

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, April 19, 2004 at 7:00pm.

PRESENT: Mayor Josephine C. Matela, Trustees Morton Wexler, James E. Whipple and Norman J. Knapp; DPW Superintendent Bradley B. Upson, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Treasurer Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: Trustee Peter C. DeToy, Treasurer Scott Rightmyer

ALSO PRESENT: Fire Chief Christian A. McCullough, Planning Board Chair / Economic Development Coordinator Scott Winner, Gary McClendan (D&C), Robbie Hess (Suburban News), Terri Green (Brockport Post), Ken Pike, Rich Miller, Deb Hoy, Jim & Joan Hamlin, Bill Weber, Dick Lingg, Tony Perry, Bob Connors, Norm GianCursio, Francisco & Linda Borrayo, Francisco Burgos, Fred Webster, John Lessord, Inga Songbird.

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

REVIEW OF MEETING MINUTES: Mayor Matela called for any additions or corrections to the minutes of the regular meeting held April 5, 2004 and the public hearing on the budget held April 7, 2004.

➔ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried that the minutes of the meetings held April 5, 2004 and April 7, 2004 be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Leon Randall representing the Sweden Senior Center proposed a sign for in front of the building similar to a church bulletin board where they can advertise events. He distributed photos of samples. They will look for someone to build it. It may or may not have a stone foundation. They could always add it later. They moved the flagpole and have a new flag with lighting on it. They would put a fluorescent lamp on either side of the sign. Mayor Matela suggested that they try to encase the sign in wood or stone. L. Randall said they will try, but it may be costly and difficult to match the stone on the building.

S. Zarnstorff said they put a mock up of a sign in the area they propose. There was concern of sight visibility since it is on a curve. However, the mock up proved no complications with sight visibility. The lighting will be for the sign only and not affect motorists.

it L. Randall said they are sending the proposal to the Town of Sweden also. Mayor Matela said would be great to have another way to inform people of upcoming events. L. Randall said the center is considering building a memorial garden as well.

2. Dick Lingg of Candlewick Drive – A) said he agrees with the suggestion made by Bill Weber at the last meeting of having a public comment period at the end of each Village Board meeting. He hopes the Board will take a serious look at this. B) He is concerned about the DPW being understaffed. Last year several of them spent time working on the canal projects and some regular things went undone such as painting off crosswalks and parking spaces until late summer/early fall. Those should be done early spring. He questioned if they will be working on canal projects this year and if infrastructure things will be neglected again. So much time is spent on saying the Police Department is understaffed, but the DPW needs help. C) Mayor Matela said the Village could raise money on docking fees and use of the Visitor's Center. He wonders if any studies have been done and what the results are. D) What happens if the budget is not passed by May 1st? Treasurer Coyle responded that by law if the Village Board does not agree on a budget by May 1st, the tentative proposed budget that was filed with the Village Clerk becomes the budget by default. Trustee Wexler asked if modifications could be made to it after that. Treasurer Coyle said he is not sure.

3. Frank Burgos of 254 Holley Street – shared that on February 1st his basement filled with raw sewage and he incurred \$12,000 in damages. He hired D'Angelo's Plumbing who noted 1 foot of sewage and water rising quickly. They said the main was plugged in the road and they unplugged it. The sewer was up to the manhole then the basement water drained out. He read in the April 8 Democrat and Chronicle that the Village is looking at imposing a sewer fee because the sewer lines in badly in need of repair and is backing up into the basements of a few homes. He said the Village knows what is going on, but is not willing to take responsibility. Mayor Matela and DPW Superintendent Upson have been quoted as having said this has been a problem for the last 10 to 20 years. His immediate neighbor replaced their sewer line at a cost of \$5,000 and still have a problem. Two houses down has had this happen 12 times in the last 10 years. F. Burgos said it is nice to beautify the Village's Main Street and parks, but how

about the Village's infrastructure. There should be priorities. He said he and his family would not be here for long if this problem persists. Seven homes with similar problems. The proposed sewer

MINUTES OF MEETING HELD April 19, 2004 continued.....page 2

fund is really a tax, which makes the proposed tax increase not 9.8% but 22%. It appears the sewer fund is mainly for labor, not for materials to improve the lines. F. Burgos said DPW Superintendent B. Upson told him the Village had applied for a grant through Rural Opportunities for a new sewer line. He said he does not believe this because at that time he sat on the Board for Rural Opportunities who reviews these applications, and never saw one from Brockport. He had \$12,000 in damages. His insurance gave him the \$5,000 cap on this and recommended he file a claim with the Village. He spoke with the Mayor, DPW Superintendent and even the Village's Insurance Consultant. An adjuster came out, indicated it was the Village's fault, but that it was unfavorable that the Village would pay it. He said he does not want to have to sue. He put his trust in his public servants for the betterment of the community. No one has helped him. He even asked for the Village to send a cleaning company, but B. Upson said it is not allowed on private property.

