple, and Peter C. DeToy, DPW Superintendent Bradley B. Upson, Building/Zoning Officer Scott C. Zarnstorff, Treasurer Scott D. Rightmyer, Clerk Leslie A. Morelli.

**EXCUSED:** Trustee Norman J. Knapp, Police Chief Daniel P. Varrenti

**ALSO PRESENT:** Village Attorney Edward W. Riley, Fire Chief Gregory B. Wing, Planning Board Chair / Economic Development Coordinator Scott Winner, Ken Pike, Connie Castaneda, Linda Borrayo, Francisco Borrayo, Jackie Morris, Ray Morris, Carole Black, Brad Mitchell, Karen Overmyer, John Bush, Norm GianCursio, John Brugger, Don Cary, Sophie Cary, Inga Songbird, Joan Hamlin, Jim Hamlin, Bill Bird, Carrie Maziarz, Gary Worboys, Rudy Aceto, Dave Smith, Dan Zimmer, Fred Webster, Bill Weber, Kathy Snyder, John Lessord.

**CALL TO ORDER:** Mayor Matela called the meeting to order and led the Pledge to the Flag. Mayor Matela shared that Trustee Knapp was excused due to the death of his father and Chief Varrenti was excused due to the surgery of his mother. Trustee Wexler introduced two Brockport High School students from a government class.

**REVIEW OF MEETING MINUTES:** Mayor Matela called for any additions or corrections to the minutes of the regular meeting held September 16, 2002.

➔ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that the minutes of the meeting held September 16, 2002, be approved as amended.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT** (1<sup>st</sup> opportunity):

1. Connie Castaneda of 332 Main Street commented that she knows of three houses that have gone up for sale in the Village this past month and that many more people are talking about leaving the Village. She urged the Board to improve its budget.
2. Linda Borrayo of 155 Utica Street said she respectfully requests the Village leaders resolve the Dispatch and Police Department controversy by allowing the residents to decide with their vote. It is just, democratic, and the American way. The people should choose, so let us vote. Don't make taxpayers face another tax increase. Make the Village more affordable and attractive. Brockport is sometimes known as the Wild West and does not have to be. It can become a diamond. It has the potential to be a shining star.
3. Brad Mitchell of Holley Street thanked the Village for taking care of the problem at 141 Holley Street. He expressed concern with code enforcement. He knows S. Zarnstorff is working hard and has a difficult job, but there needs to be more teeth to the operation. For example, a neighboring college rental house put their garbage out a day too late then put a mattress out on Sunday to sit until the following week. The home at 141 Holley Street was red-tagged and shut down. However, now there is a couch on the front porch. They are laughing at the Village. There is a house on Perry Street and Holley Street that has a tree house falling down that needs to be taken care of. He said he would like to keep the Police Department and Dispatch Office as well as increase S. Zarnstorff's ability to enforce the code.
4. Bill Bird of 205 Clark Street presented the Mayor and Board with a stack of 500 letters and a petition signed by 203 people who want to keep local dispatch. He said there are at least 500 more letters to come. Some are from Clarkson and Sweden, which is only right, since they are serviced by local dispatch for fire and ambulance. B. Bird said public safety is one thing the Village cannot do without. Parks and beautification is nice, but safety comes first. Money is being spent on re-stripping police cars, office furniture and flowers on Main Street. If the Village is in such financial trouble, then stop spending. He relayed one story of problems with 911 when he was Fire Chief. The policy is if no local response is available within 3 minutes, 911 is to contact a commercial ambulance. They did not follow these procedures or dispatch the call properly. Regarding the Police Department, he believes that people's biggest concern is the cost of the Police Department and the overtime monies, not to get rid of the Police Department. There have been many letters in the local papers. Past Fire Chiefs and others with knowledge, experience and important information have not been consulted. He said no disrespect to the elected officials, but most have no clue what it will really be like to run with 911. He said the County Executive and 911 Officials have been trying to take over Brockport for a long time. He agrees that this issue should be put on the ballot for the public to vote and hopes these letters have some bearing on the Village Board's decision.

