

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, January 7, 2002 at 7:30pm.

PRESENT: Mayor Josephine C. Matela, Trustees Morton Wexler, James E. Whipple, and Norman J. Knapp; DPW Superintendent Frederick E. Perrine, Building/Zoning Officer Scott C. Zarnstorff, Treasurer Scott D. Rightmyer, Clerk Leslie A. Morelli.

ABSENT: Trustee Peter C. DeToy

ALSO PRESENT: Attorney Edward W. Riley, Deputy Village Attorney Frank A. Aloj, Acting Police Chief Douglas R. Ziegler; Fire Chief Gregory B. Wing, Brad Mitchell, Stu Dube, Richard Rozzi, Nancy Harkin, Doug Hickerson, Inga Songbird, Bob Mosher, Dick Lingg, Missy Hale, Chris & Kitty Allen, Kristi Rath, Jillian Smith, Beth Smith, Joan Hamlin, Christine Hamlin, David Smith, M. Musselman, Spud McCandless, Fred Webster, Nancy Avery, Joseph Winnick, Norm GianCursio, Francisco Borrayo, Pete & Carrie Maziarz, J. Wahl, Sara Webster, Allison Hummel, Jesse Smith, Ray & Jackie Morris, Ray & Ute Duncan, BJ Maier, Adam Mesiti, Stephen Mesiti, Ralf Kurzowski, Daniel Zimmer, Angie Shortino-Calandra.

CALL TO ORDER: The meeting was called to order by Mayor Matela. The Mayor led the meeting in the Pledge to the Flag. Building/Zoning Officer Zarnstorff as Fire Marshall and in the interest of fire safety pointed out the exit due to the large turnout.

REVIEW OF MEETING MINUTES: Mayor Matela said the minutes from the December 17th meeting will be available next time.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

GUESTS: None

PUBLIC COMMENT (1st opportunity):

1. Inga Songbird of 16 Park Avenue asked for permission to speak for approximately 8 minutes since it took her 13 hours to write down what she has to say. Mayor Matela said okay. I. Songbird said she was sorry Trustee DeToy was not here to hear what people have to say. She said she has been carrying around a heavy stone all week as a symbol of the burden he must be carrying. She said she has been at almost every Village Board meeting since the June election and has needed to know first hand the people of the Village of Brockport and the workings of its leaders. She said she has found it fair, understanding, democratic and has felt privileged to get to know everyone. She said she sees how people interact with each other. She described who she looks up to and the qualities those people have. She then ascribed a positive phrase to each Department Head, Trustee, the Mayor, and local newspaper reporters. She said all humans make mistakes. She said she has probably said things she has regretted and was fortunate that her phone lines were not taped. She has felt deep hurt and sadness and it reminded her of being raised by her father who was a persecutor. She said there is no excuse for that kind of abuse. Trustee DeToy's words on that tape scared her. However, she does not believe in labeling. She does believe in second chances, rehabilitation, and forgiveness. She said Trustee DeToy shares a deep concern for his son's well-being, even as an adult. She has seen him light up at a Board meeting when speaking of youth efforts. She said she agrees that the words can not be ignored, but believes they can be overcome. It is too bad this has been another embarrassment for the community. She read a passage from the Bible about not being the first to cast a stone. She asked that everyone not judge so harshly and that they dig deep to forgive and put down their stones.

2. David Smith of Liberty Street (Full-time Dispatcher) – David Smith, Police, Fire, Ambulance, DPW Dispatcher for over 32 years asked to be allowed to read the following statement into the record. Mayor Matela said okay.

After the Brockport Ambulance completed transporting a patient from the college to Lakeside Hospital, shortly after 1:00 am, I received a call from Peter DeToy, who had been the driver on the call. He was looking for the times of the run for the sign-in log at the firehouse. As we talked, he laughed, and the laugh at the time struck me as being "sinister" sounding; and I made a mental note of that as the conversation continued.

During the conversation we asked each other how we were doing, and then I asked him how "Mike," (his son) was doing, since he had been off work for a few weeks. Pete informed me that he would be back to work soon, and I responded, "that's cool." At that point he went into a vulgar tirade, which was directed toward the Brockport Police Officers; and in which he made a statement that contained what I perceived to be a very serious and direct threat toward those officers safety.