Mayor Matela said the Village follows proper procedures with insurance claims. If the insurance carrier denies the claim, they must have good reason. There are a lot of mitigating factors. It has been difficult to ascertain the specific problem. The new sewer camera equipment has been used and flushing is taking place. However, the Village cannot know what people are throwing down their sinks and toilets. Neither can the Village always depend on state and federal government to help fund projects. All municipalities are fighting for dollars and are doing the best they can. The Village tries to use its people time and money wisely. It cannot by law replace anything between the curb and a home. This is private property and would constitute a gift. With all due respect, F. Burgos is not telling the whole story. He did some work on his end that factor in. F. Burgos said he used a professional plumber. F. Burgos said the Village's best is not good enough. He said the Village told its insurer not to cover this. Trustee Wexler said the Board relies on the experience and professional advice of its attorneys and consultants, and if we are not responsible by law, that is it. It does not pick and choose what claims to honor. B. Upson said he has suggested discussing this privately. F. Burgos put cleanouts in his basement without solid caps. There is no guarantee without a solid cap. Back ups can come into the house easily. B. Upson said F. Burgos knows what is recommended, but hasn't done it. Mayor Matela commented that when that area was built, the homes in the area were mostly single-family homes. Now the homes have a higher density population, which has an impact on the infrastructure. Mayor Matela recommended F. Burgos make an appointment to meet with she and B. Upson.

4. Bill Weber of 333 Main Street – A) asked if the Board had discussed having a public comment period at the end of the meetings. Mayor Matela said as promised it is scheduled on the next workshop agenda (4/26) for discussion by the entire board. B) Asked if a study had been done on what revenues could be generated on the canal. S. Winner commented that they had and docking fees would at least cover the cost of a dock master (a community retiree until sundown). Bill Andrews said Fairport charges \$4 to \$10 per night depending on the length of the boat. They anticipate \$15,000 in docking fees. The Canal Revitalization Committee plans for no labor costs – all volunteer dock masters. C) Questioned what the proposed sewer district is called. Treasurer Coyle said by law it is a sewer fund funded by sewer rents. B. Upson said this is consistent with the Village Code book as well. B. Weber asked if a public hearing is required. Treasurer Coyle said yes and that he plans to ask for one tonight for May 3rd. B. Weber asked if it would be a true public hearing where the Board would be willing to listen and respond to what the public has to say or if it would just be a formality. He commented that it would have been prudent to have it before the vote on the budget. Mayor Matela said this is the best way to properly fund and maintain an aging sewer system. The revenues generated from it will only be used for sewers. B. Weber commented that it constitutes a 22% tax increase. D) Asked if Ed Riley was relieved as Village Attorney. Mayor Matela said that is a personnel matter and she does not wish to comment.
5. Linda Borrayo of 155 Utica Street – said Mayor Matela was quoted in the Brockport Post as saying the Village needs to focus on generating revenue. Taxpayers call it higher taxes. They can be disguised as fees or rents, but they still cost the taxpayers more money. She said she understands there are no further budget workshops scheduled to try to make any changes. Inaction could set the tentative budget into place. She said \$50,000 estimated for legal fees is laughable and wondered what criteria is used in placing these numbers.
6. Bob Connors of 281 West Avenue – A) thanked Treasurer Ian Coyle for the informational meeting on the budget. It was truly an open forum and very helpful. B) He said he learned early to look up meanings of words in the dictionary when he is unsure. Taxes are a contribution at a set rate by an authority. This is how sewer rents are being defined as well. C) According to the Dodge Reports, they placed the numbers for the re-bid of the proposed

Visitor's Center at \$207,400. He said it is amazing that the bid amount came in exactly as the Engineer's Estimate. Mayor Matela and DPW Superintendent Upson said they were not aware of the information he was looking at and did not have the numbers in front of them. Mayor Matela asked what exactly B. Connors was implying. B. Connors said nothing – he just thinks it is amazing that the numbers matched exactly.

MINUTES OF MEETING HELD April 19, 2004 continued.....page 3

7. Bruce Levine of Belmont Development – reported that they have worked with the Zoning Board of Appeals and the Planning Board and made it through their processes with approvals. They are now eligible to apply for a building permit for 222 Main Street. This will be 32 senior citizen apartments called Village Centre. As had previously been explained, New York State requires a negotiated tax agreement that passes through to the low-income senior citizens to stabilize the rents. He has been working with Treasurer Coyle and Scott Winner on terms of the PILOT agreement. Once the Village Board approves of it, they go before the Town of Sweden board for approval.

Trustee Wexler asked if an attorney representing the Village has looked at this. S. Winner shared that on the direction of Attorney Riley, the agreement has been massaged to increase on an annual basis. It will increase 2% each year to a maximum of 30% increase. This is unlike Park Place Apartments that does not increase over the life of the agreement.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried

**RESOLUTION APPROVING AGREEMENT
WITH REDEVELOPMENT COMPANY**

At a meeting of the Village Board of the Village of Brockport, held at the Village Hall in said Village, County of Monroe, and State of New York, on the 19th day of April, 2004 at 7:00pm there were:

PRESENT: Mayor Josephine C. Matela, Trustees Morton Wexler, James E. Whipple, Norman J. Knapp.

