

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, May 17, 2004 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, Treasurer Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Deputy Village Attorney Frank A. Aloï, Deputy Fire Chief Laurence Vaughan, Kenneth Pike, Carrie Maziarz, Ray & Jackie Morris, Jim & Joan Hamlin, Bob Connors, Norman GianCursio, Linda Borrayo, Tony Perry, William Weber, Jeff Black, John Lessord, Kathy Snyder, Gary Zimmer, Robert Blair, and 4 members and 2 moms from Boy Scout Troop 86.

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 May 3, 2004.

➔ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held May 3, 2004, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. John Lessord of 56 Lyman Street said Tributary 3 was discussed at the last Village Board workshop. He questioned the status. Mayor Matela said she spoke with Frank Ricotta of NYSDEC. The Village will cooperate fully with the NYSDEC and G.E. J. Lessord said it is about time.
2. Boy Scout Troop 86 – 4 scouts and 2 moms from Boy Scout Troop 86 were in attendance and presented the following letter.

Boy Scout Troop 86 of Brockport is trying to earn money to help support the scouts and troop activities. Boy Scouts is a place where boys learn about leadership and citizenship. Camping and community service are highlights of our organization. Troop 86 supports our community's Food Shelf, Clothing Shelf, and Toy Shelf with our time and donations. We offer many services to the community with our participation in Scouting for Food, Conservation projects as well as Eagle projects.

This summer Troop 86 will be hosting two carwashes to raise money for our troop. They will be held on Saturday, July 10th (Sidewalk Sale) and Saturday, August 14th (Arts Festival) at Northside Mobil on the Run, from 9am to 3pm. We would also like to coordinate a Bottle/Can drive with the Village of Brockport for the same days.

A Bottle/Can drive sponsored by the troop will not only encourage the boys to earn money for their troop but more importantly earn money to give back to the community. We will donate the can tabs to Lakeside Memorial Hospital's Twig Association, to raise money for our own area hospital. The scouts will also be encouraged to clean up and recycle the bottles and cans that litter our town, especially on the two busiest weekends of the summer. As our community is always a supporter of our scout organization, Troop 86 is, as always, prepared to give back to the Village of Brockport.

For a successful drive, we would like to ask the Brockport Village Board for permission to set up a temporary collection station for bottles and cans. This site would be maintained on the Saturdays during the Sidewalk sale in July and the Arts Festival in August. To select a site in town near the festivities or food court will benefit both the community's efforts to clean up bottles and cans distributed from vendors as well as our troop's fundraising needs. To prepare for these events the scouts will distribute flyers around the town and village to inform the community about the drive.

We hope the Village of Brockport can help support Troop 86 Bottle/Can drive this summer. Thank you for considering our proposal for a collection site.

Sincerely, BSA Troop 86

DPW Superintendent Upson said he could find some room in the compound.

GUESTS:

1. Gary Zimmer & Robert Blair of BISCO – updated the Board on a few things. G. Zimmer shared that BISCO has received a \$1,200 grant from the York Foundation. They may qualify for this amount up to 4 times per year for various projects such as the Arts Festival, Toy Shelf, Cool Kids programs,

etc. Regarding this year's Arts Festival, G. Zimmer reported that he and Robert Blair met recently with

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Mayor Matela as well as the Downtown Merchants Association. Promoter Jeff Springut was at the last BISCO meeting and spoke of how big Dragon Boat racing has become in Toronto. Toronto has 120 teams. They hope to encourage some of them to take the Fast Ferry and participate in the

Dragon Boat races that are part of the festival on Saturday. It may require 2 classes: amateur and professional. The festival is August 14 and 15. G. Zimmer thanked the Village Board and the community for their support. R. Blair said they hope the festival will be bigger and better than ever.

Vendor sign ups are at about the same point as they were at this time last year. They will be putting on a final push soon. R. Blair said they really want the merchants to participate. It should be the Village of Brockport's open house showcasing everything we have to offer and a great camaraderie. R. Blair distributed festival layout maps and requested formal permission from the Village Board. They have hired a refuse company to clean up and parking and shuttles are arranged. They still have some details to work out with the Police Department, Fire Department and Public Works. He hopes to get together with key officials soon. They are working on obtaining the necessary permits to hold the dragon boat races and duck derby on the canal. R. Blair said he is excited about the upcoming Farmer's Market to be held on Sunday mornings and understands that they will skip the Sunday of the Arts Festival. Mayor Matela confirmed. G. Zimmer said the Duck Derby will be Sunday at 3pm and tickets for 10 major prizes will be available. The travel prizes have been changed to travel vouchers instead of designated locations. Profits last year were split with Lakeside Memorial Hospital and the Brockport Fire Department. They will do the same this year and are also reviewing other applications for assistance. The theme is the same: support Brockport and keep it safe. Trustee Knapp commented that maybe they can take advantage of the offer of Boy Scout Troop 86 from earlier this evening. Then everyone wins. G. Zimmer agreed and said he doesn't think the hired refuse vendor goes through and removes returnable cans. Mayor Matela said the Village Board would be happy to again provide donuts to the vendors. Clerk Morelli said she would be happy to sell Duck Derby tickets from the Village Hall. G. Zimmer asked if that was legal. Deputy Village Attorney Frank Alois said he sees no problem with it. R. Blair said it is all coming together and that everyone should pray for nice weather.