The thing that most struck me was not just what he had said, but how he had said it. The tone of his voice and the inflection as he spoke was to me very chilling, and immediately raised a grave concern for officer safety. I was shocked that someone could be saying such things, especially

It was obvious to me that he was angry, bitter and vengeful, and I considered this to be a clear and present danger for all of the police department personnel. So, after the call was completed I contacted Sgt. Adam Mesiti and had him come to the Office to hear the recorded call. I told him he should come immediately because I felt that what Pete had said, and how he had said it was something that needed prompt notification to my immediate supervisor and required serious attention to prevent anything from happening. I told him how concerned I was and that I felt this needed to be brought to the attention of my Supervisor, Dan Zimmer, and the Acting Police Chief Doug Ziegler. He agreed, and at 6:00 am when they came in, I played it for them as well. There was a complete consensus that this was not someone who was "busting chops" and that the Mayor's Office must be notified and encouraged to take swift and aggressive action in order to prevent a catastrophe.

Officer Safety is one of my primary jobs, and it is a job I take very seriously. I want everyone on my "Watch" to be able to go home at the end of the day; this night, with this call, I felt my "Watch" immediately grew to an enormous proportion, and I knew I had to act.

Without hesitation, or consideration of possible personal ramifications, I took action to get them all "home safely." My concern was then, and is now, Officer Safety at all costs. It did not matter to me who had made the threat, I had a job to do and I did it gladly. That is what I have been trained to do and worked hard to do in my 32 year career as a Public Safety Dispatcher here in the Village of Brockport. And no matter what the outcome of this situation comes to be, I know in my heart-of-hearts that I did the right thing for everyone involved.

This has truly placed a great deal of stressful pressure on the Police Office and the Communications Office personnel. It has created an atmosphere of tension amongst some of the Staff, and for some, myself included, an uncertainty of reprisal for having faced this threat head on. It is my hope that a peaceful resolution can come of this, and that we at the Police and Communications Office can again fully focus all of our attention to the great issues of Public Safety for the Village of Brockport and any and all of the Communities and Agencies we serve.

MAYOR'S STATE OF THE VILLAGE:

Honored guests, Acting Chief Ziegler, Members of the Board of Trustees, Chief Wing, Department Supervisors and fellow citizens:
I want to thank you all for coming this evening, as your presence here demonstrates your commitment to our community and your interest in your government. Your participation also gives us the opportunity to hear your concerns and to develop ways to work with you in solving problems that will make our community a better place in which to live. Also by your presence, you demonstrate one of our nation's fundamental rights, and that is the right to **assemble**. Even so, in this small village, we celebrate that right and use it to further the democratic process.

This evening gives me the opportunity to address the successes of this administration, as well to highlight the opportunities for the New Year and the state of our village.

Let me start by saying that the state of the Village of Brockport is good. Our services such as the Police Department, Departments of Public Works, Communication, Village Clerk and Support Clerks, Support Boards such as Planning, Zoning Board of Appeals and Code Enforcement, and our Fire Department have demonstrated their ability to deliver to you the level of services that you expect.

First, let me speak about the Police Department. As you well know, this board started a search for a new Police Chief back in August. After a comprehensive search process, Lieutenant Daniel Varrenti from the Irondequoit Police Department was selected. He will be sworn in as Brockport's new Police Chief on Friday, January 25th at 3:00 p.m. here at the village hall. Currently, Lieutenant Varrenti is head of the Monroe County Drug Task force and a professor at the State University College at Brockport. Since July 2nd, Sergeant Ziegler has been the Acting Chief for the department and during his tenure he

was successful in putting together the bike patrol, the General Orders, working with SPARTAC, and the **MINUTES OF MEETING HELD January 7, 2002 continued.....page 3**

day to day operations of the department. Doug, I just want to say, "thank-you," on behalf of the Board of Trustees and myself for your dedication and devotion to the members of your department. The officers under your command continued to serve and protect this community even under the most adverse conditions during the past year. That speaks well of their dedication and your leadership. You will be an important part of the transition team in the months ahead and I know that we can count on your continued support. Many thanks again.

With regards to the Department of Public Works supervised by Fred Perrine, the department has continued to provide excellent service to the community. Mr. Perrine played an integral part in coordinating the demolition of the homes on Oxford Street, working both with 3M and with our Environmental Consultant, Ken Pike. Also, the department, in cooperation with the Parks Committee, has continued their commitment to improve the Parks and Playgrounds by participating in the second phase of the Utica Street playground, upgrading lighting, playing surfaces and equipment in all the other village parks. Most recently, Carl Panzika from the Department of Public Works constructed a circular tulip bed at Triangle Park at Park Avenue and High Street. This park will be dedicated Memorial Day to the victims of the September 11th attack on New York City, the Pentagon and those who sacrificed their lives on a doomed plane in Pennsylvania. This coming year the department will be very busy with the continued improvement of our infrastructure and our streets and sidewalks. That includes the Main Street Beautification Project and work on our water mains. Also, the much-needed renovation of the offices of the Department of Public Works will commence sometime during the second quarter of this year giving our workers a cleaner, safer, more comfortable workplace. Every member of the department will receive additional training in various areas that will be designed to reduce accidents on the job and increase awareness in dealing with environmental issues.

