

**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 1, 2008 at 7:00pm.**

**PRESENT:** Mayor Morton Wexler, Trustee/Vice Mayor Maria C. Castañeda, Trustee David J. Wagenhauser, Trustee Scott W. Hunsinger, Trustee Hal S. Legg, DPW Superintendent Harry G. Donahue, Clerk Leslie A. Morelli.

**EXCUSED:** Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Fire Chief Timothy Rombaut, Village Attorney David F. Mayer

**ALSO PRESENT:** Merton Edwards, Alicia Benhumea, Richard Christ, Kevin Bush, Paula Moore from NYSDOT, Jim & Joan Hamlin, Joan McGuinn, Elaine Bader, Norm Giancursio, Mary Jo Nayman, Bernie LoBracco, Harley Perry, Rob Carges, Fred Webster

**CALL TO ORDER:** Mayor Wexler called the meeting to order and led the Pledge of Allegiance.

**MISSION STATEMENT:** "To provide a high quality of life for all residents, exercising fiscal responsibility and preserving Brockport's unique heritage and historic character."

**REVIEW OF MEETING MINUTES:** Mayor Wexler said Clerk Morelli has agreed to review the DVD of the November 3<sup>rd</sup> meeting and transcribe one particular section of the minutes verbatim upon the Board's request. Therefore, the November 3<sup>rd</sup> and November 24<sup>th</sup> meeting minutes will be brought forth for approval at the December 15<sup>th</sup> meeting.

**GUESTS:** None

**PUBLIC COMMENT:** None

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:**

Smith Street Bridge Update from NYSDOT –

The following notice was published in the November 10<sup>th</sup> edition of Suburban News, posted at Village Hall and on Village website and mailed to property owners on Clinton Street and Smith Street. NYSDOT additionally mailed those same property owners a project information update brochure as well.

VILLAGE OF BROCKPORT  
LEGAL NOTICE

Please take notice that as part of its regular meeting, the Board of Trustees of the Village of Brockport will hold a Public Information Meeting beginning at 7:00pm on Monday, December 1, 2008, in the Conference Room of the Village Hall, 49 State Street, Brockport, New York regarding the following:

- New York State Department of Transportation to provide an update on the proposed Smith Street Bridge rehabilitation project to include progress with the project design and plans to rehabilitate or replace deficient or deteriorated bridge elements, painting and re-opening the bridge to vehicular traffic by December 2009. This will be subject to completion of an agreement to transfer ownership of the bridge to the Village followed by a permissive referendum.

NYSDOT's Regional Structures Engineer, Merton Edwards, introduced himself and the project team that includes Bridge Design Supervisor Richard Christ, Bridge Designer Alicia Benhumea, and staff members Kevin Bush and Paula Moore. He made a power point presentation and provided a question and answer session. The power point presentation was as follows:

Project Description

Smith Street Bridge over Erie Canal

- The bridge was constructed in 1910
- 3 spans (2 concrete approach spans and 1 truss span over canal)
- Bridge was closed to vehicular traffic in June 2006
- The bridge provides route 19 traffic with another canal crossing option when the lift bridge is up.
- Village of Brockport approached NYSDOT to repair and re-open the bridge. After a negotiation, NYSDOT agreed to rehabilitate the bridge if the Village would take ownership after completion of the project.
- Village of Brockport passed a resolution to take ownership of the bridge on January 7, 2008
- NYSDOT began the project design

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**Bridge Rehabilitation Plan**

- The existing bridge floor system consisting of floor beams, stringers, sleepers and open decking will be removed.
- New steel floor beams, stringers and sleepers will be installed.
- Open grate decking will be saved and re-installed.
- The 4 bridge bearings will be upgraded.
- Various elements of the bridge trusses will be repaired or replaced.
- The existing concrete approach spans of the bridge will be removed and new spans placed.
- The existing concrete piers will be removed to below the ground line and rebuilt.
- The bridge spill-thru abutments will be removed to below the ground line and rebuilt.
- The existing concrete sidewalks on the bridge will be removed and replaced with new concrete sidewalks
- The wooden stairway on the southwest quadrant of the bridge will be removed and replaced with a new aluminum stairway.
- The bridge will be repainted.

