

**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, September 2, 2003 at 7:00pm.**

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

**EXCUSED:** Planning Board Chair / Economic Development Coordinator R. Scott Winner

**ALSO PRESENT:** Village Attorney Edward W. Riley, Fire Chief Gregory B. Wing, Ken Pike, Robbi Hess (Suburban News), Terri Green (Brockport Post), Jim Hamlin, Joan Hamlin, Ray Morris, Jackie Morris, Fred Webster, Miriam Miller.

**CALL TO ORDER:** Mayor Matela called the meeting to order and led the Pledge to the Flag.

**REVIEW OF MEETING MINUTES:** Mayor Matela called for any additions or corrections to the minutes of the regular meeting held August 18, 2003.

➔ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held August 18, 2003, be approved as written.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT:**

1. Miriam Miller said she recently rented 44 Smith Street and over the 6 weeks she and her family have lived there the 200 plus ducks that live in and around the pond at Corbett Street across from her have been a nuisance. They eat, sleep and defecate everywhere, including her yard. They are multiplying rapidly with 20 – 25 new ones in the last six weeks. She estimates that 20 people per day come to feed the ducks. They are so bold that they park anywhere they like and even feed the ducks that are in her yard. There are no signs to indicate not to feed the ducks. She believes that if they are fed they will never leave and the numbers will grow. She further stated that she is afraid for the health of her children. She will not let them use the portion of the yard that the ducks use.

She called the NYSDEC in Avon who suggested signage and provided her with a sample that says: "Please don't feed waterfowl. Regular feeding can cause: poor nutrition, pollution, spread of disease, overcrowding, unnatural behavior, and delayed migration. Many people enjoy feeding waterfowl, but the effects of this seemingly generous act can be harmful. If you care about waterfowl, please stop feeding them...allow them to return to their natural habitats. For more information about the effects of feeding waterfowl, contact the New York State Department of Environmental Conservation office nearest you. Keep wildlife wild."

DPW Superintendent Upson said he can put up signage and maybe even a weatherproof brochure rack that provides information from the DEC, but he does not know how it can be enforced. He said he imagines that the Police Department would look at this as a low priority. B. Upson agreed that they do cause a nuisance including for vehicular and pedestrian traffic. Trustee Whipple said the ducks would probably not migrate since they are local ducks. Trustee DeToy referred to the ponds to the sides of Route 531. There are very few ducks in those ponds because no one stops there to feed them. If they are fed, they will stay. He said it has been a growing problem for 10 years. Mayor Matela thanked M. Miller for addressing the Board and said the Village will put up educational signage as a first step to see how that goes. She also suggested the local reporters in the audience put something in their papers to help educate people not to feed the ducks.

**GUESTS:** None

**DEPARTMENT REPORTS:**

A. PUBLIC WORKS – Superintendent Bradley B. Upson

1. Authorization to replace rear hoist in DPW shop – B. Upson explained that the rear hoist is very old and failing and presents a safety problem. The front hoist is fine for now, but will need to be replaced in the future. To replace the entire unit would cost \$27,000. To replace the rear hoist and piston with positive locks would cost \$7,025 to OKAR Equipment with the DPW's help in installing it. Since only a portion would be replaced, it is proprietary equipment and cannot be put out to bid since no other brand would fit.

Trustee Wexler asked what account the money would come from since this was not budgeted. Treasurer Rightmyer said Project 24 DPW equipment replacement reserve. He confirmed there are more than sufficient funds in the account.

➔ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing \$7,025 for the

purchase of a new rear hoist and piston with positive locks for the DPW Shop.

**MINUTES OF MEETING HELD September 2, 2003 continued.....page 2**

2. Authorization for Niagara Mohawk to install light on South Street – B. Upson said the area at South Street by 167 Main Street across from the Morgan Manning House is very dark and the Trustees, Police Department and Code Enforcement have brought it to his attention that a light is needed there.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing Niagara Mohawk to install a streetlight on South Street across from the Morgan Manning House near 167 Main Street.

3. Street lighting – Trustee Wexler commented that there are several places in the Village where 2 poles are right by each other while one of the poles has been cut off at top or towards bottom and may not be in use. B. Upson agreed and said the poles are jointly shared by electric, cable and telephone. One or more of these companies may abandon use of a particular pole and leave it to the others to take down the poles. Trustee Wexler said he called Niagara Mohawk about it last week and they said they would look into it.