Fred, thanks to you and your crew for a job well done during the past year. We all appreciate your attention to detail and your quick response to consumer concerns.

Our Communications Center headed by Daniel Zimmer has continued to improve in technology and training. The three full time and ten part-time dispatchers, with over 90 years of combined experience, have continued to provide excellent dispatching services for police, fire, ambulance and DPW in the village and surrounding communities. This year dispatchers will receive additional training in domestic violence intervention which will add to their skills in responding to community needs. Dan, many thanks to you and your department for continued excellent service at all hours of the day and night, or as you say "24x7".

The Department of Zoning/Code Enforcement will undoubtedly go through the most changes of all the departments. We are extremely grateful to have hired a qualified and experienced officer, Scott Zarnstorff. He brings with him over ten years of experience in zoning and enforcement. His capabilities

will be enhanced further this year with training in assessment. Most recently in that department we have hired Sandy Prince, who will act as the Administrative Assistant to the Zoning and Planning Boards and

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the Building Department. Her responsibilities will include managing the paperwork flow between the two boards and also generate tracking and compliance reports. We also are upgrading our software to better utilize and keep track of information. This will give Scott more time to spend in the field with inspections. Since Scott has assumed his position he has completed more than 200 inspections. Truly a mountain of work awaits you Scott and Sandy but your tenacity is appreciated. Thank you.

Your Fire Department under the supervision of Chief Greg Wing has answered over _____ fire calls, _____ ambulance calls. This completely volunteer force of _____ has also continued to demonstrate through their very visible actions their unselfish commitment to the community. My first experience with the Department was during the evacuation of the Lakeside Biekirch Care Center in July. If there was ever anyone cool under pressure it certainly was Chief Wing. He guided his men and women through what could have been a very disastrous situation. The whole department worked in concert and harmony with the Monroe County Agencies. Nothing was left to chance, everyone knew what their job was, and did it.

This spring we will implement paid part-time ambulance coverage, which will insure the community that we will have prompt response to any calls for service during those times when volunteers are in short supply. We will also purchase two new ambulances equipped with ALS (Advanced Life Support) equipment. The Village of Brockport will continue to deliver quality fire and ambulance service to the village and to the surrounding communities that we serve. Thank you Chief Wing and Captain Aaron Biscaro and also to the members of your department.

A new committee was formed last fall to look at opportunities in developing the canal corridor between Main and Smith Street. The Canal Revitalization Committee was formed and Ray and Ute' Duncan have taken on that responsibility with passion and focus. Bill Andrews, Historian Emeritus, Trustee Jim Whipple and DPW Superintendent Fred Perrine are also working on the committee putting together grant applications and attending meetings. We are only in the information gathering stage now and this project will involve the whole community. Stay tuned for further details.

Our new Historian Jackie Morris is also busy working on her plans for the New Year. This involves bringing the rich history of our community to children and to the schools. I know that we can look forward to some new and exciting programs from that department. Thank you Jackie in advance for your commitment.

At this time I would also like to say thank-you to Inga Songbird and everyone who worked to make the 2nd Annual Candlelight Walk a success. This is a typical example of the volunteerism and level of community participation that makes our village very special. Again, many thanks for your dedication, Inga.

The most significant accomplishment last year was the signing of the Memorandum of Understanding with the 3M Company. The legal team headed by Village Attorney Ed Riley with Attorney Frank Aloï and environmental consultant Ken Pike successfully negotiated a performance plan for the demolition of the

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Oxford Street homes. This coordinated effort and successful demolition was accomplished with little disruption to the neighborhood and the community. Our request to remove the treatment plant left in the ground by 3M was honored and the treatment plant was completely removed. We are grateful to the support we received from REACH as well as from our elected state and local officials. Our work is not done yet, and I pledge to you that I will stay steadfast in my resolve to you to complete the clean-up process by the end of the year. Although today you can see the visible effects of the demolition we must never forget that there were homes there that were a special part of the people who lived there. We will continue to work with G.E., 3M, and the D.E.C. to develop clean-up plans to make our neighborhoods safe again.

There is much to do in the coming year and as I said during my campaign the "health, safety and welfare" of our community will be our first priority. This means protecting our workers on the job, developing sound and reasonable development plans, utilizing tax dollars wisely, providing quality services and demonstrating leadership. With your support I know that we all will benefit in working together, not only as a board, but also as a community. I remain steadfast in honoring my commitments to you and ask for your continued participation in our democratic process.

