

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, Monday, August 18, 2003 at 7:05pm.

PRESENT: Mayor Josephine C. Matela, Trustees James E. Whipple, Norman J. Knapp; and Peter C. DeToy; Building/Zoning Officer Scott C. Zarnstorff; Police Chief Daniel P. Varrenti; Treasurer Scott D. Rightmyer.

EXCUSED: Trustee Morton Wexler, DPW Supt Bradley B. Upson, Clerk Leslie A Morelli.

ALSO PRESENT: Village Attorney Edward W. Riley, Fire Chief Gregory B. Wing, Planning Board Chair /Economic Development Coordinator Scott Winner, Tim Rombaut, Joan Hamlin, Jim Hamlin, Robbi Hess of Suburban News, Betty Rex, Bruce Rex, Robert Connors, Kathy Snyder, John Lessord, Fred Webster, James Clark, Sr., Ken Pike, Terri Green of Brockport Post.

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 July 21, 2003.

➔ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held July 21, 2003, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

Betty Rex, a member of the congregation of the United Methodist Church, addressed the Board relative to the problem of young people gathering on the front steps of the church and on the bench in front of the church. While there, the youth engage in the consumption of alcohol, the use/sale of drugs, the use of vulgar language, discourteousness to passers-by, blocking the sidewalk, littering the area with thrash, and damaging of church property (bushes in the amount of \$100). Mrs. Rex and her husband, who care for the church landscaping, even found a crude weapon in the bushes. Mrs. Rex suggested that the parents should be made more responsible for the actions of their children.

Police Chief Varrenti completely agreed with Mrs. Rex, and reported that there was an arrest made there prior to his coming to the meeting for the possession of and the intent to sell marijuana. Varrenti further stated that the situation has gotten out of hand and that the Brockport Police will enforce a zero tolerance. The Chief promised to use all means at his disposal to keep an eye on the problem, including SPARTAC and video cameras.

Trustee Knapp stated that it is important that the public does not get into a confrontation with the youths, and that if an incident arises, call 911.

Mayor Matela stated that perhaps the media (there were two reporters present) could assist in making parents more aware of their responsibilities for their children.

GUESTS: None

DEPARTMENT REPORTS:

A. PUBLIC WORKS – Superintendent Bradley B. Upson - Excused

Mayor Matela reported that Supt Upson has been injured earlier in the day while inspecting a water leak excavation on State Street, but that he is expected back on the job in the morning. She also commended Supt. Upson for the job his people have been doing in the past several weeks – tree trimming, completing the resurfacing of South Avenue, and the preparations for the Sidewalk Sale and the Arts Festival.

⇒ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried that an additional \$10,000 be appropriated from Project 24 (DPW Equipment Replacement Reserve) to augment the increased cost of the \$33,000 one ton dump truck that was covered in the 2003-2004 Budget.

⇒ Trustee DeToy moved, Trustee Knapp seconded, unanimously carried that Supt. Upson be authorized to purchase a one ton dump truck with snow plow from the NYS bid list for the sum of \$43,000.

⇒ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried the adoption of the following resolution relative to the Harvester Park Improvement Project:

14-12-7(2/87)--9c

SEQR

625.21
Appendix F
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number _____

Date August 18, 2003 (Amended)

This notice is issued pursuant to Part 625 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Brockport Board of Trustees, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: **Harvester Park Improvements**

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The Village of Brockport intends to construct improvements to Harvester Park along the south side of the Erie Canal, between the Main Street and Park Avenue bridges. The project includes a Community Center building; observation platforms; parking lot improvements; curbing; walkway improvements; new trees and landscaping; upgraded lighting, picnic facilities, benches, electrical and water hookups, and trash receptacles; and minor repairs to the top of the Canal wall. The proposed facilities will be handicapped accessible.

The original project scope was revised to include a Community Center building in lieu of the originally proposed amphitheater.

Location: Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Harvester Park along the south side of the Erie Canal, between the Main Street and Park Avenue bridges, Village of Brockport, Monroe County, NY

SEQR Negative Declaration

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Reasons Supporting This Determination:

(See 625.6(g) for requirements of this determination; see 625.6(h) for Conditioned Negative Declaration)

The proposed project will not create any significant adverse environmental impacts. The principal impacts are positive in that the project will increase recreational opportunities and access to the Canal, as well as improve the character and appearance of this public park.