DEPARTMENT REPORTS:

A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson

1. Resolution approving, pursuant to 4-4001c. (1) of NYS Village Law, appointment of Jonas Locke as seasonal laborer at an hourly rate of \$6 – B. Upson asked for authorization to hire Jonas Locke. The budget allows for the hiring of 4 seasonal laborers for a maximum of 40 hours per week for 120 days at \$6 per hour. He has 6 applications in, however, Jonas is the only one so far that has committed to the job. B. Upson asked if there was any way to approve 3 others since the Village Board does not meet until June 21st.

Trustee Knapp asked if B. Upson had put a deadline on applications. B. Upson said he had not. Trustee Knapp suggests he do this each year to be better prepared to hire the help in a timely fashion.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried to hire Jonas Locke as a seasonal laborer at \$6 per hour for a maximum of 40 hours per week for 120 days.

2. Resolution authorizing, pursuant to Guideline 3(b) of Village Procurement Policy, the purchase of 11 steel Victorian benches at a cost of \$8,757.98 to be paid for from funds donated by residents and held in T&A account – B. Upson shared that 4 quotes were obtained for the Sitting Pretty program benches. They ranged from \$796 to \$949. He recommends the \$796 with the representative out of Hamlin. He distributed a picture of the bench. There is a commitment for 11 so far, paid for by various community members in honor of specific people or organizations. The Walkable Communities committee hoped for at least 10 and has interest by up to 20.

Trustee Wexler asked if sites had been selected. B. Upson said the purchasers have asked for particular locations. Those locations will be honored if they fit into street maintenance operations. Trustee Knapp asked if they would be removed in winter. B. Upson said no. They will be mounted.

→ Trustee Wexler moved, Trustee DeToy seconded, unanimously carried authorizing B. Upson to purchase 11 benches as specified at a total cost of \$8,757.98 to be paid for from funds donated by residents and held in T&A account.

3. Roof at Fire Department Headquarters 38 Market Street – B. Upson said rubber was noticed hanging off a section of the roof so a roofing contractor looked at it. He said it is "one windstorm away from blowing away". B. Upson said he is getting estimates in the \$60,000 to

\$80,000 range. He asked the board for authorization to put this out to bid.

Trustee Knapp said he looked at it and said it is obviously in bad condition. Trustee Knapp said the Board can always reject the bids. L. Vaughan agreed it is in bad shape.

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Mayor Matela asked where the money would come from. Treasurer Rightmyer said it would have to come from the building maintenance line. B. Upson said he was hoping to use that for the DPW, but it may again have to wait. B. Upson said he is looking to see if insurance or warranty will cover any of it.

→ Trustee Knapp moved, Trustee Whipple seconded, authorizing B. Upson to go out to bid on the roof (tower and truck bay) at 38 Market Street.

4. Household Hazardous Waste Collection Program – B. Upson shared information on this program available to Brockport, Sweden, Hamlin, Clarkson, Ogden, Parma, Hilton and Spencerport residents on Saturday, June 12th from 8am to Noon at the Hilton Highway Garage at 50 Henry Street. He read from the flyer as to what would be accepted and stressed that Brockport residents should call 637-2144 for an appointment.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Explorer Recognition Awards Banquet – Chief Varrenti shared that Officer S. Mesiti and Firefighter Doug Bopp received awards for their work with the Police Explorers and Fire Explorers respectively. Congratulations to them for many of hours put in to make these programs so successful.
2. Traffic Safety Awards – Chief Varrenti shared that the Brockport Police Department received a silver traffic safety award and plans to work towards platinum!
3. Bus Driver Recognition Brunch – Chief Varrenti shared that he had the honor of presenting a couple of awards at this event. Cindy Herzog of Brockport, Karen Kanous of Hilton and Julie Merritt of West Chili were among the recipients.
4. Theft Investigation – Chief Varrenti reported that there was a theft of tools behind 25 Merchants Street a couple of weeks ago. The investigation led to the foot chase, mace, and arrest for felony criminal mischief and criminal possession of stolen property. The suspect put his head into the police car and damaged the hood. There were 11 witnesses and statements were secured.
5. Restitution from City of New York – Chief Varrenti presented a check to the Treasurer for \$9.95 from the City of New York.
6. Part Time Officer Kevin McKee – Chief Varrenti shared that part time officer Kevin McKee has indicated that he may resign from Brockport Police Department to take a part time position with East Rochester Police Department. He feels there is not much of a future here. Once he submits his letter of resignation, Chief Varrenti will ask the Board to accept it with regrets. Chief Varrenti commented that this would leave only 1 part time officer.
7. Call Load – Year to date calls for service: 5,677. Calls for service since last meeting: 553.
8. Summer Events – Chief Varrenti said he looks forward to summer events and is willing to work with coordinators whenever possible. Police coverage at special events will be a management decision as to what resources and budget he has available at that time. They will do the best they can.