Thank you and God Bless America.

DEPARTMENT REPORTS:

- A. PUBLIC WORKS - Superintendent Frederick E. Perrine – No report.
- B. POLICE / COMMUNICATIONS CENTER – Acting Chief Douglas R. Ziegler
 - 1. General Orders – Acting Chief Ziegler said a few are new and a few are revised.
 - 2. Firearms Qualifications – are ongoing.
 - 3. Assault – Stabbing at 139 West Avenue – Acting Chief Ziegler shared that the suspect is in custody.
 - 4. Training Seminar – Acting Chief Ziegler said a one-day training seminar regarding hazardous materials/anthrax and anti-terrorism will be held next month.
 - 5. Thanks for support – Acting Chief Ziegler thanked the Mayor, Trustees, Department Heads Department and Staff for their support and guidance over the last few months he has been Acting Chief. He hopes everyone embraces the new Chief.
- C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff
 - 1. Part-time secretary – Building/Zoning Officer Zarnstorff reported that the selection process was completed and the Village has hired Sandy Prince as the part-time secretary to the Planning Board, Zoning Board of Appeals and Building Department. She comes with great qualifications and should prove to be an asset to the Department.
 - 2. Oxford Street Parking Problems – Building/Zoning Officer Zarnstorff said he is completing his written recommendation for the parking problems on Oxford Street and requested that the Board review it at the January workshop meeting.
- D. FIRE - Chief Gregory B. Wing
 - 1. Membership Adds/Drops/Transfers – Chief Wing asked the Board to consider approving the following exempt certificate to go inactive-exempt: Christopher Hamlin.

⇒ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried approving the previously mentioned inactive-exempt.

2. Part-time Paid Staffing Program – Chief Wing said they would like to begin the program in February. He distributed a list of the position candidates so far. The ALS equipment is expected to be in next week.
3. Ambulance(s) Replacement – Clerk Morelli advertised for bids by January 15th and awarding of the bids by the Board at the January 22nd meeting. It was pre-planned to fit the rigs for ALS equipment.

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4. SUNY donation – Mayor Matela shared that SUNY College at Brockport will be making a financial donation to the Brockport Fire Department / Ambulance Corps at the April 1st meeting.
5. Swearing In Ceremony and Inspection of Equipment – Chief Wing announced the annual event to be Thursday, January 31st at 7pm at the Market Street Fire Hall.

- E. TREASURER - Scott D. Rightmyer – No report.
- F. CLERK - Leslie A. Morelli – No report.
- G. ATTORNEY – Edward W. Riley / DEPUTY ATTORNEY – Frank A. Aloï – No report.

SUPPORT BOARDS REPORTS:

- A. PLANNING BOARD – Chair R. Scott Winner - absent
- B. LIBRARY BOARD – President Leslie Zink - absent
- C. ZONING BOARD OF APPEALS - Chair Richard L. Aldrich - absent

VILLAGE BOARD REPORTS:

- A. Vice Mayor Wexler
 1. Obscene Language – Trustee Wexler warned the younger members of the audience that they may wish to sit out when the issue of the audio tape is addressed.
 2. Increased Water Rates – Trustee Wexler stated that he opposes the process of the Board of Water Commissioners and their increasing water rates without any involvement of the Village Board.
- B. Trustee Whipple
 1. Board of Water Commissioners – Trustee Whipple said the water rate increase is merely a pass along of the increase of wholesale water from Monroe County Water Authority. There is nothing magical about the BOWC process. This is a Commission, which by law is legally able to make these decisions. This is not a committee or an advisory board. Trustee Whipple reported that Chair Harley Perry will be stepping down as Chair, but will remain on the Board. However, there is still one vacancy. He suggested Robert Muesebeck fill the vacancy. He is a former Trustee, and serves on the Assessment Board of Review.

⇒ Trustee Whipple moved, Trustee Knapp seconded, Trustee Wexler opposed, carried appointing Robert Muesebeck to the Board of Water Commissioners.

Trustee Wexler said his vote is not against Robert Muesebeck, as it wasn't when he opposed Trustee Whipple being appointed to the Board of Water Commissioners. Instead, it is against the process of the BOWC unilaterally raising rates without going to the Village Board. Trustee Wexler said he still feels the Village no longer needs the Board of Water Commissioners.