The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed the project and determined that it would have No Adverse Effect upon cultural resources (see attached correspondence).

The New York State Canal Corporation provided the Village with a list of its concerns in a letter dated July 9, 2001 (see attached correspondence). These issues involve the need for Canal Corporation review and approval of facility design, including the issuance of a Canal Work Permit. The Canal Corporation also has review and approval authority for the construction of the project. Finally, the Canal Corporation has the authority to require either a Use and Occupancy permit or a long-term lease for the facility. The Village of Brockport will continue to work with the Canal Corporation until the required oversight, approvals and permits/leases are obtained. No construction shall begin until the Canal Corporation's requirements have been met.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

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Contact Person: **Thomas A. Carpenter, P.E.**
Chatfield Engineers
Address: **1800 English Road**
Rochester, New York 14616
Telephone Number: **(585) 227-6040**

For Type I Actions and Conditioned Negative Declaration, a Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001.

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any)

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

Chief Varrenti submitted his report for the 2nd quarter of 2003 and commented on several facets of it, including the 20 pages of DWI arrests and the fact that the Brockport PD ranks first in Monroe County in DWI arrests per officer, the status of officers on light duty, and the fact that officer Joe Rozzi will be going out for extensive shoulder surgery for shoulder problems that stem from a work related injury sustained several years ago. A copy of the report is filed in the Village Office.

The Chief also submitted a mission statement for the Brockport PD that is required as a part of accreditation, and will be part of the General Orders. Another General Order (#531) on Receiving of Bail was submitted. The Department will undergo a “practice” accreditation review in January of 2004.

Trustee DeToy, Trustee Whipple and the Mayor all commended the Police Department for its participation in community events, the volunteerism of its officers, and the programs that have been implemented to help change the attitudes and opinions of the public toward the Police Department.

⇒ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried that the resignation of JoAnn Weber as school crossing guard was accepted with regrets.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried the adoption of the following resolution relative to the disposal of impounded and abandoned vehicles in the possession of the Brockport PD:

WHEREAS: The Brockport Police Department has exhausted all legal means of attempting to return impounded vehicles to their rightful owners, and the rightful owners have declined to claim their vehicles, and the area occupied by the 23 vehicles is needed by the Department of Public Works.

NOW THEREFORE BE IT RESOLVED: The Brockport Police Department is authorized to turn over to Performance Auto Parts of 2069 Drake Road in the Town of Clarkson, for the total sum of \$1.00 on or before September 1, 2003, all 23 of the Vehicles included on the attached list.

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

Officer Zarnstorff submitted his monthly reports for May and June, and commented on the success of the door hanger program - being well received, expediting communications and facilitating inspections.

The NYS Fire Code that went into effect on January 1, 2003 requires retroactive compliance for multi-family dwellings to have hard wired smoke detection. Residents are less likely to tamper with hard wire units than battery-operated units. After careful study of the new code, Officer Zarnstorff stated that he now felt comfortable in implementing the code in the Village.

Mayor Matela stated that she and Chief Varrenti will be addressing the freshman at SUNY Brockport on August 23rd, and she asked Officer Zarnstorff to provide her with a one page hand out for that meeting.

Trustee Whipple stated that Officer Zarnstorff and Assistance Larry Vaughan took time to check all

of the booths at the Arts Festival for safety problems.

D. FIRE - Chief Gregory B. Wing

- 1. Membership Adds/Drops/Transfers – Chief Wing asked the Board to consider approving the following personnel changes:

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| | | |
|---------------------|-------------|--------------------------------------|
| Kevin J Johnston | Capen Hose | Active Membership and Fire Police |
| Richard Pardun | Protectives | Ambulance Only Membership |
| Christopher Goosley | | Remove from Rolls-Dropped by Company |
| Raymond Standish | | Remove from Rolls-Dropped by Company |
| Jason Hyatt | | Remove from Rolls-Dropped by Company |
| Brian Brady | | Remove from Rolls-Dropped by Company |

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried approving the previously mentioned adds.