ABSENT: Trustee Peter C. DeToy

Trustee Whipple offered the following resolution and moved its adoption:

WHEREAS, Brockport BDC Limited Partnership (the "Company") has been duly created and is existing as a redevelopment company pursuant to Article V of the Private Housing Finance Law of the State of New York (the "Law"); and

WHEREAS, the Company has submitted to the Village Board a proposed form of contract between the Village of Brockport and the Company relating to tax exemption of real property located in the Village of Brockport to be transferred to the Company, said proposed form of contract is in the form of Schedule "A" annexed hereto; and

WHEREAS, the Village Board has considered the plans for the development, construction and operation of the Project and the proposed form of contract, with respect to their conformity with the provisions, requirements and purposes of the Law, the extent and nature of the tax of the tax exemption to be granted the Company under said proposed contract and all of the other terms and conditions of the proposed contract and plans; and

WHEREAS, the Village Board believes that the term and conditions of the proposed form of contract are in the best interest of the Village of Brockport, New York

NOW, THEREFORE, be it resolved by the Village Board of the Village of Brockport as follows:

1. That the plans for the development, construction and operation of the Project submitted by the Company and the proposed form of contract between the Village of Brockport and the Company are hereby in all respects approved and are specifically approved as to conformity with the provisions and purposes of the Law and the extent of the tax exemption to be granted there under in accordance with Section 125 of the Law.
2. That the Mayor of the Village of Brockport be and the same hereby is authorized to execute and deliver the said contract in substantially the form of Schedule "A" annexed hereto as approved by the Village Board at this meeting and the Clerk is hereby authorized and directed to thereafter affix the seal of the Village of Brockport thereto and attest the same.
3. That it is found and determined that all formal actions of the Village Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Village Board and that all deliberations of the Village Board and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements.

THIS RESOLUTION shall be in full force and effect from and after its passage in accordance with the regulations of this Village Board.

SECONDED by Trustee Wexler, and duly put to a vote which resulted as follows:

MINUTES OF MEETING HELD April 19, 2004 continued.....page 4

Ayes: Mayor Josephine C. Matela, Trustee Morton Wexler, Trustee James E. Whipple, Trustee Norman J. Knapp

Nos:

PASSED, this 19th day of April 2004.

REDEVELOPMENT COMPANY CONTRACT

Agreement, entered into as of the ____ day of _____, 2004, by and between the Village of Brockport, a municipal corporation of the State of New York (hereinafter referred to as the "Village"), Town of Sweden, a municipal corporation of the State of New York (hereinafter referred to as the "Town"), and Brockport BDC Limited Partnership, a New York limited partnership (hereinafter referred to as the "partnership").

WHEREAS, the Partnership has acquired 2.1 acres of certain real property located in the Village of Brockport, State of New York, a description of which is annexed hereto as Exhibit A (hereinafter referred to as the "Real Property"); and

WHEREAS, the Partnership intends to construct thirty-two (32) housing units on the Real Property (hereinafter referred to as the "Project"); and

WHEREAS, the Partnership has received a commitment from the New York State Division of Housing and Community Renewal (hereinafter referred to as "DHCR") and USDA, Rural Development (hereinafter referred to as "USDA") for permanent financing of the Property; and

WHEREAS, the Village and Town have determined that there is a need in the Village of Brockport for low-income housing for the elderly; and

WHEREAS, the State of New York has requested that the Partnership make arrangements to provide that local and municipal taxes not exceed Four Hundred Fifty Dollars (\$450.00) per unit per annum; and

WHEREAS, it is in the best interest of the Village and Town to exempt the Real Property from local and municipal taxes, provided the Village and Town receive payments in lieu of taxes with respect to the Real Property in an amount not to exceed Four Hundred Fifty Dollars (\$450.00) per unit per annum; and

WHEREAS, the Treasurer of the Village (hereinafter referred to as "Supervising Agent"), and the applicable planning commission have duly approved the Project; and

WHEREAS, the Supervising Agency and the applicable planning commission have issued a certificate of approval for the Project; and

WHEREAS, the plans of the Project, a proposed form of this contract and the certificate of approval have been submitted by the Partnership to the Village Board for its approval, and such approval has been duly granted; and

WHEREAS, the Partnership is willing to provide low-income housing for the elderly and to enter into this Redevelopment Company Contract with the Village and Town provided the Partnership does not lose its ability to sell the Project in accordance with the applicable DHCR/USDA regulations and/or dissolve the Partnership pursuant to New York Partnership law without providing that the remaining surplus be paid into the general funds of the Village and Town; and

WHEREAS, the Village and Town are willing to allow the Partnership to sell the Project in accordance with applicable DHCR/USDA regulations and/or dissolve the Partnership pursuant to New York

Partnership law without providing that the remaining surplus be paid into the general funds of the Village and Town; and

WHEREAS, the Partnership has duly formed a Redevelopment Company organized and existing under and pursuant to Article V of the New York State Private Housing Finance Law (hereinafter referred to as "Article V"); and

MINUTES OF MEETING HELD April 19, 2004 continued.....page 5

WHEREAS, the parties desire to enter into a contract as contemplated by Article V respecting the operation and supervision of the Project.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements herein contained, the parties hereto, hereby agree as follows:

Article 1. Exemption from Local and Municipal Taxes.

Pursuant to Section 125 of Article V, the Village, Town and the Partnership hereby agree that the Real Property shall be exempt from local and municipal taxes. For purposes of this contract, "local and municipal taxes" shall include taxes levied by the Village, Town, County, and school district but shall not include assessments for local improvements.

Article 2. Payments in Lieu of Taxes Equal to \$14,400 Per Annum (450.00 per Unit).