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

1. Monthly Reports – S. Zarnstorff reviewed his April reports. 100 inspections were conducted in April 2004 compared to 56 in April 2003. A lot of this is due to the successful door hanger program. It allows more stops, quickly and efficiently. Last weekend was SUNY graduation. He commended L. Vaughan and DPW for getting the Village cleaned up. Mayor Matela thanked Code Enforcement and DPW for their attention to detail this past weekend.
2. Open Burning Laws – L. Vaughan shared that after many complaints last summer of open burning, they began to look at the New York State and Village codes and ways to smooth out concerns. They wrote up some enhancements for the Village Board to consider. This gives more power and control to Code Enforcement officials, the Fire Department and the Police Department. The current Village code is quite old and refers to Fire Limits, which was a 1900's philosophy. Further, patio stoves are becoming very popular and their use needs to be addressed.

Trustee Wexler asked if a Village Attorney has reviewed this yet. L. Vaughan said no. They will give a copy to Frank Aloï. S. Zarnstorff said they would like to establish a public hearing date. The attorney(s) can fine-tune it between now and then. S. Zarnstorff said there were numerous repetitive small backyard fires in which the Police Department, Fire Department or Code Enforcement were called out to, but didn't have much authority over. They will, of course,

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be consistent with Monroe County Health Department regulations on open burning and will not be less than the County or State regulations.

Trustee Knapp asked if they have sought information from similar communities since they are all under New York State Fire Code. L. Vaughan said all others are stronger than what we now have in place.

Mayor Matela said she sees a problem with college students having barbecues on their porches. Trustee Knapp said that applies to many, not just college students.

Chief Varrenti said from a law enforcement perspective you must use discretion and not always affect an arrest. He had reviewed the open burning proposal in October 2003 and recommended discretion at the response level, not the code level. He questions how open burning could be allowed in the Village at all. It will be a problem to allow some and not others. Mayor Matela agreed that it is often the spirit of the law not the letter of the law.

Deputy Village Attorney F. Aloï recommended that in a special event situation, they come in for a special permit.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried to call for a public hearing on open burning at the Monday, June 21st Village Board meeting.

3. Kleen Brite Labs – S. Zarnstorff shared that there are still ongoing issues at these properties and that 100 Fair Street has been posted “restricted area” due to the decay in the building. It is considered an unsafe structure. He met with representatives of KBL, Ken Pike, NYSDEC and EPA. There are residual chemicals to be removed. A 12-page notice and order to remedy was generated with 30 days to respond. Trustee Knapp asked if the bank owns it now. S. Zarnstorff said no, it went back to the family. L. Vaughan said apparently the bank seized it only to liquidate the assets.

D. FIRE DEPARTMENT – Deputy Chief Laurence Vaughan

1. Membership Adds/Drops/Transfers – Deputy Chief Vaughan asked the Board to consider approving the following adds: Benjamin Geiger to Hooks and Rev. Mark Mutton to Silsbys.

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

2. Call Load – Year to date Fire Calls: 304 Year to date Ambulance Calls: 627 Total: 931

3. Training – Deputy Chief Vaughan shared that the department has had some great training opportunities at 222 Main Street and 272 Holley Street. The burn building purchased through the FEMA grant should arrive mid June. Allied has offered the use of their property.

4. Explorer Awards – Deputy Chief Vaughan congratulated Doug Bopp and Tyler Dawson on their awards related to the Brockport Fire Department Explorers.

E. TREASURER - Scott D. Rightmyer & Ian M. Coyle

1. Budgetary Changes – Treasurer Rightmyer reviewed his last budgetary change for \$105,672.

→ Trustee DeToï moved, Trustee Whipple seconded, unanimously carried authorizing the budgetary changes as presented.