⇒ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried approving the previously mentioned drops.

- 2. Bids for the new Triple Combination Pumper were received and opened on July 18, 2003 at 3:00 PM in the Village Office as follows:

| | | | | |
|----------------------------|--------------------------|-------------|-----------|-----------------------|
| LeFrance Equipment | KME Pumper | Proposal #1 | \$265,912 | As per specifications |
| | | Proposal #1 | \$259,450 | W/ SS Body |
| RD Murray | American LaFrance Pumper | | \$262,694 | As per Specifications |
| Churchville Fire Equipment | Pierce Pumbper | Proposal #1 | \$254,200 | As per Specifications |
| | | Proposal #2 | \$259,200 | W/ SS Body |

Chief Wing recommended the purchase of the Pierce Pumper Proposal #2 from Churchville at \$259,200. He also recommended the addition of new equipment at a cost of \$20,188, and a payment plan of 50% down with purchase order that would provide for a credit of \$4,700 against the base truck and equipment total of \$279,388, for a net total of \$274,688. This was less than the base cost of the truck when the bids were received last year.

⇒ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried that based on the recommendations of Fire Chief Wing the Board of Trustees accept the bid from Churchville Fire Equipment Corp. for the new Triple Combination Pumper at a price of \$259,200 plus equipment of \$20,188, less \$4,700 payment credit, for a total of \$274,688, pending review of the final documents by Village Attorney Riley.

- 3. Chief Wing requested permission to purchase thirteen additional Lifepaks at a cost of \$35,750.06, with funds provided from Third Party Billing. His request was to buy them from the company that supplied the units the Fire Department currently has. Treasurer Rightmyer asked

if this was a sole source item, and Chief Wing stated that he thought it was. Attorney Riley also questioned the sole source idea and the need to bid the purchase. Police Chief Varrenti questioned the idea of two different models and operation confusion that might occur if someone uses one model one time and the other model the next time. Trustee Knapp stated that was not a factor as all units work the same way. Discussion also encompassed the use in all emergency vehicles, including police cars. The project was tabled until Chief Wing could determine if these units were sole source or needed to be bid.

- 4. Fire Chief Wing requested Board approve for the continued use of the third ambulance based on current usage and fill in if one of the other ambulances is out of service for any reason. Trustee DeToy spoke out in support of the third unit.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried that the Ambulance Corps be authorized continue to operate the third ambulance.

E. TREASURER - Scott D. Rightmyer

Trustee Knapp moved, Trustee Whipple seconded, unanimously carried the adoption of the following revised Village of Brockport Procurement policy:

VILLAGE OF BROCKPORT PROCUREMENT POLICY

September 1, 2003
(Revised August 18, 2003)
(Supersedes previous guidelines effective July 7, 1997)

Section 104-b of the General Municipal Law (GML) requires every municipality to adopt internal policies governing all procurement of goods and services not subject to the bidding requirements of GML Section 103 or any other law. In accordance with that requirement, the **MINUTES OF MEETING HELD AUGUST 18, 2003 Continued.....Page 6**

following guidelines are established for use by the Village of Brockport.

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML Section 103. Every village officer, board member, department head or other personnel with the requisite purchasing authority (the Purchaser) shall adhere to this policy. An employee wishing to make a purchase on behalf of the Village must have the purchase authorized by the appropriate department head.

Guideline 2. All purchases of:

(a) Goods, services, equipment or public works contracts shall be executed through a purchase order, which will be preceded by a Request for Purchase Order.

(b) Purchases which will exceed the threshold amount set forth in GML Section 103 (\$10,000 for equipment purchases and \$20,000 for Public Works Contracts) shall be formally bid pursuant to this law and shall be executed only after appropriate Village Board approval has been obtained.

Guideline 3. All purchases of goods, services, equipment or public works contracts:

(a) **Less than \$10,000 but greater than \$500 require a written request for proposal (RFP), written/fax quotes from three (3) vendors.**

(b) Purchases in excess of \$5,000 will also require approval of the Village Board.

(c) Purchases of less than \$5,000 are at the discretion of the Department Head.