**Project Timeline**

- The design is being completed at this time.
- The project letting is anticipated to be on February 19, 2009.
- Project award will be in late April 2009.
- Construction will begin in May 2009.
- Project completion will be April 2010.

**Project Cost**

- The project constructions costs are estimated at \$1.33 million.

**Other Project Details**

- The canal path will remain open during all stages of construction.
- There will be no pedestrian traffic allowed on the bridge during the reconstruction.

**Question & Answer Period**

Harley "Skip" Perry – asked how many other bridges have been taken over by municipalities.  
M. Edwards – Medina and Newark in this region.

Rob Carges – asked if work would be done during the winter months when the canal is drained.  
M. Edwards – yes – this will provide them access to the piers

Skip Perry – asked if the bridge would remain single lane and if they will use existing trusses.  
M. Edwards – yes to both

Mary Jo Nayman – asked if Route 19 is a state highway.  
M. Edwards - yes

Mary Jo Nayman – commented that getting the Smith Street Bridge re-opened would help New York State when it does the Route 19 rehabilitation project.

M. Edwards – yes

Mary Jo Nayman - questioned the logic of asking Village taxpayers to take on the burden of the expense of maintaining and repairing the bridge in the future. Stressed that the Village is only 2.1 square miles and is 2/3 tax-exempt properties. Wondered why New York State refuses to keep ownership of this bridge.

M. Edwards – explained that the Smith Street Bridge ranks as a very low priority and would likely have remained closed in perpetuity if it weren't for the Village approaching NYSDOT. This was the agreement reached.

Mary Jo Nayman – asked if the Main Street Bridge is also a State bridge.

M. Edwards – yes

Mary Jo Nayman – commented that the Main Street Bridge is in a state of disrepair and not well taken care of

Mayor Wexler commented that he spoke with the DPW in Medina who took over their bridge in July of 2000. They have not spent a penny since taking it over 8 years ago. Mayor Wexler shared that he and then Village Manager Coyle met with consultant Lew Gurley on this matter and L. Gurley said closing the Smith Street Bridge in the winter months of snow and salt would prolong its life and delay the need for maintenance and repairs. It would be up to the Village Board to determine whether to keep it open year round or close it during the winter months. Medina keeps theirs open year round.

M. Edwards provided a document as to the life cycle costs and said maintenance is not a great expense. This would be particularly so if no salt were applied to the Bridge.

Skip Perry – asked who would be responsible for bridge inspection.

M. Edwards – New York State

Skip Perry – asked if there would be a fee to the Village for such inspection.

M. Edwards – no

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Trustee Legg thanked the NYSDOT representatives for being here tonight. He asked what condition the site periphery would be left when the project is completed. Would the overgrowth be removed? Would it be seeded?

M. Edwards - there would be some clearing of vegetation and restoration where needed. He further commented that they are not taking any right of way.

Trustee Legg asked if the area would be ready should the Village want to improve with trees or such.

M. Edwards - yes.

Trustee Legg asked the expected lifespan after rehabilitation.

M. Edwards – at least 50 – 70 years before a rehab like this would be needed again.

Trustee Legg asked what maintenance can be expected if the Village were to leave the bridge open year round.

M. Edwards – annual or bi-annual washing, which could be done by the DPW and Fire Department at very low cost. Periodic painting would protect the steel and extend the life. He guesses minor repairs in 20 years depending on salt applied and any concrete damage. There are no maintenance records from 1910 to 1980.

Mary Jo Nayman – the Village doesn't have equipment necessary to wash and paint a bridge.

M. Edwards – painting would likely require hiring of a contractor who could meet regulations.

M. Edwards – shared that currently there's money available through the Genesee Transportation Council for bridge repairs (not washing and painting). It is reasonable to assume federal monies will be available in the future to help at an 80/20 split.

Mary Jo Nayman – asked for a ballpark figure of how much it would cost to wash and paint.