**GUESTS:** None

**DEPARTMENT REPORTS:**

**A. PUBLIC WORKS – Superintendent Bradley B. Upson**

1. Conference Report – B. Upson shared that he and H. Donahue split their time between the educational sessions and the equipment show. It was a worthwhile trip. He plans to get enough savings to justify sending them to the conference next year.
2. Declare excess equipment as surplus and authorize disposal – B. Upson asked for authorization to declare the 1996 Johnston V3000AP 3-wheel vacuum sweeper serial number 159UA3H2XTG172005 as surplus equipment and offer it for sale at municipal auction October 26<sup>th</sup>. He said originally, staff anticipated selling it to the Town of Sweden. However, they have been advised that the town no longer wants it. Trustee DeToy asked if the new sweeper would arrive before disposal. B. Upson said yes, the new 2003 Johnston sweeper is at Cyncon Equipment and will be delivered to the Village this week. B. Upson also reported that the Village would be receiving approximately \$19,000 from sales at the recent auction.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried that the 1996 sweeper be declared as surplus equipment and sent to auction.

3. Canal Wall Rehabilitation – B. Upson shared that the State has lead agency on SEQR, but that the Village needs to authorize going out to bid. Trustee Whipple asked if it is one contract for the whole wall construction. B. Upson said yes. Once the okay is in from New York State Canal Corporation, they can move forward.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing the Village of Brockport NYS Canal Improvements; Contract A: Canal Wall Rehabilitation for bids.

4. Water Main Cleaning & Relining – B. Upson shared that the water main cleaning and relining project has begun at South Avenue and Quaker Maid. It should last approximately 6 weeks. Then those streets will be milled and paved.

**B. POLICE / COMMUNICATIONS CENTER – Chief Daniel P. Varrenti - excused**

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

1. House closure – 141 Holley Street – S. Zarnstorff reported on the closing of 141 Holley Street due to numerous fire and safety violations, problems with habitability conditions, and the sale of alcohol and issues of house parties. The tenants have found other accommodations. He has met with the property owner. He said this is part of an effort over the past month of he, Assistant Building Inspector Vaughan and the Police Department. The Police Department contacts him if they feel the conditions of a house warrants code enforcement. He believes their efforts are having an effect. Students are talking about it and the past weekend was not out of control. S. Zarnstorff said he and Mayor Matela were interviewed on WBSU college radio last night. The message of safety is being driven home. Mayor Matela added that they are vigorously trying to get the exterior of properties cleaned up. Code enforcement requires some spending of tax dollars because some property owners, particularly absentee landlords, simply do not care. Mayor Matela said the laws in the Village would be vigorously enforced from illegal drinking comes vandalism, date rapes, etc. She said they have also met with SUNY Judicial Coordinator Joe Johnston who will hold students accountable for their actions. Mayor Matela said they are part of the Good Neighbor Committee and said suggestions or concerns should be brought to their attention.

**D. FIRE - Chief Gregory B. Wing**

1. Membership Adds/Drops/Transfers – Chief Wing asked the Board to consider approving the following drops: none the following adds: none the following transfers: none the following Explorers: Michael Hall of the Village, the following Ladies Auxiliary: Genevieve Connaroe-Smith of Sweden, Laurelynn Gurnett of the Village, Charlene Whipple of the Village, Laura Whipple of Hilton, Kathy Speer of Rochester.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried approving the previously mentioned adds, drops, transfers, Explorers, and Ladies Auxiliary.

2. New pumper bid results – Chief Wing reported that two bids were received. One from American LaFrance for \$277,747 and one from Emergency One Equipment for \$289,043 less \$6,000 for an unneeded road trip to Ocala, Florida to view the vehicles. Therefore a difference between the two bids of \$5,296. The pumper committee recommended the Emergency One Equipment bid of \$283,043 to the Fire Council because they perfectly met the bid proposal. The American LaFrance bid had 21 exceptions to the bid. Further, there have been maintenance issues with the current American LaFrance truck where there have not been with the current Emergency One truck.

Mayor Matela asked about the funds. Treasurer Rightmyer confirmed there are ample funds banked in capital reserves for this. Mayor Matela commented that each piece of equipment in the Fire Department and Ambulance Corps is owned lock, stock, and barrel. There are no loans or bonds on any equipment. This is very unusual.

Trustee DeToy asked Attorney Riley if the higher bid could be awarded. Attorney Riley asked if the bid by American LaFrance met or exceeded the specifications. Chief Wing said he believes so. Attorney Riley said by municipal law a bid has to be awarded to the lowest responsible bidder. There has to be a substantial basis to show that it is not a responsible bid. Past bad experience should not factor in. To award the higher bid would be acting contrary to law. The Board can reject all bids or redo the specifications. Otherwise, it opens itself to potential legal action from the lowest bidder. If re-bidding is chosen, it must be to secure lower bids, not just to exclude a particular bidder. In summary, Attorney Riley said he would not advise the rejection of the lowest bid.

