

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, December 20, 2004 at 7:00pm.

PRESENT: Mayor Josephine C. Matela, Trustee/Vice Mayor Carrie L. Maziarz, Trustee Norman J. Knapp, Trustee Morton Wexler, Trustee James E. Whipple, Building/Zoning Officer Scott C. Zarnstorff, Treasurer Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: DPW Superintendent Bradley B. Upson, Police Chief Daniel P. Varrenti, Planning Board Chair / Economic Development Coordinator Scott Winner, Village Attorney Keith O'Toole

ALSO PRESENT: Deputy Village Attorney Frank A. Aloï, Deputy Fire Chief Laurence Vaughan, Ken Pike, Jim & Joan Hamlin, Mary Jo Nayman, Jack Wahl, Norm GianCursio, Glenn Emerson, John Lessord, Fred Webster, Bob Webster, Elliotte Bowerman (Brockport Post).

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 December 6, 2004.

➔ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried that the minutes of the meeting held December 6, 2004, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Jim Hamlin of 50 Park Avenue asked the status of the following: roof repairs or replacements at the Market Street fire hall, formation of a Fire District, repairs or replacement of 10-wheel dump truck, plans for DPW building renovations. Trustee Wexler agreed to look into the questions regarding the Fire Department and get back to him. Trustee Knapp agreed to look into the questions regarding the DPW and get back to him.

GUESTS:

1. Mary Jo Nayman of 5 Carolin Drive said with bitter cold weather comes bitter cold feelings regarding the ho-hum attitude of Village officials having promised more than they could deliver regarding the Carolin Drive project. She said she is not satisfied with the response and remains disappointed. She said this is the time of year people look back on the year and reflect on failures and successes. She said she is saddened by the events of 2004 as it relates to the Village and just shakes her head. She said although some feel cul-de-sacs are a maintenance burden, they are really a treasure. She shared that Carolin Drive is comprised of a cross section of young and old that watch out and do for each other. Since roadwork began four months ago, kids can no longer bike, scooter or skate freely without hitting potholes and ridges. Neighbors are leery of walking. Driving to and from your own driveway has become an obstacle course. She asked the following questions: 1) Will the money that was found for the expanded project be there come spring to complete the job? Treasurer Coyle said yes. 2) When will the drainage work be complete so residents don't need to worry about their homes flooding? 3) Will B. Upson prepare a new, feasible, project schedule for the January meeting? 4) The Mayor and Trustees saw a need for more adequate lighting on Carolin Drive. When will that be installed? 5) Will the project take priority and be completed as early in 2005 as possible or will it take a back seat to boaters and their laundry needs? She said the Village portrays itself as Camelot with Christmas lights, Visitor's Center, new benches and such, but promises have gone unfulfilled. There is only one consolation and that is that at night, since there is not adequate lighting on Carolin Drive, the potholes, ridges and orange cones are harder to see. She said she will never again take a verbal promise or an official letter as a sure thing and will never again thank the Village before the promise is done.

Trustee Maziarz agreed to look into her questions and get back to her.

DEPARTMENT REPORTS:

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

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti (excused)

1. Hire Crossing Guard to replace one on leave of absence – In the Chief's absence Mayor Matela said the Chief reviewed the applications that were on file, contacted a person and interviewed her for a position as Crossing Guard. He asked that Amy Marie Sheffield of 1252 Center Road Kendall be hired. She will fill in for Helen Skinner from 2 to 4pm at Centennial Avenue and Allen Street during Helen's leave of absence.

➔ Trustee Maziarz moved, Trustee Wexler seconded, unanimously carried to hire Amy Marie Sheffield as a Crossing Guard.

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2. FYI: Accreditation Presentation at the Tuesday, 1/18 meeting – Mayor Matela announced that at the Tuesday, January 18th Village Board meeting, James DeLapp, Associate Director of the Department of Criminal Justice Services, will be at the meeting to present the Accreditation certification.

C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff – No report.

D. FIRE DEPARTMENT – Deputy Chief Laurence Vaughan

1. Membership Adds/Drops/Transfers – Deputy Chief Vaughan asked the Board to consider approving the following adds to the Explorer program: Robert Barber and Brandon Smith. Deputy Chief Vaughan commented that the Explorer Post is very vibrant and some may be the future of the Fire Department.

→ Trustee Knapp moved, Trustee Maziarz seconded, unanimously carried approving the previously mentioned adds to the Explorer program.