(d) Any written RFP shall be from a reputable vendor, and must describe the desired goods, quantity and particulars of delivery. The Purchaser shall use the Quotation Log to compile a list of all vendors from whom written/fax quotes have been requested; and the written/fax quotes offered, and all information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the RFP. The Quotation Log must be signed by the employee and the Department Head.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification as to why it is in the best interest of the Village and its taxpayers to make an award to other than the low bidder. If a vendor is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good faith effort shall be made to obtain the required number of proposals or quotations. However, if the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made. In no event shall the inability to obtain the required proposals or quotations be a bar to the procurement.

Guideline 6. In the event that there is only one supplier for a particular good or service, care must be taken to document that the item or service is unique in its benefits as compared to other items or service available in the market place. The Purchaser must be sure that no other item or service provides a substantially equivalent or similar benefit. These facts must be documented on the Quotation Log and filed with the purchase request.

Guideline 7. In the event a good or service can be obtained under a city, county or state contract bid, the Purchaser must document the **current year** contract number, whether it is a city, county, or state bid, the price per unit and the total cost of the purchase.

Guideline 8. Except when directed by the Village Board, no solicitations of written proposals or quotations shall be required under the following circumstances:

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- (a) Emergencies;
- (b) Goods purchased from agencies for the blind or severely handicapped;
- (c) Goods purchased from correctional facilities;
- (d) Goods purchased from another governmental agency;
- (e) Goods purchased at auction - shall be done at or below any established limit agreed upon by the Village Board.

Guideline 9. Additional exceptions apply to the use of purchase orders by the Fire Department and the Ambulance Corps as follows:

- (a) The Fire Department and Ambulance Corps are required to use purchase orders for the purchase of new items in excess of \$50.00.
- (b) Fire Department and Ambulance Corps purchases of repair or replacement parts or services or of supplies can be made without the use of a purchase order.
- (c) Fire Department purchase orders must be signed by the Village Mayor.
- (d) Ambulance Corps purchase orders can be signed by the Village Clerk or Deputy Clerk.

Guideline 10. This policy shall be reviewed annually by the Village Board to determine any necessary changes.

⇒ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried that a release of \$137,960.15 be approved against the Letter of Credit of \$749,300 issued for Remington Woods, pending the approval of Supt Upson and the receipt of the necessary documentation appropriately signed by all parties.

F. CLERK - Leslie A. Morelli - Excused

G. ATTORNEY – Edward W. Riley / DEPUTY ATTORNEY – Frank A. Aloï
Attorney Riley stated that the NYS Supreme Court was set to hear arguments on the Village case involving D&C legal fees stemming from the Zimmer agreement on August 19, 2003 at 9:30 AM.

H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner

1. Agri-Business Child Development (ABCD) interested in building a \$1,000,000, 7,000 sq. ft. day care center in Remington Woods area. Area is a finalist for the planned building – area representative and supervisor impressed with the site. Center will have seventy openings and employ 15 people.
2. Toured full Allied facility with Allied management and Assemblyman Reilich – significant additional development at the site in near future.
3. Belmont Development Corp. (Park Place Appts.) has funding for \$2.3 million Sr. assisted living facility on current site of billiard parlor, to be called Village Center Apartments. Planning process should begin in early September.
4. Reid Petroleum Corp is seeking a partner for construction of a canal side fueling station/ convenience store.
5. Young couple interested in establishment of computer store/training center/coffee shop in Village - searching for appropriate location.
6. California native with Brockport roots interested in establishing a new restaurant in Village – again searching for appropriate location.
7. Marv Duryea looking for occupants for his properties on North Main Street and Clinton Street Brockport Enterprises Inc. is moving to Rochester – trying to match Marv up with potential users.

- 8. GOOSC \$25,000 Technical Assistance Grant disapproved due to Village participation in Monroe County Consortium Program.
- 9. Possible \$5,000 grant from Niagara Mohawk Community Renaissance Program – filing deadline August 22, 2003.