Chief Wing said he respects Attorney Riley's recommendation and suggests the Board reject all bids and re-bid. Trustee Whipple said the pumper committee was hoping for a bid in the neighborhood of \$275,000. Chief Wing said he was hoping for \$250,000 and to defer body maintenance costs by using particular materials that hold up longer.

Trustee Wexler asked what would happen once a new truck is purchased. Chief Wing said the oldest one in the fleet would be put out to auction.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried to reject all bids and re-bid the pumper truck.

3. Ambulances – Chief Wing shared that \$5,200 in rebates (\$2,600 each) is being awarded the Village for the purchase of the two new ambulances. This brings the savings to \$6,100 per rig from the one purchased six years ago.
4. Call Load – Chief Wing said they have been busy and are in Fire Prevention Week. There are currently 150 volunteers in the department. Year to date ambulance calls: 1221. Year to date fire calls: 853. Total year to date calls 2,074. He commented that there are paid departments that have half the call volume. He reported a working house fire in Clarkson and commended those on the scene.

**E. TREASURER - Scott D. Rightmyer**

1. Authorize to bid old police car – In Chief Varrenti's absence, Clerk Morelli asked for authorization to sell by bid the 1999 marked Ford Crown Victoria police car with 67,241 miles.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing the acceptance of sealed bids on the 1999 marked Ford Crown Victoria police car with 67,241 miles.

2. Deferred Compensation – Treasurer Rightmyer shared that a bi-annual review is required by law to adopt an updated version of the Village's deferred compensation plan, which is offered to any full or part time employee as per the IRS and DOS. He asked that the Board adopt the updated version and authorize the Mayor and Village Attorney to sign it.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried, adopting the updated version of the deferred compensation plan and authorizing the Mayor and Village Attorney to sign it.

**Deferred Compensation Committee Resolution to Amend and Restate the Model Plan**

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Model Deferred Compensation Plan for Employees of the Village of Brockport (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, the Village of Brockport, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Village of Brockport;

WHEREAS, effective January 1, 2002, the Board amended the Model Plan to adopt provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") as they apply to the Model Plan and to adopt modifications that update certain administrative provisions to accommodate prospective state-of-the-art methods and procedures;

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Village of Brockport has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Village of Brockport by adopting the amended and restated Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Brockport hereby amends the Deferred Compensation Plan for Employees of the Village of Brockport effective October 7, 2002 by adopting the amended and restated Model Plan effective January 1, 2002, in the form attached hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Monroe County, New York this 7<sup>th</sup> day of October, 2002 and directed that it be filed as appropriate.

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

1. Parade/Process Application – 10/29 SUNY “Take Back the Night” March – Clerk Morelli reviewed this annual application from the SUNY Women’s Center and Student Social Work Organization. It would be Tuesday, October 29<sup>th</sup> from 8pm to 10pm with the route shown on the application.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried approving the parade / procession application.

2. Request fee increase to purchase Zoning Chapter 58 – Clerk Morelli shared that the Village has sold 25 copies of its zoning code over the last two and a half years. Upon selling the last copy, she called to re-order and learned that the Village will no longer “break even” charging \$15. It costs the Village between \$13.87 and \$16.20 per copy depending on the amount ordered. The purchaser is sent updates to that chapter, free of charge. General Code Publishers said some communities charge as much as \$50 for the same size chapter. Clerk Morelli recommended increasing the fee from \$15 to \$25. The fee schedule would be amended.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried to increase the fee for zoning chapter 58 from \$15 to \$25 effective immediately.

3. Call for public hearing on proposal to amend local ordinances and fines – Clerk Morelli reminded the Board that at the May 6<sup>th</sup> and June 17<sup>th</sup> meetings, Chief Varrenti and Attorney Riley reviewed the proposed amendment of local ordinances and fines. The Board approved the amendments at the meeting, but a public hearing was not held. Clerk Morelli said to the best of her knowledge, she cannot submit the paperwork to the Department of State without having held a public hearing on the matter. Therefore, a legal notice needs to be put in the local paper and a public hearing held at an upcoming meeting.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried to hold a public hearing on November 4<sup>th</sup> on the proposal to amend local ordinances and fines.

4. Calling All Clerks Teleconference report – Clerk Morelli reported that she and Treasurer Rightmyer attending this teleconference the evening of October 3<sup>rd</sup>. It was good information and we are right on track. Conference materials are available for review in the binder near the mailboxes.