A. The Village, Town and the Partnership hereby agree that the Partnership shall pay to the Village the annual amount of Fourteen Thousand Four Hundred Dollars (\$14,400) per annum, in lieu of any real property taxes which may become due with respect to the Real Property for a period of fifteen (15) years subject to the modification provisions set forth herein providing for the adjustment of the amount. The first annual payment shall be due twelve (12) months after the Certificate of Occupancy is issued by the Village of Brockport and subsequent payments be due on the anniversary date of the issuance of said Certificate of Occupancy for a period of fifteen (15) years. Final payment shall be made in the year 2019 and will be applied to all real property taxes due within twelve (12) months of the payment. Upon receipt of the payment in lieu of taxes, the Village will distribute the funds among the Village, Town, County, School, and special districts in such proportionate shares as their tax rates are proportional to each other. If such payments are not received by the Village by the aforementioned due date, the Partnership shall owe late charges and accrued interest at the rate of one percent (1%) per month, until such payments are paid in full.

B. The amount of the payment in lieu of taxes shall be recalculated and a new payment amount shall be effective annually, initially measured from the anniversary date of the issuance of the Certificate of Occupancy, and every year thereafter.

C. The adjusted amount of the payment in lieu of taxes determined each year shall be computed by adding Two Percent (2%) to the prior years payment in lieu of tax amount. A schedule of annual payments is attached as Exhibit "A".

D. Notwithstanding the "final payment" in 2019, the same formula will be employed thereafter as set forth in subparagraphs "A", "B", and "C".

Article 3. Project Organized For a Public Purpose.

The Village, Town and the Partnership hereby agree that, for purposes of Article V, the providing of low rental housing units for the elderly constitutes a public purpose. The Village, Town and the Partnership hereby agree that, as long as such housing is provided, the policies and purposes of Article V are hereby satisfied.

Article 4. Project Subject to the Rules and Regulations of DHCR, USDA and the State of New York.

The Village, Town and the Partnership hereby agree that the Project shall be operated in accordance with the applicable rules and regulations previously promulgated or hereinafter promulgated by DHCR and/or USDA. The Village, Town and the Partnership agree that the rental rates to be charged to

tenants for units in the Project shall be in accordance with the applicable rules and regulations of DHCR and USDA.

Article 5. Consistency with “Article V”.

The Village, Town and the Partnership agree that this Contract shall be subject to the provisions of Article V. The Village, Town and the Partnership agree that, without enumerating the applicable provisions of Article V, the Project shall be operated in accordance with the provisions of Article V.

MINUTES OF MEETING HELD April 19, 2004 continued.....page 6

Article 6. Powers of the Partnership.

Pursuant to Section 106 of Article V, the Partnership shall have and may exercise such of the powers conferred by law as shall be necessary in conducting the business of the Partnership.

Article 7. Duration of this Contract.

This Redevelopment Company Contract shall terminate on a date fifteen (15) years after the date of the Certificate of Occupancy is issued by the Village of Brockport except that in the event the project continues to be used for a public purpose, the payment in lieu of taxes shall continue to be paid in accordance with the provisions of this contract. Any provisions of the Private Housing Finance law that are intended to survive this termination shall so survive.

Article 8. Sale of the Project.

Pursuant to Section 122 of Article V, the Village and Town hereby consents to the sale of the Project by the Partnership, provided such sale is in accordance with applicable DHCR regulations. Pursuant to Subdivision four of Section 123 of Article V, the Village and Town hereby consents to the voluntary dissolution or termination of the Partnership after such sale of the Project, and hereby consents that such dissolution or termination need not be in accordance with Subdivisions one and two of Section 123 of Article V. Notwithstanding, however, all other applicable provisions of Article V of the Private Housing Finance Law shall be deemed to apply.

Article 9. Miscellaneous.

(a) Binding Effect. This Agreement states the entire understanding of the parties and shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns. Deviation from the terms of this Agreement shall be permitted only by mutual written consent of the parties.

(b) Applicable Law. This Agreement shall be construed in accordance with the laws of the State of New York.

(c) Usage and Headings. This paragraph headings herein are for convenience only and shall not affect the construction hereof.

(d) Venue. Any litigation relating hereto shall take place in the State of New York, Supreme Court, County of Monroe.

IN WITNESS WHEREOF, the undersigned have duly executed this Redevelopment Company Contract as of the day and year first above written.

Village of Brockport Mayor, Town of Sweden Supervisor, Brockport BDC Limited Partnership

8. Bill Andrews, Historian Emeritus – A) Requested a parade permit for the annual Max’s Mardi Gras Parade to be held Saturday, April 24th from 10am to 11:30am. There are 64 parade units signed up so far and ties with SUNY Brockport have been strengthened with their leadership in the festival on campus afterwards.

→ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried approving the annual parade permit for Max’s Mardi Gras Parade.

B) B. Andrews reported that the Village has been awarded a \$1,100 CLG grant to help update the Walking Tour Brochure done several years ago by the Historic Preservation Board. The Village previously authorized \$800 towards this. The Town of Sweden has also agreed to \$800 to pay for an additional panel to include historic sites in Sweden. C) B. Andrews reported that the 175th Birthday Party Committee, under the direction of Historian Jackie Morris, is working hard on various events throughout the year. He is publishing a book by

subscription that is a narrative history of the Village of Brockport. It will cost \$10 for those who sign up for a copy in advance, and \$12 after. He passed around a sign up sheet.