M. Edwards – about \$1,000 to power wash and source of water / about \$150,000 to paint

Mary Jo Nayman – with the economy as it is, the Village shouldn't count on 80/20 repair funding being available in the future

Joan Hamlin – asked if the Village would have to incur the expense to remove the bridge if it can't afford to repair it in the future.

M. Edwards – yes, if removal is determined necessary.

DPW Superintendent Donahue – asked what kind of permits are needed

M. Edwards – Village would be covered under its nationwide permit

Joan Hamlin – commented that the Main Street Bridge keeps getting more plates added and the Park Avenue Bridge pedestrian sidewalk has been closed – said she does not have a lot of confidence and is gun-shy – questioned if the Park Avenue walkway was not strong enough to hold pedestrian traffic. She said she lives a block away from the Park Avenue bridge and can hear it moan and groan.

M. Edwards – commented there is no bridge work involved in the Route 19 rehabilitation project. Lift bridges (Main Street Bridge and Park Avenue Bridge) are a shared responsibility of the NYSDOT and the NYS Canal Authority. The Canal Authority closed the sidewalk on the Park Avenue Bridge due to a step and fall worry. The bridges are inspected each year and both the Main Street Bridge and the Park Avenue Bridge are structurally sound – but they do make noise.

Joan Hamlin – asked if the approaches to the Smith Street Bridge would be repaired.

M. Edwards – yes.

Trustee Castaneda thanked M. Edwards for the maintenance record she requested by e-mail and distributed this one sheet summary to the Board. She said she had also asked for estimated costs, but hadn't received them.

M. Edwards – as mentioned earlier roughly \$150,000 at year 20 for painting. He said they did not track labor, time and cost for washing, but estimates \$1,000 to wash.

Trustee Wagenhauser asked if the DPW and Fire Department could handling washing.

M. Edwards – yes, at no cost.

Trustee Wagenhauser – so the first real cost is approximately \$150,000 for painting in 20 years?

M. Edwards – yes.

Trustee Wagenhauser commented that when the Board voted for rehabilitation – the Bridge serving that part of the community was deemed important, particularly with the Route 19 project on the horizon.

The main issue was do we want the bridge. Yes we do. If, down the road, the bridge is not used or the Village can't afford to maintain it, we would still have gotten 20 or more years out of it – for free. The Village could have kept hoping NYSDOT would repair and maintain the bridge themselves, but it was made clear that it is a very low priority on their list. Getting the bridge re-opened is best for the community. He thanked NYSDOT for holding up their part of the bargain.

Trustee Wagenhauser – asked if the steel from the U.S.

M. Edwards – yes – the contractor salvages the steel which has value.

H. Donahue – it's only at \$70/ton these days.

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Trustee Castaneda asked if it would be the Village's responsibility to take the bridge down in years to come if necessary.

M. Edwards – yes, just as it would have been NYSDOT's responsibility. However, if it not in danger of falling down, it could be closed, not necessarily needing to be taken down.

Skip Perry – asked when the last rehab was.

M. Edwards – floor beams are original – it was cleaned and painted in 1988.

Trustee Hunsinger referred to the 1988-2005 maintenance record that was distributed and asked if it is indicative of not having fixed the bridge sooner.

M. Edwards – yes

Mary Jo Nayman – asked if NYSDOT mandate closure or removal after its inspection.

M. Edwards – they will provide a report after each annual inspection, but it won't dictate closure or removal, but if it is flagged for a condition it could require action by the Village

Mary Jo Nayman – if the Village can't meet the condition, would they have to take down the bridge.

M. Edwards – close it, not necessarily take it down. There is a lengthy process to remove a bridge.

Skip Perry – asked if there is a fund started for maintenance

Trustee Wagenhauser – yes – it was established last year at \$1,500 to be built on each year – maybe \$8,000 to go into it next year

Mayor Wexler again shared that Medina hasn't spent a penny, but also hasn't started putting money away and realizes they will need to.

Mary Jo Nayman – suggested putting up a tollbooth that allows Village residents to use the Smith Street Bridge for free, but others pay a nominal toll.

Trustee Hunsinger – shared that he knows of a City in West Virginia that has a nickel/dime bridge, but it fell upon disrepair and is no longer there. The nickel/dime tolls didn't save it.