**G. ATTORNEY – Edward W. Riley / DEPUTY ATTORNEY – Frank A. Aloï**

1. Court cases - Attorney Riley shared that there are 15 to 20 cases in court tomorrow night regarding Village ordinance violations. Also, properties at 248 Main Street and 34-36 South Avenue owned by Mr. Miller, will go to trial in November unless there is a resolution. Others will be going to local court related to valid certificates of occupancy and the 3 or more unrelated rule. Attorney Riley said attention is being paid to these concerns. They are being addressed. Those property owners in compliance have nothing to worry about.

**H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner**

1. Railroad Tours – S. Winner shared information on the special train trips between Brockport and Medina and Lockport and Brockport scheduled October through December. More information can be obtained at niagaratrain.com.
2. Empire Zone – S. Winner shared some possibilities of companies moving onto the Allied campus. Next year this Empire Zone will qualify for additional acreage. Mayor Matela clarified that Empire Zone status does not affect Village taxes. They receive County tax reductions.

**SUPPORT BOARDS REPORTS:**

A. PLANNING BOARD – Chair R. Scott Winner – No report.

B. LIBRARY BOARD – President Leslie Zink (absent)

C. ZONING BOARD OF APPEALS - Chair

**VILLAGE BOARD REPORTS:**

- A. Vice Mayor Wexler
  - 1. Dispatch Issue – Trustee Wexler thanked Treasurer Rightmyer for working with him on costing out four different proposals. He thanked Trustee Whipple for chairing the dispatch committee. Trustee Wexler commented that this is not an easy issue and that he is fully aware of all concerns. He said the elected officials pay Village taxes too. They will try their best to come up with a proposal that works.
  - 2. Contamination – Oxford Street – Trustee Wexler commented that Feraci & Lange law firm is working on the value of the homes on the west side of Oxford Street where he has resided for more than 42 years. He stated that he would move if he had a bid, but the houses are not selling.
- B. Trustee Whipple
  - 1. Dispatch Committee – Trustee Whipple reported that two meetings have been held so far with a third scheduled later this week. The next meeting will determine if they are ready to make a recommendation or if further meetings are necessary. As Trustee Wexler stated, they are in the process of costing out each of four proposals. Then a cost-benefit analysis will need to be conducted on each.
- C. Trustee Knapp - excused
- D. Trustee DeToy
  - 1. Contamination – RG&E – Erie Street and Perry Street – Trustee DeToy reported on the contamination issue inherited by RGE on the site of the former coal tar gas plant. They are collecting soil and groundwater samples. There is a public meeting tonight at the Sweden Town Hall. He commented that RG&E has been very good about keeping everyone informed. They hope to be wrapped up soon.
- E. Mayor Matela
  - 1. Authorization for Bill Andrews to attend 10/22-10/23 conference in Albany – Mayor Matela asked for authorization to send Historian Emeritus Bill Andrews to the New York State Quality Committee Coast Conference in Albany October 22<sup>nd</sup> and 23<sup>rd</sup> at a cost of \$226. This will provide opportunities to network and capitalize on grant information. Trustee Wexler said he has no problem paying for necessary training for the Police Department or Fire Department, but somewhere the Village has to say no and justify such expenses. They should differentiate want versus need. For example, he said he would be in favor of keeping an employee working over purchasing a truck any day. He said a third of the fiscal year is gone. Extras like this should be cut before having to cut someone's job.

Mayor Matela said everything can't be stopped. The Village needs to be a viable community. Trustee Whipple commented that when funds are tight, you draw back spending. But you must look for grant opportunities. This is one of those conferences to make in roads to funding opportunities. There is money out there. If we do not try for it, it will go somewhere else. Trustee Whipple further commented that as conferences go, this is dirt-cheap.

→ Trustee Whipple moved, Trustee DeToy seconded, Mayor Matela in favor, Trustee Wexler opposed, Carried authorizing Bill Andrews to attend said conference at a cost of \$226.

- 2. Brockport Merchants Association - \$250 towards Halloween Party - Mayor Matela read a letter from the Brockport Merchants Association about having their 30<sup>th</sup> annual children's Halloween costume parade, party and haunted house scheduled for Friday evening October 25<sup>th</sup> in conjunction with Midnight Madness. They team up with the Fire Department to bring a safe and free community Halloween party to the Market Street Fire house. It is attended by over seven hundred children and their families. The party is supervised by SUNY Brockport's Phys Ed Club, a sorority and a fraternity. All the proceeds brought in for the event are spent solely on candy, popcorn, pizza, donuts and party supplies. They rely on local farm markets for other donations. Mayor Matela asked for authorization to donate \$250 towards this worthwhile event. She is willing to have it come out of the Mayor's conference budget. Trustee Wexler said he has been involved with it in the past and it would be money well spent.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried authorizing a donation of \$250 towards the Brockport Merchants Association annual children's Halloween party.