Mayor Matela shared that in her campaign she thought it best to dissolve the Board of Water Commissioners. However, she has learned that they do perform certain functions that without them the Village Board and DPW Superintendent Perrine would have to take on. She said she does not believe, at this time, they are prepared to do this. Therefore, Mayor Matela said she is in favor of keeping the Board for the time being and evaluating it further in the future. Trustee Wexler said in the event another opening occurs, he would gladly serve for no compensation just as Trustee Whipple does. Trustee Knapp offered his services as well.

- C. Trustee Knapp – No report.
- D. Trustee DeToy - absent
- E. Mayor Matela
 1. Trustee DeToy -

⇒ Mayor Matela offered the following resolution:

In as much as Trustee Peter C. DeToy has failed to deliver his resignation to the Village of Brockport Board of Trustees, I am now asking for a motion to proceed to consider whether there

are grounds to begin the removal procedure provided for under Section 36 of the Public Officers Law of the State of New York.

⇒ Mayor Matela moved, Trustee Wexler seconded, UNANIMOUSLY CARRIED, authorizing said resolution.

Trustee Whipple noted that the words of the resolution were selected very carefully. Trustee Wexler thanked Village Attorney Riley for spending an hour and a half with the Board in executive

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session which resulted in a four to zero vote on the resolution of December 17th. Trustee Wexler also apologized to the Stetson Club stating that it is the employer's obligation and responsibility to establish and uphold working conditions in the best interests of the community. He said whether Trustee DeToy was speaking as a protective father or not, he was still a member of the Village Board, an employer of a number of people including those in the Dispatch Office and Police Department. His language and tone was uncalled for. Trustee Wexler read portions of the transcript of the audio tape of December 5th and referred to another instance in which Trustee DeToy called the Mayor a four-letter word used to describe a female sexual organ. Trustee Wexler said he believes this all began last February with the Police Chief Zimmer issue and that Trustee DeToy blamed the Stetson Club for the June Village election results. In closing, Trustee Wexler said for the best interests of the community, Trustee DeToy should resign. He is an embarrassment.

Trustee Whipple chastised Trustee Wexler for grandstanding and said it was not at all appropriate. Everyone is aware of the contents of the audio taped conversation due to the newspapers and television stations requesting it through the FOIL process.

PUBLIC COMMENT (2nd opportunity):

1. Doug Hickerson of 231 Hollybrook Road in Sweden – Said he agrees with Trustee Whipple that Trustee Wexler was grandstanding and there was no need to bring up the foul language or character assassination. Trustee DeToy should be allowed to leave with some dignity. He said the action the Board has to take is obvious.
2. Angie Shortino-Calandra of 63 Brookdale Road – Said she has been a Village resident for 5 years. Although she does not know and has never directly spoken with Trustee DeToy, she has attended several Village Board meetings and can only judge by his actions, voice and tone at the meetings. She said she feels sorry for his family and feels sorry for the Mayor and Board for what their colleague is putting them through. She encouraged the Board to make the right decision having a conscience and a heart for the people of the Village of Brockport.
3. John Bush of 57 Barry Street – Said he has known Trustee DeToy for many years and that he requests publicly that he resign from office for his own benefit and that of the Village.
4. Dick Lingg of 8 Candlewick Drive – Said he has been a 34 year resident of the Village. Firstly, he expressed confusion as to why the Board would appoint a Village resident they will need to pay to serve on the Board of Water Commissioners when two Trustees offered to serve for no compensation. He further stated that the BOWC should be dissolved and that the Village Board should take over it's responsibilities. Secondly, he thanked the Board for a tough decision to move ahead with investigating the removal of Trustee DeToy from office. He said he regrets that Trustee DeToy has not seemed to take responsibility for his actions, is causing extended turmoil, and at all a cost to the taxpayers.

AUDIT:

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

Village

| Date | Check # | Amount |
|--------|------------|------------|
| 12/18 | 164820 | 20.00 |
| 12/18 | 164816 | 405.00 |
| 12/20 | 164821 | 8.00 |
| 12/21 | 164822 | 390.00 |
| 12/24 | 164823 | 161,159.53 |
| 12/27 | 164824 | 250.00 |
| 1/7/02 | 164839-895 | 30,323.95 |

Fire

| | | |
|-----|------------|----------|
| 1/7 | 164831-838 | 1,662.50 |
|-----|------------|----------|

Ambulance

| | | |
|-----|--------|-------|
| 1/7 | 164830 | 75.10 |
|-----|--------|-------|

Capital Projects

| | | |
|-----|-----------|----------|
| 1/7 | 1497-1498 | 4,607.40 |
|-----|-----------|----------|

Third Party Billing

1/7

50

350.00

ADJOURNMENT:

- ➔ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 8:38pm.

Leslie Ann Morelli, Village Clerk