Clerk Morelli reminded the Board that they have not yet received a contract/agreement with NYSDOT and that it will be subject to permissive referendum.

M. Edwards said their legal department is currently reviewing it and he will have it to the Village Board before the letting of the contract.

DPW Superintendent Donahue – asked about weight limit.

M. Edwards – may be R-restricted with a load rating, but once the Village takes ownership, it can post at its discretion.

Elaine Bader – with the economy not being good, the contractor will likely be the low bidder – asked what guarantee there will be that the job will be done right and what recourse the Village will have if not.

M. Edwards – there will be on site quality control. There will be no warranty once the project is accepted. NYSDOT does their own guarantee through its inspection. Only qualified bidders can compete.

Trustee Legg – is excited for the Village – particularly the residents in the northwest quadrant – can appreciate the idea that the current condition is a blight over the canal – hopes to improve upon it with plantings.

Mayor Wexler – commented that the Village received a high volume of calls when the bridge was closed by NYSDOT. If we get 10, 20 or more years out of it, then it would still be worthwhile. Proper funding of a maintenance account is necessary. It will be up to future Village Boards to determine rehabilitation in the future.

Trustee Wagenhauser – commented that the Village didn't get a lot of warning when NYSDOT closed the bridge. However, rather than make a knee-jerk response, the Village worked with state representatives and explored all options. He is happy it will be repaired and reopened. It will be a piece of infrastructure like other pieces of infrastructure the Village has. He thanked neighboring municipalities, Lakeside Memorial Hospital, SUNY, etc. for their letters of support.

Trustee Castaneda – expressed disappointment that the Village repeatedly asked for cost estimates over the last couple of years and didn't get them until now. Feels this is another tax shift from State to local responsibility and that it should remain a NYS bridge.

Clerk Morelli shared a fax that came in late this afternoon from the staff at Hairtique Salon at 31 Clinton Street simply stating "We want the bridge open ASAP."

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NYS DOT – 5 corners issue – Mayor Wexler commented that before the meeting he spoke with tonight's NYS DOT representatives about the 5 corners issue, said he has written and called and that they promised him a response. Trustee Hunsinger said he placed a call to Dave Goehring at the NYS DOT and left a message, not with an aide or secretary, but on his personal voicemail. Not even 90 minutes later received a phone call. D. Goehring apologized for not getting back to the Village sooner and agreed the line on the pavement needs to be moved to the point of the sign. They contract out for this kind of work, but he now understands the concern and is going to investigate doing this in-house and will be calling back tomorrow with more detail. This is progress.

**DEPARTMENT REPORTS:** (most Department Heads are excused from the 1<sup>st</sup> meeting of the month)

- A. PUBLIC WORKS – Superintendent Harry G. Donahue (excused)
- B. POLICE DEPARTMENT – Chief Daniel P. Varrenti (excused)
- C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff (excused)
- D. FIRE /AMBULANCE / COMMUNICATIONS - Chief Timothy Rombaut (excused)
- E. INTERIM TREASURER – Kari A. Olson (excused)
- F. CLERK - Leslie A. Morelli
- G. VILLAGE MANAGER – (vacant)
- H. VILLAGE ATTORNEY – David F. Mayer, Esq. (excused)