- 3. Zoning Board of Appeals Vacancies – Mayor Matela said there are now two vacancies on the ZBA due to the death of Dr. Johangten and the relocation and resignation of Richard Aldrich. By law, the Mayor has the authority to fill a vacancy of an unfulfilled term. Therefore, Mayor Matela asked for the Board's support in appointing Carrie Maziarz of 42 Adams Street to one of the vacancies.

→ Mayor Matela moved, Trustee Wexler seconded, unanimously carried appointing Carrie Maziarz to the Zoning Board of Appeals.

**PUBLIC COMMENT** (2<sup>nd</sup> opportunity):

1. Carole Black of 208 Clark Street said she recently retired from Lakeside Memorial Hospital as a nurse for 35 years. She said she knows the Village is in a fiscal crunch and applauds the Board's efforts. She said she wants to go on the record as being for the Police Department and Local Dispatch. She shared that Lakeside is very dependent on them. It was comforting to know they were there at a moment's notice. C. Black further said the Police and Dispatchers are not just dealing with local scum anymore. Brockport is importing scum. She said she feels safer as a Village resident with her own police and dispatch.
  
2. John Brugger of 78 Holley Street said the Village of Brockport is unique in that it imports 9,000 college students each year. He said he would hazard a guess that a majority of the calls are due to this additional population. However, there are still families that make Brockport home. It is time landlords foot their share. He said cutting local dispatch is like driving a car without a steering wheel. New York State Troopers are not going to cover Brockport. SUNY University Police are not going to cover off-campus. Monroe County Sherriff's Department is not going to increase coverage for Brockport. J. Brugger shared that it took 60 minutes (one hour) for a Monroe County Sheriff's Deputy to arrive at a recent incident at a Hamlin church. SUNY students know what's going on. Without local dispatch and police, there will be an exodus in his neighborhood.
  
3. Bill Weber of 333 Main Street asked B. Upson if there would be a fall junk pick up this year. B. Upson said only a brush pick up.
  
4. Kathy Snyder of Clarkson said she did not understand Trustee Wexler's report regarding Feraci and Lange. Trustee Wexler said he would be happy to talk to her after the meeting.
  
5. Glenn Emerson of 89 Holley Street said he believes the Board is mostly doing a good job and generally making good decisions. However, he does not understand Trustee Wexler's wanting to save \$226 and missing out on possible financial opportunities at a conference. G. Emerson said slumlords have been allowed to get away with murder for years. The Village is importing scum. People interested in single-family homes are going to Clarkson. Getting rid of local dispatch would be like cutting off your head to cure a headache. He said there is Rochester trash across the way from him. People who care about the neighborhoods are involved like he is in SPARTAC, NET, Neighborhood Watch, and in civil lawsuits. He said he is working with Chief Varrenti in putting together a website or such that provides information on when violations and trials go to court so they can be there. G. Emerson further stated that the local judges are soft and that one ex-judge is so soft that she wants to do away with the police. He said he is getting the State Attorney General involved. People shouldn't have to put up with drug or prostitution houses and other absentee landlord problems. He thanked the Board for doing a good job under difficult circumstances.

**AUDIT:**

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that the bills be allowed and paid upon audit.

<u>Village</u>		
Date	Check #	Amount
9/18	166346	20.00
9/23	166348-350	350.69
9/20	166347	450.00
9/17	166345	22.00
10/7	166434-444	7,289.36
10/7	166404-433	26,834.53
10/7	166374-403	14,228.18
<u>Fire</u>		
10/7	166357-373	9,841.27
<u>Ambulance</u>		
10/7	166354-356	390.64
10/4	166353	2,174.15

Capital Projects

10/7	1539-41	18,171.60
	P. 27	705.60
	P. 41	6,878.00
	P. 35	84.00
	P. 44	10,504.00

Third Party Billing

10/7	87-90	12,071.72
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**ADJOURNMENT:**

- ➔ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried that the meeting be adjourned at 9:05pm.

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Leslie Ann Morelli, Village Clerk