9. Tony Perry – A) questioned if a new Vice Mayor has been appointed yet and wondered what happens in an emergency and the Mayor is not available. Mayor Matela said a new Vice Mayor had not yet been appointed. The Village's Emergency Operating Plan outlines this. B) Questioned why Edward Riley was relieved as Village Attorney. Mayor Matela said that is a personnel matter and she will not comment. C) Expressed concern over the Mayor's comment in a recent Brockport Post article saying that rental properties should be assessed differently. Mayor Matela said she would be happy to discuss that one on one. When reassessment took

MINUTES OF MEETING HELD April 19, 2004 continued.....page 7

place, single-family homes should not have been in the same class as rentals. This was brought up to Sweden Assessor Bader and to Cole-Layer-Trumble, the reassessment agency. Single-family homes should not be assessed higher than rentals – which are income-producing businesses. T. Perry said there is no distinction for changing assessments on rental properties. D) Bets the Village has exceeded the grant monies promised for the proposed Visitor's Center. He questioned why the Village would put in laundry machines for boaters when there are 2 Laundromats within walking distance who could get the business. Mayor Matela said it is J. Mendez of Laundry time on Main Street who is supplying the machines free of charge. He has no problem with it. E) Feels the budget process has been a complete manipulation to keep the tax increase below 10%. However, it does not accurately plan for attorneys, engineers and retirement benefits. Mayor Matela said last year the budget assumed settling the Stetson Club and CSEA contracts within a short period of time. The Stetson Club contract was just settled. The CSEA contract is still not settled. Mayor Matela said she hears complaints, but not solutions. The Village has been very open with the budget. New Treasurer Ian Coyle even took the initiative to hold a special informational meeting. T. Perry said he publicly commended Ian for that. T. Perry said only Trustee Wexler; 1/5th of the Village Board was in attendance. Treasurer Coyle said he did not expect the Board to be there. Many of them had prior meetings or out of town plans. Mayor Matela commented that Brockport is no different than any other municipality. Budget times are tough all over. In a Mayor's meeting with Governor Pataki Friday, he proposes a 6% cap on the per year pension costs until they are paid off. The State pension problem is not a problem we made, but must deal with. F) Wonders why the public hearing on the sewer fund would not have been held prior to voting on the budget. In closing, he made a comment comparing the Village Board to ENRON. Mayor Matela said to compare this Village Board is pretty absurd.

DEPARTMENT REPORTS:

- A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson
1. Monroe County Stormwater Coalition Agreement – B. Upson shared that the former contract expired March 11, 2004. The new one will extend 5 years to March 10, 2009. This is related to the unfunded mandates from Federal Phase II regulations. Rather than each municipality meeting the regulations on their own, most municipalities in Monroe County join together to work as a coalition. Villages pay \$2,500 this year and Towns pay \$5,000 this year. Agencies like DOT also contribute. \$112,000 in membership fees will be generated. They need to develop 6 minimum measures and have them implemented by 2009. B. Upson said Attorney Riley had looked at this and only had one question related to Tributary 3 storm sewers. However, that is private and not affected here. B. Upson said it would cost \$178,000 to develop parts of the programs if we did it ourselves. The cost and time involved are huge.

Trustee Knapp asked if the \$2,500 is an annual fee. B. Upson said yes. Trustee Knapp said this is yet another unfunded mandate that the public should be made aware of. This is not to improve our infrastructure it is oriented toward education and monitoring. Trustee Knapp asked if the annual fee could change. B. Upson said it could. Trustee Knapp asked if there are any municipalities not joining. B. Upson said he thinks Greece and Irondequoit may be handling this on their own. However they have very large staffs. B. Upson said there are monthly meetings. Although a lot of things will be accomplished by the coalition, it will require some in-house work.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried authorizing Mayor Matela to sign the Monroe County Stormwater Coalition agreement.

2. Spring Pick Up – Mayor Matela reminded everyone that the annual spring curbside pick up began today. It was a very windy day with items blowing all over.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. First Quarter Report – Chief Varrenti reported that he distributed the 35-page first quarter report last Friday. He would like to give everyone a chance to review it. He highlighted that they took 3,649 calls for service. This includes 386 vehicle and traffic arrests, 19 DWI's, 91 criminal, 29 criminal mischief, 34 family trouble, 1 rape, etc. Mayor Matela thanked Chief

Varrenti for such a detailed report. Chief Varrenti shared that the report of forcible sodomy on the canal was investigated and found to be untrue.

2. AED's – Chief Varrenti said the aed's (automatic electronic defibrilators) went into all the police vehicles and the entire department, with the exception of him, has been trained. He will be trained on Friday. He thanked Chief McCullough and Third Party Billing for providing the units and the training.
3. 2nd Annual Police Department Meeting and Awards – Chief Varrenti reported that the 2nd annual Police Department meeting with awards ceremony was held April 6th. He thanked Robbie Hess of Suburban News for the nice write up. He said this does a lot for morale.

MINUTES OF MEETING HELD April 19, 2004 continued.....page 8

4. Speed Recognition Device – Chief Varrenti reported that the speed recognition device is in. It is heavy, but people will start seeing it around the Village. It records the date, time and speed and lets them know of habitual speeders. It's a great study tool and it does not require officers in the location. Chief Varrenti thanked Assemblyman Reilich for the grant. They will do some public relations on it soon.

John Bush of 157 Barry Street spoke up and complained that a Brockport police car was traveling at a particularly high rate of speed behind an ambulance at 8am this morning. Chief Varrenti thanked him for the comment.