**VILLAGE BOARD REPORTS:**

- A. Mayor Morton Wexler
  - 1. Thanks to Vice Mayor/Trustee Castaneda – thanked Trustee Castaneda for always attending events in his absence. He appreciates her involvement and thanks her for her commitment.
  - 2. Police Department Staffing – commented that all are entitled to their opinions as to the cost of the Brockport Police Department and could argue for years to come about hiring additional police officers. Let it go for now, but time will tell what it does to the cost.
  - 3. Treasurer – shared that he has scheduled a meeting for this week with the finalist recommended by the search committee.
- B. Trustee / Vice Mayor Maria C. Castañeda
  - 1. Village Advisory Committee – next meets Tuesday, December 9<sup>th</sup> at 7pm at Village Hall.
  - 2. Lakeside Health System Annual Gala – will be attending December 13<sup>th</sup>.
  - 3. Support Local Merchants – encouraged shopping locally this holiday season.
- C. Trustee David J. Wagenhauser
  - 1. Ambulance – Power Stretcher Purchase – forwarded a request from EMS Chief Vandervort to purchase one Stryker power stretcher at \$12,060 for one ambulance. This will eliminate worker back injuries and workers compensation costs associated with manual lifting of non-power stretchers as well as keep patients safe during transport. A testing demonstration was very positive. If they are pleased with it's utilization in the field, they will determine if this is a worthwhile investment to purchase one for each of the other 2 ambulances in the future. The funding would come from 3<sup>rd</sup> party billing monies, not taxpayer monies.  
→ Trustee Wagenhauser moved, unanimously carried 5/0 to authorize the purchase of one Stryker power stretcher at a cost of \$12,060 to come from 3<sup>rd</sup> party billing monies.
  - 2. Hiring of full time police officer – forwarded a recommendation from Chief Varrenti to promote Police Officer Kelly McCracken from part time to full time. Two officers remain out on workers compensation as a result of on the job injuries. Officer Mesiti has reportedly worked 15 straight days and other officers have worked excess hours and cancelled scheduled vacation time to fill the gaps. K. McCracken is a Village resident whose husband recently returned from

Iraq and                    has gone back to college. She is a quality person and this is a fiscally prudent hire.  
She is                    already trained and uniformed.

Trustee Hunsinger commented that he has been very fortunate to have known    Officer  
McCracken for many years. During his time as the head Coach of the Westside Swim Club,  
he                    was very fortunate to have coached the then Kelly Boyst. He can say without hesitation that

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over the 2plus years that Kelly swam for him he was nothing but impressed by her  
commitment,                    work ethic and strong character. It is an honor and a privilege to sit up here this  
evening and                    see Officer McCracken join the Brockport Police Department in a full time  
capacity.

Trustee Castaneda said she has nothing personal against K. McCracken, as she does not  
know                    her. She still questions the need to hire 2 full time officers, urges the use of existing  
resources                    such as part time officers and help from other law enforcement agencies that can be  
counted                    on. She said she is not against the Police Department, but is against the cost of the  
Police                    Department and feels hiring additional full time officers is not fiscally responsible.

Trustee Wagenhauser commented that SUNY University Police cannot routinely patrol the  
Village of Brockport.

→ Trustee Wagenhauser moved, Trustees Hunsinger and Legg, Mayor Wexler in favor, Trustee  
Castaneda opposed, carried 4 to 1 to hire Kelly McCracken as a full time police officer – provisionally,  
effective December 2<sup>nd</sup> pending successful completion of the Civil Service process.

3. Heat – Village owned buildings – Trustee Wagenhauser expressed concern over high heating  
costs and commented that the Village should heat its buildings as many individuals heat their  
own homes – at a regulated 68 degrees when occupied and 65 degrees when unoccupied.

Clerk Morelli said some time back there had been some informal talk of programming the  
thermostats of Village owned buildings as such, but it was never formalized. Mayor Wexler  
said                    this might require a good look at the heating of the buildings, since for example, the heat is  
not                    uniform at Village Hall. The ends of the buildings are often very different than the center of  
the                    building.

→ Trustee Wagenhauser moved, unanimously carried 5/0 to program the heat at Village owned  
buildings at 68 degrees when occupied and 65 degrees when unoccupied.

4. Employee/Retiree Insurance – Trustee Wagenhauser confirmed that the open enrollment  
meeting has been set for Noon, Thursday, December 11<sup>th</sup> with our new insurance broker who  
will provide pizza.