2. Call Load – Fire calls year to date 982 compared to all of 2003 889. Ambulance calls year to date 1,705 compared to all of 2003 1,602. A total of 191 more than 2003 with 11 days to go. Deputy Chief Vaughan reported that the Brockport Fire Department is in the top 6 volunteer companies in the state as far as the number of calls handled.
3. Communications Center – A new base station is on line and working nicely. Final tune up and wiring is under way. The last of the 2003 FEMA grant money has paid for this upgrade.
4. Dispatchers – They are working to get the four new dispatchers into a training schedule, revolving around seasoned trainers and their availabilities. The new records management and dispatch software is being tested and data transferred. They hope to be on line with in January 1st.
5. Department and Company Elections – The Department and Company elections are over. The Chief's line will remain the same for 2005. All 6 Captains are retained from last year. Deputy Chief Vaughan said this is great for continuity. There will be 2 new Fire Lieutenants and 2 new Ambulance Lieutenants for 2005.
6. Gas Spill on the Canal in Gates – Deputy Chief Vaughan commented that the gas spill on the Canal in Gates has had no effect on Brockport Fire and Ambulance operations.
7. Happy Holidays! Deputy Chief Vaughan encouraged all to check their smoke detectors and carbon monoxide detectors to avoid a tragedy this holiday season.

E. TREASURER - Ian M. Coyle

1. Deferred Compensation Program – amend & re-state model plan – Clerk Morelli read the following resolution:

Resolution to Amend and Restate the Model Plan

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

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

WHEREAS, effective May 21, 2004 the Board amended the Model Plan to adopt provisions relating to

- Authorization to reject a participant investment request if the request is contrary to the rules, regulations or prospectus of the affected investment fund.
- Authorization to distribute assets that have been rolled into the plan from another qualified retirement plan in accordance with the distribution rules of the plan that previously held the assets.
- Limitations on a participant's eligibility to obtain a loan in the event that the participant has previously defaulted on a loan.
- Modifications related to comments provided by the Internal Revenue Service in response to the Board's request for a private letter ruling stating that the Model Plan document constitutes an

“eligible deferred compensation plan.”

- Technical amendments pertaining to plan loan rules and the status of plan loans and other withdrawals upon the death of a participant.

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Village of Brockport hereby amends the Deferred Compensation Plan for Employees of the Village of Brockport effective December 20, 2004 by adopting the amended and restated Model Plan effective May 21, 2004, in the form attached hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Monroe County, New York this 20th day of December 2004 and directed that it be filed as appropriate.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried to adopt the resolution to amend and restate the model plan.

2. Set 2005 Ambulance Charges through Med Ex – Treasurer Coyle said the Brockport Ambulance Corps must set rates for various support services provided to the community every year. He reviewed the average rates for 2004 versus Brockport’s 2004 charges. Based upon the recommendation of Ambulance Captain Lucas VanDervort, the Village will submit to Med-Ex the same rates as 2004. Our 2004 rates were slightly above the average 2004 rates and with yearly inflation they should even out with one another. He said they seem like equitable and justifiable rate charges for the services provided.

BLS Non-emergency	\$320.00
BLS Emergency	\$415.00
ALS 1	\$425.00
ALS 1 Emergency	\$560.00
ALA 2	\$665.00
Ground Mileage Rate	\$8.50
Paramedic Intercept	\$525.00
Specialty Care Transport	\$755.00

→ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried authorizing the above charges and accepting Med-Ex Billing as the Third-Party billing vendor for the 2005 calendar year.

3. FEMA Reimbursement Update – Treasurer Coyle shared that he and DPW Superintendent Upson have been meeting with FEMA representations. The Village can expect a reimbursement of \$10,000 for costs incurred due to Hurricane Frances.
4. NYS Canal Corporation – Treasurer Coyle reported that the Village received 75% of the remaining balanced owed for the outlay of funds for the canal wall rehabilitation. This totaled approximately \$255,000. The remaining 25% owed will come shortly.
5. 2005 Sweden and Clarkson Fire Contracts – Treasurer Coyle reviewed the breakdown of the fire contracts with Sweden and Clarkson. They worked hard to hold the line. There is no net increase to the Towns this year. Deputy Chief Vaughan said the budget process was good this year. It was nice working with Treasurer Coyle. He said he has heard positive comments from the Towns. Trustee Whipple said people do not realize how reasonable fire protection is in this district. We take a utilitarian approach that all should appreciate. Trustee Wexler said it is his first time as a liaison to the Fire Department. He thanked all for their professionalism and hard work. Treasurer Coyle shared that the Towns will now be making quarterly payments rather than semi-annual payments. This provides the revenue needed to pay expenses on a regular basis. Trustee Knapp asked how the Towns felt about that. Treasurer Coyle said they understood. Trustee Knapp said it should not be a problem since the Towns collect their taxes in January. Mayor Matela said when Treasurer Coyle was hired she encouraged him to work with the Fire Department and Towns and keep the lines of communication open.