5. Resignation of Officer Joseph Morabito – Chief Varrenti presented the following memo to the Mayor and Trustees.

The following is a proposal to respectfully reject the resignation of Officer Joseph Morabito and in turn I would request that the Board hire him full time. Please remember I am not requesting that the Board increase the size of the police department but to rather add one of the officers that were laid off in 1991. His salary would come out of the overtime budget thus reducing the overtime from the budgeted amount of \$150,000 to \$80,000. The savings to the village would be between \$10,000 and \$19,106. This would not be easy for us to accomplish, but I would do my very best to work as many hours as possible during the 6:00 A.M. – 2:00 P.M. shift, reduce the number of officers off to 1 at a time on all shifts and implement other strategies to meet this budget.

	Budgeted Overtime	Incurred Overtime
2001-2002	\$59,000	\$151,781
2002-2003	\$159,000	\$155,537
2003-2004	\$50,000	\$170,000

*2003-2004 contained an overtime budget of \$50,000 and the hiring of 2 additional officers.

2004-2005 Overtime Budget		\$150,000 **
Average overtime expenditure last three years		\$159,106
Expense for 1 Officer	-	<u>\$70,000</u> w/ benefits
		\$89,106
Proposed 2004-2005 Overtime Budget	-	<u>\$70,000</u>
SAVINGS		\$19,106

** (Under by approximately \$10,000 (based on last three years) plus there has been no money added to budget for FTO training, hiring, equipping, medical, etc. part time officers. Thus the provision in the contract that cost the village a considerable amount of money to negotiate will not be used)

I only ask for a chance to make a positive difference.

Thank you.

Chief Varrenti said the Village Board in 1991 reduced the Police Department by 29%, but did not get rid of any workload. He said he doesn't fault them for trying it. However, it did not work. He asks that the Board retain Officer Morabito and use his desire, knowledge, training, uniforms and be promoted from part time to full time. Chief Varrenti said he has done enough studies and shown the numbers. He asks that the Board hold him accountable and allow him to do the job he was hired to do. Chief Varrenti said he would be down to 2 part-time officers.

Trustee Wexler thanked Chief Varrenti for meeting with him last week regarding scheduling. He said the proposal is not satisfactory to him. Spending \$60,000 so they don't have to spend

\$80,000 doesn't make sense. Trustee Wexler said although he is not the liaison to the Police Department, Trustee DeToy who is the liaison, is out of town again. He would like the opportunity to talk with Stetson Club representatives Curley and Mesiti to see what can be worked out. Then he will report back to the Board. Chief Varrenti said the Village Board just ratified the contract. He would not want to see any PERB violations. Mayor Matela said the contract was already voted on. Negotiations are over. Trustee Wexler said he well knows the negotiations process and would not put it in jeopardy. Mayor Matela said the Village's expert and negotiator, David Lippitt, recommends the contract be accepted as it is.

Trustee Whipple said he was on the Village Board in 1991 when layoffs were done. It was painful for everyone. Overtime is inherent. Last year it was exorbitant due to 2 full time officers (now 3) being out for an extended period of time. A municipality cannot budget for that. It can only budget for an average anticipated amount of overtime and benchmark other departments. Trustee Whipple said he is against hiring a full time officer. The Village needs to

MINUTES OF MEETING HELD April 19, 2004 continued.....page 9

look down the road several years. He gave an example of early in President Clinton's administration the Village refused a grant to hire police officers because the money would be start up only and not fund them for subsequent years. Trustee Whipple said if the 2 officers at a time clause is honored and stuck to, overtime would not be as bad. The scheduling may not be easy and shifts may change, but it can be done. The department needs to work to the limits of the budget and the contract and have only 2 officers on at a time. The current proposal may save \$20,000 this year, but how about years to come? Chief Varrenti said they would save the \$20,000 every year, not just this year. Trustee Whipple said budgeting \$150,000 for overtime is unbelievable and only due to unusual long-term illness. He feels \$110,000 is a more realistic overtime number.

→ Trustee Wexler moved, Trustee Whipple seconded, Trustee Knapp in favor, Mayor Matela opposed to accept the resignation of Joseph Morabito as part time police officer with regrets.

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

1. Merchants Street Smokehouse at 48 Merchants Street – S. Zarnstorff said Jon Mendez has named his proposed restaurant: Merchants Street Smokehouse. The existing building was found not to be worth rehabilitating, therefore it was demolished. Construction has begun. It will be exciting to have a new restaurant in the Village – along the canal.
2. Village Center Apartments at 222 Main Street – S. Zarnstorff reported that he met with the architect today. The existing building, last used as a billiard hall, will be used by Brockport Fire Department for training purposes and then demolished by Belmont.
3. McCormick Place off East Avenue – S. Zarnstorff shared that Don Hibsich's model home is coming along nicely.
4. Remington Woods off West Avenue – S. Zarnstorff shared that Ryan Homes model home is almost ready for tours. It is very nice.
5. Potential developer for remaining East Avenue property – S. Zarnstorff shared that the individual that last purchased the remaining acreage on East Avenue is planning to sell. A developer has been in to ask questions about building homes there. This is the last large amount of land in the Village.
6. Sidewalk Use Permit – Jimmy Z.'s at 53 Main Street – Trustee Knapp said it was brought to his attention that the Board approval of this application last week was NOT the same as the year before. Last year the Board denied 4 tables and 16 chairs and made them cut it in half to 2 tables and 8 chairs up against the building. Trustee Knapp said this section of the code has not changed. S. Zarnstorff said it is a matter of interpretation regarding 50 % of the concrete area. The brick was excluded from the calculation. Trustee Knapp said he sees a problem with the stability of the tree grating and having tables and chairs on them. Not to mention car doors opening up from parking and people trying to get out. He believes this is a safety issue and that only 2 tables and 8 chairs should be allowed. S. Zarnstorff said he has no preference of 2 or 4 tables. Mayor Matela said this is Jimmy Z's second year in business and he can fill those tables. Trustee Knapp said whether he could fill the tables makes no difference. The concern is that if 4 tables were too many last year, what makes this year any different. Further, if the Board allows it here, it will have to allow it when requested elsewhere. Pedestrians shouldn't have to snake through tables and chairs all the way down Main Street.