Library – Trustee Wexler thanked B. Upson and his crew for resolving a potential safety problem on the grounds of the Seymour Library.

4. APWA Congress – B. Upson reported that he and H. Donahue enjoyed their week at the APWA Congress in San Diego, California. There was a lot to see, a lot of networking, and a lot of new technology demonstrated. B. Upson said they spent some time with the sweeper vendor as well.

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

1. Hiring of Two Crossing Guards – Chief Varrenti said they received four applications for Crossing Guards and that he and Police Secretary Zimmerman interviewed the candidates and recommend Michael Clark of 36 High Street and Helen Skinner of 4 Hillcrest Parkway. There are no benefits involved.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried hiring Michael Clark and Helen Skinner as part time Crossing Guards.

2. Hiring of Three part-time clerks to share 28 hours per week at \$10/hour - Chief Varrenti shared that they had many applications and that five were interviewed. Three are very qualified and he recommends that they job share 28 hours per week at \$10 per hour. He originally planned on hiring 2 part-time clerks to share 20 hours per week, but since they are three months into the fiscal year, the budget will allow 3 clerks to share 28 hours per week. There are no benefits involved. Therefore he recommends Kelly Smith of 1752 Lake Road Hamlin, Heather Luczak of 155B Clarendon Street Albion and Michelle Pedley of 270 Main Street Brockport. All are well qualified. In addition K. Smith has volunteer experience with the fire and ambulance, H. Luczak is a part-time dispatcher, and M. Pedley was recently appointed to the Historic Preservation Board. The Police Department will be open for administrative issues as follows: Sunday closed / Monday 8am to 4pm / Tuesday 8am to 4pm / Wednesday 8am to 4pm / Thursday 8am to 7:30pm / Friday 8am to 7:30pm / Saturday 10am to 2pm.

Trustee DeToy said this would provide good coverage and serve the public well. Trustee Wexler asked if it would be 20 or 28 hours next fiscal year. Chief Varrenti said it depends on the needs.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried hiring Kelly Smith, Heather Luczak and Michelle Pedley as part-time police clerks to share 28 hours per week at \$10 per hour.

3. Junk Cars – Chief Varrenti reported that the 23 unclaimed junk vehicles that were in the Brockport impound were taken by Performance Auto Parts for \$1 (one dollar). He presented Treasurer Rightmyer with the check.
4. Pop Cans – Chief Varrenti shared that he and Sergeant Mesiti cleaned out the basement of the Police Department and turned in pop cans totaling \$23.45. He presented Treasurer Rightmyer with the check.
5. Main Street / Erie Street – Chief Varrenti shared that the arrests made on August 18<sup>th</sup> seem to have gotten the word out about not loitering and causing trouble at that corner. The area will continue to be monitored.
6. Utica Street Parking – Chief Varrenti referred to a complaint he had received about illegal parking on Utica Street. This was checked out and no violations were found.

7. Assistance – Chief Varrenti shared that Fire Chief Warner and another member assisted in getting plate numbers and identification in order for Monroe County Sheriff's to affect an arrest of DWI and hit and run on Route 31. He commended their assistance.

**MINUTES OF MEETING HELD September 2, 2003 continued.....page 3**

8. SUNY Orientation – Chief Varrenti shared that he and Mayor Matela addressed the SUNY students at Orientation. He distributed a tri fold color brochure about the Brockport Police Department and their community involvement. He commended the college for printing 2,000 of these brochures free of charge.
9. Quarterly Report – Chief Varrenti asked if there were any questions on the quarterly report he presented at the last meeting. There were none.

**7:35pm – Trustee Knapp arrived**

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

1. Intermunicipal Agreement with Clarkson re Building Inspection coverage – S. Zarnstorff said this item could be removed from the agenda. It was covered a few months ago.
2. ICC Code Development Hearings 9/6 to 9/12 – S. Zarnstorff shared that he has been selected to represent FLOBA and New York State at the ICC Code Development Hearings in Nashville, Tennessee from September 6<sup>th</sup> to 12<sup>th</sup>. There is no cost to the Village. The country is looking at New York State as a leader. The State of Utah in particular will be looking to network with New York. One of the issues will be carbon monoxide legislation. There will be 2,000 or more attendees and it is a great honor to represent the State and the Village on a national level. Assistant Building Inspector Vaughan will cover in his absence.
3. Fence Easement 35 Idlewood Drive – S. Zarnstorff said the owners of 35 Idlewood wish to erect a fence. A portion of it would be within the Village's sanitary sewer easement. Therefore, a limited release of easement was drafted by Deputy Village Attorney Aloj and reviewed by Village Attorney Riley.