F. CLERK - Leslie A. Morelli – No report.

G. ATTORNEY – Keith O’Toole / 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

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C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey

VILLAGE BOARD REPORTS:

A. Trustee/Vice Mayor Maziarz

1. Santa Train Rides – Trustee Maziarz commented that the event was a success. The Walk Bike Brockport Action Group raised \$340 on concessions. Mayor Matela thanked Trustee Maziarz for her work on this event.

2. Happy Holidays!

B. Trustee Knapp

1. Carolin Drive – Trustee Knapp thanked Mary Jo Nayman for her hot energy. He said he, too, would like to see this project completed as soon as nature allows. It was started and it is unfortunate it was not completed before snowfall. He said Harry Donahue said as long as the ground is not frozen, they can continue with storm sewer work.

2. Fire and Ambulance – Trustee Knapp commented that the community is fortunate to have a dedicated volunteer and career ambulance. The marriage of the two is working out well. Brockport Fire and Ambulance provide the best possible service.

3. Happy Holidays!

C. Trustee Wexler

1. Carolin Drive – Trustee Wexler said simply to Mary Jo Nayman “I’m sorry”.

2. Happy Holidays!

D. Trustee Whipple

1. Board of Water Commissioners Leak Detection – Trustee Whipple said in past months he had talked of lost water costing money. With leak detection efforts being a priority, most of the leaks have been found. They are down to a 7% loss of water. He said anything under 10% is considered great. Therefore, water is once again a good, profitable business.

2. Board of Water Commissioners Vacancy – Trustee Whipple said the vacancy was advertised and three applications were submitted and reviewed. The BOWC recommends the appointment of Edward Coopenberg, former Water Department employee based on his irreplaceable experience.

→ Trustee Whipple moved, Trustee Knapp seconded, Mayor Matela in favor, Trustee Wexler opposed, Trustee Maziarz opposed, carried to appoint Edward Coopenberg to the vacancy on the Board of Water Commissioners.

Trustee Wexler said he has nothing against any of the applicants. It is not the selection of a person that he is against. He said from the beginning he has been against having a Board of Water Commissioners and paying them a total of \$11,500 per year. He thinks the Board is no longer necessary and suggests either having the Trustees handle it or paying one person \$2,500 to be the liaison.

Mayor Matela said in the absence of having a new plan in place, she feels it is best to fill the vacancy and re-visit the topic where some solid alternatives can be discussed. Trustee Wexler said he is suggesting an alternative of appointing one person the liaison. He said last year the BOWC was removed from the budget after one work session with two Trustees. Then two Trustees put it back in after the next work session.

E. Mayor Matela

1. Renewal of Insurance Consultant's Annual Contract – Mayor Matela asked if the Trustees had an opportunity to review the proposed annual contract with Brian Baty. There are no changes in the terms and conditions.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried to approve the annual contract with Brian Baty and authorize the Mayor to sign it.

Trustee Wexler said B. Baty had offered to meet with the Board to discuss options regarding health and dental insurances. Mayor Matela said he is currently working on a matrix to provide the board before meeting.

2. Resolution of Support for Creation of NYS Veterans Cemetery in Alabama NY – Mayor Matela shared that the Town Board of the Town of Alabama in Genesee County has asked for support of their application with the state to establish a New York State Veterans Cemetery on state owned property in their town known as the John White Memorial Game Farm.

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→ Trustee Maziarz moved, Trustee Wexler seconded, unanimously carried to adopt the following resolution:

Resolution of Support for Creation of a New York State
Veterans Cemetery in the Town of Alabama New York

Whereas statistics show there is a need for a State Veterans Cemetery in Western New York,

Whereas a State Veterans Cemetery must be located on property owned by the State of New York,

Whereas the State of New York owns property in the Town of Alabama known as the John A. White Memorial Game Farm whose principle use was discontinued approximately five years ago and is ideally situated to serve the needs of the entire Western New York region,

Whereas the Town Board of the Town of Alabama unanimously passed a resolution on October 11, 2004 requesting establishment of a State Veterans Cemetery at the above location,

Therefore be it resolved we fully support the creation of a State Veterans Cemetery in the Town of Alabama,

And be it further resolved we encourage the New York State Legislature and the Governor of New York to enact and sign such Legislation needed to establish and fund same Cemetery.