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SUPPORT BOARDS REPORTS:

- A. PLANNING BOARD – Chair R. Scott Winner
 - 1. Galley owner working with Village on Harvester Park Planning that will effect the construction of a new deck off the rear of the restaurant.
 - 2. Carl’s Mini-Mall (Liberty Street and North Main Street) requesting extension of fence around edge of property to prevent cross thru pedestrian traffic to Villager Apartments.
- B. LIBRARY BOARD – President Sean Wilcox - Not present
- C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey – Not Present

VILLAGE BOARD REPORTS:

- A. Vice Mayor Wexler - Excused
- B. Trustee Whipple
 - Reported on water leak survey conducted by the Water Board – three leaks found – 2 minor, 1 major. Major leak accounting for 99,000 gallons per day – was not detected previously because water was flowing into storm sewer.
- C. Trustee Knapp
 - Commented on his disappointment with the “quick fix” applied to the Canal Tower rehabilitation. Village needs to complete our project to Canal Corp. standards, but they set their own lower standards for their own projects – not in keeping with Village efforts in Harvester Park. We need to plead our case.
- D. Trustee DeToy – No Report
- E. Mayor Matela
 - ⇒ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried that Mayor Matela be Authorized to issue the following proclamation in observance of the Thirtieth Anniversary of the Oak Orchard Community Health Center:

PROCLAMATION

WHEREAS; Oak Orchard Community Health Center (Oak Orchard) 300 West Avenue, Brockport, NY is a Federally Qualified Community and Migrant Health Center serving all members of the community regardless of their insurance status; and

WHEREAS; Oak Orchard is an independent, not-for-profit organization governed by a community Board of Directors who are also users of its services; and

WHEREAS; Oak Orchard, in 2002, provided nearly 44,000 primary and preventative medical visits to adults and children of the community; and

WHEREAS; Oak Orchard has provided high quality primary care services to the Brockport community for thirty years;

NOW, THEREFORE, BE IT RESOLVED: The Brockport Village Board commends the Oak Orchard Community Health Center for its thirty years of dedication to the provision of high quality primary health care to the community.

BE IT FURTHER RESOLVED: In recognition of this dedication and commendable record of service, the week of August 24-30, 2003 is declared Oak Orchard Community Health Center Week in the Village of Brockport.

ADOPTED by unanimous vote of the Brockport Village Board on August 11, 2003.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Corporate Seal of the Village of Brockport to be affixed.

Josephine C. Matela
Mayor
Village of Brockport

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- ⇒ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried that, based on the recommendation of Village Attorney Riley, Dr. Eileen M. Skelly Frame be appointed as an environmental consultant for the Village of Brockport.
- ⇒ Trustee DeToy moved, Trustee Knapp seconded, unanimously carried that Ronald J. Ott be appointed as Assistant Building Inspector on an as needed basis.

AUDIT:

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

| <u>Village</u> | <u>Date</u> | <u>Check #</u> | <u>Amount</u> |
|----------------------------|-------------|-----------------|---------------|
| | 05/09/03 | 167643 | \$ 486.25 |
| | 05/20/03 | 166719 - 166721 | 3,228.71 |
| | 05/27/03 | 167722 - 166723 | 451.69 |
| | 07/30/03 | 168071 - 168074 | 5,225.67 |
| | 07/31/03 | 168075 | 50.00 |
| | 08/05/03 | 168076 168082 | 6,762.75 |
| | 08/18/03 | 168116 - 168137 | 19,068.74 |
| | 08/18/03 | 168138 - 168177 | 29,448.63 |
| | 08/18/03 | 168178 - 168199 | 10,624.16 |
| <u>Fire</u> | | | |
| | 07/23/03 | 168065 | 100.00 |
| | 08/18/03 | 168089 – 168115 | 16,548.24 |
| <u>Ambulance</u> | | | |
| | 08/18/03 | 168085 – 168088 | 1,184.75 |
| <u>Capital Projects</u> | | | |
| | 08/18/03 | 1595 - 1604 | 17,989.00 |
| | 08/18/03 | 1605 - 1606 | 121,138.11 |
| <u>Third Party Billing</u> | | | |
| | 08/18/03 | 175 - 179 | 2,682.88 |

ADJOURNMENT:

- ➔ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried that the meeting be adjourned at 9:21pm.

Scott D. Rightmyer, Deputy Village Clerk