Trustee Whipple asked the type of fence. S. Zarnstorff said a 6-foot high board on board privacy fence. A small portion would be located in the easement, but not over the pipe. The likelihood it would ever have to be disturbed is minimal. This same house was discovered to have been partly in the same easement 3 to 4 years ago.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried approving the limited release of easement for a fence at 35 Idlewood Drive.

4. Issuance of Fireworks Permits – S. Zarnstorff shared that the College is having an event that includes a bonfire and fireworks. Clerk Morelli said they called the Village regarding the need for a fireworks permit and she was not aware it was under our jurisdiction. The Town of Sweden issued them a fireworks permit and SUNY provided the Village with a copy. Discussion took place over whether the Village has jurisdiction over SUNY and whether the particular location (field by the Allen Administration Building) is considered to be in the Village limits. S. Zarnstorff said he reviewed the penal code and the Village code and he has the authority to issue fireworks permits. He said this event is open to the public as well as college. Fire Chief Wing said the Fire Department would participate in this event as they have for the last 15 years. Trustee Knapp said the College is probably the only entity that would apply for fireworks permits. There isn't much open space in the Village. Village Attorney Riley said according to the Village Code the Board could make exception. However, there is no authority to charge a fee unless the Village amends the ordinance.

→ Trustee Knapp moved, Trustee Wexler seconded, unanimously carried to allow the fireworks on September 6<sup>th</sup> as stipulated on the condition that it meets all Fire Department, Fire Marshal, and Code Enforcement Officer approvals.

5. Annual Fence Permit Renewal – RGE Northwest Corner of Perry & Erie Streets – S. Zarnstorff reviewed the annual request of RG&E for renewal of the fence permit that was granted in 2000. It is a seven-foot high steel chain link fence around the perimeter of the RG&E property and extending onto the western portion of the adjacent property at 108 Erie Street. A six-foot wooden stockade façade was attached to the chain link fence that borders property at 118 and 128 Erie Street. This was installed as a safety precaution to control access across the parcel during environmental studies being initiated by RG&E. This is not a variance, which would stay with the property, but a permit that is renewable annually.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried to renew said fence permit through summer 2004.

D. FIRE - Chief Gregory B. Wing

1. Membership Adds/Drops/Transfers – Chief Wing asked the Board to consider approving the following drops: Michele Rota has moved out of district and requests an exempt certificate.

**MINUTES OF MEETING HELD September 2, 2003 continued.....page 4**

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried approving the previously mentioned drop and exempt certificate.

Clerk Morelli referred Chief Wing to those that were not addressed at the last meeting. Chief Wing asked the Board to consider approving the following Explorer drops: Helen Bogue, Sarah Paulson and Explorer Add: Christopher Perkszyk.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried approving the previously mentioned Explorer drops and add.

2. Authorization to cover SUNY Bonfire/Fireworks event 9/6 – Chief Wing said the Fire Department has promised to cover this event as they have for the past 15 years.
3. Coverage in Chief's Absence – Chief Wing thanked Captain A. Hoy for covering as Acting Chief recently in the absence of Chiefs Wing, McCullough and Warner.
4. AED Lifepaks – Chief Wing followed up with Meditronic and learned that they are a sole source provider for the Lifepak 12 unit and on the NYS bid contract for the Lifepak 500 unit. As a matter of fact they are priced below the state bid price. There was ambiguity as to the price per unit being \$2,000 or \$2,999. Mayor Matela said \$2,000 to \$3,000 per unit makes a big difference when so many are needed. She wants to get the best price possible.

Chief Wing said there are 11 units being held, but we need to determine where besides Fire and Ambulance vehicles these units are needed. Clerk Morelli said Chief McCullough stopped in the other day and discussed the proposal to put one in each municipal building: Brockport Village Hall, Sweden Town Hall, Clarkson Town Hall. Board went further and said the Clarkson Court, Sweden Senior Center and Sweden/Clarkson Community Center. Clerk Morelli faxed a note to Supervisors Lester and Kimball for consideration and response to Chief McCullough. Chief Wing said Chief McCullough had not mentioned hearing back from them. Training would be provided to the municipal hall staffs in the use of the Automatic Electronic Defibrillator and could even be provided on CPR and fire extinguisher use if so desired. Chief Wing commented on how easy the AED is to use and that anyone could learn in 15 minutes. Mayor Matela said they are now in schools as well. Board discussed putting them in the police cars as well. Chief Varrenti said he believes they should be in all police vehicles, because quite often the police car is the first on the scene. However, he has no money in the Police budget for this purpose. Treasurer Rightmyer said it would come out of the Third Party Billing monies. Chief Wing concurred that medical monies would be used to buy medical equipment. He said the Fire and Ambulance District is larger than just the Village.