Joan Hamlin of 50 Park Avenue spoke up and said without exception all tables have had to be up close to the building. Exceptions should not be made. Mayor Matela said bicycles would

have to go slower and pedestrians would take their time and look around a bit. It is a matter of what you want your downtown to look like. J. Hamlin said it could wind up looking like a garage sale from April 1st through October 31st. She said The Victorian Village on the Erie Canal should not look like a flea market. J. Hamlin gave an example of Inga's art gallery last year. She was told any display had to be up close to the building and everything brought in at night. The code should be interpreted and enforced the same for everyone. J. Hamlin said she has nothing against Jimmy Z's.

Trustee Whipple agreed that the most important thing is to not inhibit the flow of traffic. Mayor Matela asked if they are anti-business. Trustee Knapp and Trustee Whipple said not at all. Trustee Wexler agreed that the code should be interpreted and enforced the same for all.

Bill Weber of 333 Main Street clarified that before Main Street was redone, none of the merchants used the sidewalk. Then some of the food service establishments began to ask. The code for sidewalk cafes was put into effect for food service only. Tables and chairs were to be up close to the building and not take up more than 50 percent of the concrete area. There was to be nothing else on Village sidewalks.

MINUTES OF MEETING HELD April 19, 2004 continued.....page 10

Mayor Matela said she puts a few things out in front of her antique shop. Dunn's Furniture does the same. Trustee Knapp said Dunn's is using their own property, not the Village's. Mayor Matela asked if the Village Board is saying they do not want anything on the Village sidewalks unless it is for restaurants. Trustee Whipple said consistency is important.

John Bush of 157 Barry Street spoke up and said it's too bad the Board doesn't spend this amount of time on the budget. Trustee Knapp thanked him for his comment.

→ Trustee Whipple moved, Trustee Knapp seconded, Trustee Wexler in favor, Mayor Matela opposed to rescind the motion of approval from the April 5th meeting regarding Jimmy Z's sidewalk use permit – 4 tables and 16 chairs.

→ Trustee Whipple moved, Trustee Wexler seconded, Trustee Knapp in favor, Mayor Matela opposed to approve a sidewalk use permit for Jimmy Z.'s allowing 2 tables and 8 chairs up against the building following the sidewalk café code.

D. FIRE DEPARTMENT - Chief Christian A. McCullough

1. Membership Adds/Drops/Transfers – Chief McCullough asked the Board to consider approving the following adds: Amy Lloyd to Company 2 Fire and Ambulance and Thomas Sackett to Company 1 Fire.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried approving the previously mentioned adds.

2. Call Load – Chief McCullough reported 256 Fire calls year to date and 495 Ambulance calls year to date. There have been many motor vehicle accidents with injuries and fatalities. Chief McCullough reported 20 motor vehicle fatalities in the district since 2001. Chief McCullough thanked Terri Green of the Brockport Post for a recent article.
3. Hurst Tool Cutters – Chief McCullough thanked BISCO and Assemblyman Reilich for providing the funds to replace the old Hurst Tool of the 1970's. Assemblyman Reilich met with Fire Department Officials for a discussion on traffic patterns and ways to pinpoint what is happening at trouble spots and ways to increase safety. He also requested a "wish list" from the Fire Department so that if sudden money becomes available, he can apply it to where the need is greatest. Chief McCullough said he has been very supportive of the Brockport Fire Department. Trustee Whipple suggested the wish list get sent to Senator Maziarz as well. Chief McCullough said they would be sure it is well distributed.
4. New Pumper Truck – Chief McCullough said the new truck is in and will be in Max's Mardi Gras Parade on Saturday.

E. TREASURER – Ian M. Coyle

1. Report on 4/15 Information Session on the Tentative Budget – Treasurer Coyle reported that this session went well. As promised, he wrote up notes that included the comments and suggestions of those in attendance and provided them to the Mayor and Trustees.
2. Public Hearing on Sewer Rents – Treasurer Coyle announced the following:

**NOTICE OF PUBLIC HEARING
VILLAGE OF BROCKPORT**

Please take notice that the Village of Brockport Board of Trustees will hold a Public Hearing on

Monday, May 3, 2004, at 7:00pm in the Conference Room of the Municipal Building, 49 State Street, Brockport, New York to consider a resolution establishing and imposing Sewer Rents. All interested parties will be given the opportunity to be heard.

Copies of the budget and applicable sewer rent documents can be obtained at the Village Office.