3. McCormick Place Snow Plowing Prior to Road Dedication – Mayor Matela said Village Attorney O’Toole reviewed the Indemnity and Hold Harmless Agreement re snow plowing prior to road dedication provided by Donald Hibsich and his attorney Roy Heise. This agreement is necessary since the developer has not yet turned the road over to the Village for dedication.

Trustee Knapp expressed concern that this might be precedent setting. He asked if anyone knew of any other occasions such as this. Trustee Maziarz questioned liability. Trustee Whipple said that is what this hold harmless agreement is. The Village is not to be held responsible for acts occurring in the regular performance of snow plowing services. Trustee Whipple said there are some residents living in the new subdivision. Mayor Matela asked Deputy Village Attorney Alois his thoughts. F. Alois said such indemnity is proper under these circumstances.

Trustee Knapp asked S. Zarnstorff if he was aware of the developer’s timeframe for dedication. S. Zarnstorff said that is a function of the DPW Superintendent and Village Engineer. The road is not yet built to dedication standards. S. Zarnstorff said to his knowledge all it is lacking is the flex top. The street signs, stop signs, catch basins, and gutters are in. Trustee Knapp said he just would not want to wait for dedication of the road until the project is completed. S. Zarnstorff said it would likely go with phases. S. Zarnstorff further shared there may be a similar issue with Remington Woods. Trustee Knapp said the Village does not need to be plowing private property. Trustee Whipple said this has to have happened in the past since many developments in the Village were pushed out street by street.

Mayor Matela said Village Attorney O’Toole said it is not unusual to do this. Deputy Chief Vaughan said he could see both sides of it. He said looking at it from the fire / ems side, a private snow contractor would not have the same equipment or response time as the Village.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried to adopt the following resolution:

Resolution re Snow Plowing Agreement for McCormick Lane

WHEREAS, the owner of the Havenwood Meadows Subdivision, Section 3 have asked the Village to provide snowplowing services on a street known as McCormick Lane and Cyrus Lane a/k/a/ McCormick Place, and

WHEREAS, the owner developed the street with the intention of having the street become a public road, however, the Village is not yet willing to accept dedication of the street; and

WHEREAS, the owner and Village agree that the street requires snow plowing and all services

associated with snow plowing and the Village is willing to plow the snow and provide such services provided that it is not held responsible for acts occurring in the regular performance of such services; and

WHEREAS, the owner has offered an Indemnity and Hold Harmless Agreement to protect the Village's interest; and

WHEREAS, the Village Attorney has approved the Agreement as to form;

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NOW THEREFORE, BE IT RESOLVED:

- That the Mayor is authorized to execute the Indemnity and Hold Harmless Agreement for McCormick Lane and Cyrus Lane a/k/a McCormick Place, in the Havenwood Meadows Subdivision, Section 3 and
- That upon execution of said Agreement; the Village DPW is authorized to commence snowplowing on said street.

4. Happy Holidays!

5. Executive Session – Mayor Matela said after public comment the Board will need to enter executive session to discuss proposed, pending or current litigation.

PUBLIC COMMENT:

1. Mary Jo Nayman of 5 Carolin Drive said she has one additional question regarding plowing of Carolin Drive. She said they plowed inside the drainage caps. However, as soon as snow accumulates, she wonders if there will be enough room for 2-way traffic and if it will allow emergency equipment to get through. Deputy Chief Vaughan said he would take a look at this. She also expressed concern if the drainage system is not completed by the time the snow accumulation begins to thaw.

⇒ At 7:52pm Trustee Whipple moved, Trustee Wexler seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss proposed, pending or current litigation.

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 8:50pm Trustee Maziarz moved, Trustee Knapp seconded, unanimously carried that the Board re-enter the regular meeting.

AUDIT:

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

Village

Date	Check #	Amount
12-07-04	170780	315.41
12-09-04	170781	210.00
12-13-04	170782	126,496.00
12-13-04	170783	171,273.00
12-20-04	170843-865	46,992.50
12-20-04	170785-824	20,700.20

Fire

12-20-04	170825-842	120,105.11
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Third Party Billing

12-20-04	467-477	3,412.10
12-07-04	465	2,037.60

Capital Projects

12-10-04	1743-44	332,621.00
12-17-04	1745	10,260.00
12-20-04	1746-59	55,874.98

<u>Sewer</u>		
12-13-04	1012	13,065.00

ADJOURNMENT:

➔ Trustee Maziarz moved, Trustee Wexler seconded, unanimously carried that the meeting be adjourned at 8:50pm.

Leslie Ann Morelli, Village Clerk