Mayor Matela said she would love to have them in all the locations discussed, but we need to get the best possible price. Chief Wing said he always gets the best possible price on anything. Further, besides free training, if something goes wrong with the equipment, it is replaced.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing Chief Wing to purchase the 11 AED units they have in hand and then determine how many additional AED units are needed.

Trustee Knapp asked Treasurer Rightmyer if it was legal to use Third Party Billing monies for equipment in locations other than the ambulances. He further suggested taking a two-year approach of providing them for the ambulances this year and the rest next year. Treasurer Rightmyer said it would seem that it is an extension of the ambulance services. Mayor Matela suggested Treasurer Rightmyer contact the Comptroller's Office with the question. Trustee DeToy said the money is in the general treasury. Treasurer Rightmyer will ask the question and advise the Board.

Chief Varrenti thanked Chief Wing and the Village Board for "looking outside the box" to provide needed equipment.

E. TREASURER - Scott D. Rightmyer

1. Fire and Ambulance Budgets – Treasurer Rightmyer reported that he and Mayor Matela have begun to work on the Fire Department budget numbers, but have yet to receive numbers from the Ambulance. Chief Wing said he would provide the numbers if they do not come in.

F. CLERK - Leslie A. Morelli

1. Amend Fee Schedule – Clerk Morelli said she inadvertently placed “NON-Village residents and merchants” after Record Check on the Police Department portion of the fee schedule that was adopted at the annual meeting in July. It should read \$5.00 for a record check for anyone. Sidewalk Use Permit was also not listed on the fee schedule as \$200 with \$150 refundable if no violations. DPW Superintendent Upson said they also need to add the out of district sanitary sewer charges to the fee schedule. He reviewed the proposed fees and commented that they would prefer the applicant hire their own contractor rather than have the Village do the work.

**MINUTES OF MEETING HELD September 2, 2003 continued.....page 5**

Village Attorney Riley referred to Chapter 42 of the Village Code and suggested holding off adopting any fees related to sewers, storm or sanitary, until they look into it further and see how it might relate to work GE will be doing. He suggested that he, B. Upson and Ken Pike get together and look at this in depth. B. Upson was unaware that S. Zarnstorff issues plumbing licenses. That process needs to be looked at as well. S. Rightmyer noted that the plumbing license annual renewal fee is not listed on the fee schedule either.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried to amend the fee schedule as it relates to the police record check and sidewalk use permit only. Sewer and plumbing fees will be looked at in the future.

2. Update Employee Handbook to include the LENS program – Clerk Morelli shared that our Insurance Consultants, both workers compensation and property/liability etc. recommend that we do regular checks of the status of the driver’s licenses of those employees or volunteers who operate municipal vehicles or equipment. A drivers list is provided to our insurer annually, but in recent years, they do not verify the information. Chief Wing said the last few times the Fire Department has had concerns about the status of a member’s driver’s license they have had to have the member sign off on a waiver, get it to the insurer to run a check, which often takes several weeks or months and gives the status at that moment with no follow up. Upon Chief Varrenti’s recommendation, Clerk Morelli looked into the LENS program through New York State Department of Motor Vehicles (NYS DMV). This allows municipalities to submit a list of employee/volunteer names and licenses, get notified of the status and receive updates of problems that occur with the licenses. Clerk Morelli said she has requested some sample language from Amtek Management to include in the employee handbook. Until the specific language is drawn up, she wanted to see if the Board would be willing to set this as a term and condition of employment.

Trustee Wexler questioned what happens if an employee does not have a driver’s license. B. Upson said if driving is part of his/her job then they do not meet the qualifications to do the job. Mayor Matela said Trustee Wexler was referring to a specific personnel issue. B. Upson said it is the employer’s obligation to verify.