2. Resolution for Tax Warrant – Treasurer Rightmyer asked that the Board authorize the Mayor to sign the 2004-2005 Tax Warrant. Treasurer Rightmyer said bills would be mailed June 1st for payment without penalty by July 1st.

→ Trustee Whipple moved, Trustee DeToï seconded, unanimously carried authorizing the Mayor to sign the 2004-2005 Tax Warrant.

3. Accept Resignation of Scott D. Rightmyer to retire – Mayor Matela congratulated Scott Rightmyer on 15 years of service to the Village and wished him well in retirement. Mayor Matela reminded all that there would be a cake and punch reception for Scott on Thursday,

May 27th from 2pm to 4pm. Cash contributions towards a gift can be given to Clerk Morelli.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried to accept the resignation of Scott Rightmyer as Treasurer with regrets, but best wishes on his retirement.

Scott Rightmyer said he feels he is leaving the Treasurer's office in good hands. Ian Coyle has done a miraculous job in 4 months and has learned a lot. He still has a lot to learn, but will definitely be an asset to the Village.

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F. CLERK - Leslie A. Morelli

1. Sidewalk Use Application – Main Street Pizzeria – Clerk Morelli reviewed the application for a maximum of 3 tables and 12 chairs.

→ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried approving a sidewalk use permit for the 2004 season (April 1st to October 31st) for the number of tables and chairs (up to a maximum of 3 tables and 12 chairs) that will fit per the definition of Village Code.

2. Sidewalk Use Application – Mythos Café – Clerk Morelli reviewed the application for a maximum of 2 tables with umbrellas and 8 chairs.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried approving a sidewalk use permit for the 2004 season (April 1st to October 31st) for the number of tables and chairs (up to a maximum of 2 tables with umbrellas and 8 chairs) that will fit per the definition of Village Code.

G. DEPUTY ATTORNEY – Frank A. Aloï – No report.

H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner (excused)

SUPPORT BOARDS REPORTS:

- A. PLANNING BOARD – Chair R. Scott Winner (excused)
- B. LIBRARY BOARD – President Matthew Minor (absent)
- C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey (absent)

VILLAGE BOARD REPORTS:

- A. Trustee Wexler
 1. Town of Sweden Reassessment – Trustee Wexler said he wanted to make clear that the Village of Brockport is not involved in the current Town of Sweden re-assessment process. Questions should be directed to Alan Bader at the Town of Sweden. Assessment grievance day is May 25th.
- B. Trustee Whipple – No report.
- C. Trustee Knapp – No report.
- D. Trustee DeToy – No report.
- E. Mayor Matela
 1. Insurance Renewal – 6/1/04 to 6/1/05 – Mayor Matela referred to the correspondence from Insurance Consultant Brian Baty. There are no changes to the insurance except the cost is up almost \$200. This is not a bid year. B. Baty recommends approval.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried to accept the insurance renewal for June 1, 2004 to May 31, 2005 as presented and per B. Baty's recommendation.

2. Monroe County Stop DWI program – Mayor Matela asked for authorization to sign the annual agreement. Deputy Village Attorney Aloï finds it all in order. The Village will receive \$14,335 from Monroe County for the Stop DWI program.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried authorizing the Mayor to sign the annual Stop DWI agreement with Monroe County.

3. Call for Executive Session -

Mayor Matela declared a 5-minute recess at 8:30pm and reconvened the meeting at 8:35pm.

⇒ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss personnel and legal matters.

I, Leslie A. Morelli, Clerk for the Board of Trustees of the Village of Brockport, do hereby certify that the Board met in an executive session and did discuss the matters as expressed in their motion, and I further certify that no formal action regarding public funds was taken thereon.

Leslie Ann Morelli, Village Clerk

→ At 10:04pm, Trustee Wexler moved, Trustee DeToy seconded, unanimously carried to close executive session and return to the regular meeting.

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1. RG&E's Erie and Perry Street Site – Memorandum of Understanding –

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried to approve the memorandum of understanding with Rochester Gas and Electric Corporation subject to Deputy Attorney Aloï's approval of the final draft.

2. Village Attorney –

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried to hire Keith O'Toole as Village Attorney at the rate of \$145 per hour without any benefits.

AUDIT:

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

(Info. to come from Treasurer.)

Village
Date

Check #

Amount

Fire

Third Party Billing

Capital Projects

ADJOURNMENT:

→ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 10:05pm.

Leslie Ann Morelli, Village Clerk