F. CLERK - Leslie A. Morelli

1. Adoption of June 1, 2004 – May 31, 2005 Holiday Schedule – Clerk Morelli provided the Board with the set holidays and shared that the Stetson Club and CSEA do not agree on the assignment of the 3 floating holidays this year. This is because Christmas and New Year's falls on a weekend in 2004 and the Stetson Club works weekends. Other than being a little more challenging for Betty Coopenberg to work with for payroll purposes, having different floaters should not be a problem. Trustee Whipple said that would be his only concern. Clerk Morelli said she would clarify the floaters and have Betty include them in the next payroll.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried adopting the June 1, 2004 to May 31, 2005 holiday schedule with different floaters.

MINUTES OF MEETING HELD April 19, 2004 continued.....page 11

2. Sidewalk Use Permit – Java Junction – Clerk Morelli reviewed the annual application for 2 tables and 8 chairs. No change from last year. Mayor Matela commented that Monroe County Health Department has regulations about outdoor smoking at tables and only 25% of outdoor tables can be designated as smoking. S. Zarnstorff said that is for MCHD to enforce. Trustee Knapp said there were some problems with cigarette butts there last year. S. Zarnstorff said yes, and that he forfeited some of his deposit. Mayor Matela commented that she heard Barber's Bar & Grill refuses to put smoking receptacles outside and promises that they will clean the sidewalks after closing.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried to approve the sidewalk use permit as applied as long as the code is adhered to.

3. Hawking & Peddling Permit – Farmers' Market – S. Winner reviewed the application. Carrie Maziarz was to do so, but had a family emergency. Over 50 farmers attended an informational meeting last week. S. Winner thanked the newspapers for getting the word out. Town of Sweden Councilperson Patricia Connors and representatives from Cornell Cooperative Extension and New York State Farmers Federation. The committee has also met with Police Chief Varrenti, Fire Chief McCullough, DPW Superintendent Upson, and Code Enforcement Officer Zarnstorff to cover all the bases. So far 12 applications with corresponding \$75 application fees have come in. There is a high enthusiasm. Some of the merchants are so excited; they plan to open earlier on Sundays.

The Brockport Farmers' Market will be held on Market Street (up to Water Street) on Sundays from 8am to 2pm from June 20th to October 31st. Vendors will use the Water Street parking lot so as not to take up space in the Market Street parking lot, which is needed for area church services on Sunday mornings.

→ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried approving the Hawking & Peddling permit for Brockport Farmers' Market under the coordination of Carrie Maziarz.

G. DEPUTY ATTORNEY – Frank A. Aloï (absent)

H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner

S. Winner distributed his written report and highlighted the successful 2-part tourism meeting regarding the Fast Ferry. He also commented that there was a good collaboration regarding the Belmont PILOT with he, Ed Riley, Ian Coyle and Belmont. They are pleased with the floating schedule arrived at. The YMCA is closing its Brockport branch. Cardinal Financial Services will take over the space at 25 Main Street as of May 1st. Ryan Homes will participate in an ad campaign for Remington Woods that includes the Village of Brockport as the place to be. They plan to do a freestanding insert to SUNY Brockport employees. S. Winner said a similar joint ad campaign was offered to Don Hirsch for McCormick Place. He hopes to collaborate with him. Chuck Scarpulla is purchasing 7 & 11 North Main Street. He has decided to tear down the old building and build a new insurance office.

SUPPORT BOARDS REPORTS:

A. PLANNING BOARD – Chair R. Scott Winner

B. LIBRARY BOARD – President Matthew Minor (absent)

C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey (absent)

VILLAGE BOARD REPORTS:

A. Trustee Wexler

- 1. Edward Riley, Esq. – Trustee Wexler said he wishes to thank Ed Riley for serving as Village Attorney since August 2001. He said his experience and knowledge would be missed.
- 2. Budget – Trustee Wexler expressed concern that there is no meeting scheduled prior to April 26th in which the budget is expected to be voted on. Mayor Matela said the full board is not available. Trustee DeToy is out of town and will not return until the 26th. Trustee Wexler said with or without a full board, those available should get together to work on it.
- 3. Police Department General Orders – Trustee Wexler said due to the lateness of the hour, he would not revisit this issue tonight. He suggested it be discussed on April 26th. Chief Varrenti said the current binder consists of 451 pages. He said he would be willing to put it on CD rom.

B. Trustee Whipple – No report.

C. Trustee Knapp – No report.

MINUTES OF MEETING HELD April 19, 2004 continued.....page 12

D. Trustee DeToy (excused)

E. Mayor Matela

- 1. Set special meeting to consider adopting budget – 4/26 – Mayor Matela requested a special Village Board meeting on Monday, April 26, 2004 at 7pm prior to the regularly schedule workshop. The full Board will be in attendance and this would be to consider adopting the budget.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried to hold a special meeting on Monday, April 26, 2004 at 7pm.

AUDIT:

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

<u>Village</u>		
Date	Check #	Amount
4/19	169525-580	33,555.30
4/01	169401-402	274.73
4/08	169510-511	289.49

<u>Fire</u>		
Date	Check #	Amount
4/19	169512-524	17,334.71

<u>Capital Projects</u>		
Date	Check #	Amount
4/19	1635-1636	3,620.80

<u>Third Party Billing</u>		
Date	Check #	Amount
4/19	307-311	881.20

ADJOURNMENT:

- Trustee Whipple moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 9:40pm.

Leslie Ann Morelli, Village Clerk