Chief Wing said he is in favor as long as it does not mean that a Firefighter has to have a driver’s license to be a member. Some ride and do not drive. The approved drivers list consists of 30 or 40 members who go through a rigorous training. Attorney Riley asked Chief Wing if he knows that all members are properly licensed. Chief Wing said no, there has not been a means to do so. Mayor Matela said anyone wishing to work or volunteer that knows driving may be part of their job should be prepared to prove that they have a valid license and consent to periodic checks.

Attorney Riley said he fully supports the use of this LENS program.

→ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried adopting the use of the NYS DMV LENS program as a means to check the drivers license status of employees or volunteers who operate Village vehicles or equipment.

G. ATTORNEY – Edward W. Riley / DEPUTY ATTORNEY – Frank A. Aloï – No report.

H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner - excused  
Written report submitted.

**SUPPORT BOARDS REPORTS:**

A. PLANNING BOARD – Chair R. Scott Winner - excused  
Written report submitted.

B. LIBRARY BOARD – President Sean Wilcox (absent)

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

**VILLAGE BOARD REPORTS:**

A. Vice Mayor Wexler

- 1. National Night Out – Trustee Wexler was not at the last meeting, but did not see any expression of thanks in the minutes to the Chief and Police Department for a successful National Night Out event on August 5<sup>th</sup>. Chief Varrenti said thanks were given.
- 2. Canal Visitors/Community Center – Trustee Wexler said the bid opening for the Harvester Park Improvements and Harvester Park Community Center was August 28<sup>th</sup>. The community center costs came in higher than anticipated. He said he hopes there will be an open discussion about this before any decisions are made.

**MINUTES OF MEETING HELD September 2, 2003 continued.....page 6**

- 31<sup>st</sup>. the 3. Union Contracts – Trustee Wexler said the CSEA and Stetson Club contracts expired May He asked Attorney Riley if the Board could get an update on the status of negotiations at the next Board workshop (under executive session). Attorney Riley said yes.
- 4. Contamination Issue – Trustee Wexler thanked Village Attorney Ed Riley and Consultant Ken Pike of Earthworks Environmental for their hard work and staying the course on the contamination issue.

B. Trustee Whipple

- 1. Communications Center Relocation – Trustee Whipple said the relocation of the communications center (dispatch) was slated for September 5<sup>th</sup>. However, they learned late today that Frontier Communications would not be available that day. Chief Varrenti expressed frustration that he is just hearing this now and that he was not contacted. He said he has several contacts at Frontier and that he would be happy to get involved to make this move happen as scheduled.

C. Trustee Knapp – No report.

D. Trustee DeToy

- 1. Fire Department Community Efforts – Trustee DeToy shared that the Brockport Fire Department has been busy providing services for schools, hospital, nursing home, assisted living facility, the sidewalk sale and arts festival, and SUNY. They have trained many on fire safety and the use of fire extinguishers. The new fire simulation device is working out very well. Chief Wing agreed and said that SUNY paid for half for use as a training tool. Trustee DeToy read a thank you note from SUNY Brockport to the Brockport Fire Department for training over 200 employees.

E. Mayor Matela

- 1. Adopt Certificate of Appreciation in honor of Firefighter Everett Kenyon -

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried to adopt the following certificate of appreciation.

Certificate of Appreciation  
Presented to

**Firefighter  
Everett Kenyon**

In recognition for  
Volunteer service to the  
Brockport Fire Department  
In a variety of positions  
Since 1949.

Presented this 6<sup>th</sup> day of September 2003  
In honor of his 80<sup>th</sup> birthday  
At the dedication of the flagpoles  
Donated by his family for the monument site.

With gratitude from your community.

**AUDIT:**

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

Village

Date	Check #	Amount
9/02	168238-241	38,209.13
9/02	168243-257	8,326.54
8/28	168203-237	19,638.46

<u>Fire</u>		
9/02	168258	1,070.00
9/02	168242	327.02
8/28	168202	13.44

Ambulance

**MINUTES OF MEETING HELD September 2, 2003 continued.....page 7**

<u>Capital Projects</u>		
8/28	1607 (P 44)	3,293.85
9/2	1608 (P 44)	87.75

<u>Third Party Billing</u>		
8/28	181	183.89

**Public Comment:**

An unidentified gentlemen from Erie Street asked when the Village thought the water main project on Erie Street would be completed. B. Upson said the project should be completed and road paved by mid October.

**ADJOURNMENT:**

➔ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 9:15pm.

---

Leslie Ann Morelli, Village Clerk