D. Trustee Scott W. Hunsinger

1. Fire Department – new Department of Labor Guidelines – attended a information meeting on  
November 25<sup>th</sup> with Fire Chief Rombaut with the State Fire Division and New York State  
Department of Labor concerning completing a hazard risk assessment and providing new  
training and equipment needs for harnesses and escape ropes. This will involve taking the  
highest building (Mortimer Hall at SUNY) and determining escape routes.
2. 200 State Street – has nothing new to report – is in hopes of getting the requested information  
from Mayor Wexler soon.
3. Quote - “Time is neutral and does not change things. With courage and initiative, leaders  
change things.” Jesse Jackson

E. Trustee Hal S. Legg

1. Designation of Village’s official paper – reminded the Board that the designation of the Village’s  
official paper takes place at the annual organizational meeting and that there was thought of  
changing from Suburban News to TriCounty Advertiser. We continued with Suburban News  
for                    the 1<sup>st</sup> 6 months of the Village’s fiscal year. He recommends splitting the year and  
designating                    Tri County Advertiser from January – July 2009 until such time the designation is  
re-visited at                    the July 2009 organizational meeting. Trustee Legg commented that TCA has a  
half-century of                    commitment, is local, has won industry awards, and has an independently  
verified circulation of                    over 16,000.

Trustee Castaneda reminded the Board that a Suburban News representative was in  
attendance at one of the meetings early in the fiscal year. She said she thought the Board

promised to ask them to come back to discuss this at a workshop and that Trustee Wagenhauser was going to find out if TCA is considered a newspaper and not just an advertiser.

Trustee Wagenhauser said he did so and that the Village Attorney signed off on it some months ago. He said it was asked and answered some time ago.

Trustee Castaneda said she has witnessed the recent TCA reports of Village Board meetings and believes they have included misinformation and a lack of respect for all Board members. There are 5 Board members, not just 3. She said she assumes that is why 3 Board members are interested in making the switch – since they are printing their biased information.

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Trustee Hunsinger commented that Suburban News could be considered biased as it picks and chooses what to report. A reputable publication is willing to report the Village's news. Some news is better than no news.

Trustee Castaneda said during the last Village election season the TCA was used for negative campaigning. Trustee Hunsinger said he did not personally run any negative campaign ads.

Trustee Legg said it seems clear how Trustee Castaneda will be voting and that the matter seems pretty innocuous.

Trustee Wagenhauser said he is the one that brought this up last July. He said his main thought was that the paper that is located in the Village is not the Village's paper of record. He said he didn't see the slight that Trustee Castaneda referred to. He said he is not anti Suburban News and that the switch could have taken place sooner. However, a half-year for each seems fair until it can be revisited at the next organizational meeting. Both papers contribute to the area whether or not you agree with their editorial stance.

→ Trustee Legg moved, Trustees Wagenhauser and Hunsinger in favor, Trustee Castaneda and Mayor Wexler opposed, passes 3 to 2 to designate Tri County Advertiser as the Village of Brockport's official paper for January 2009 to July 2009.

**PUBLIC COMMENT:**

1. Joan Hamlin of Park Avenue – questioned if this evening's police officer hire is one of the 2 new officers recently authorized or a 3<sup>rd</sup>. Mayor Wexler said one of the 2.
2. Jim Hamlin of Park Avenue – questioned the impact of the recent approval of the Stetson Club contract on the financial burden for the Village the remainder of this budget year. Mayor Wexler said there was money budgeted and unused. He said Deputy Clerk-Treasurer Olson has worked long and hard on figuring out the retroactive pay. Trustee Wagenhauser commented that this includes cost of living adjustments, but that the Village will be saving on overtime costs and will soon be saving on health insurance regardless of which of the 3 plans they take. The Village will save approximately \$100,000 in the first 3 years due to the staged pay and health insurance provisions. Those savings will even impact this year's budget. Joan Hamlin asked if the way of awarding overtime by seniority has changed. Trustee Wagenhauser said there is a pecking order as to who gets overtime and it depends on scheduling. He reminded everyone that there are 2 officers currently out on workers compensation and that there will always be some overtime. Mayor Wexler said he has no doubt that promoting Officer McCracken to full time will save overtime money. Trustee Wagenhuaser said we can pay time and a half at \$65,000 or pay a new hire regular time at \$40,000.

**AUDIT:**

→ Trustee Legg moved, unanimously carried 5/0 that the bills be allowed and paid upon audit.

	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
<u>Village</u>	12/2/08	178060-178072	\$39,916.87
<u>Fire</u>	12/2/08	178073	\$155.62
<u>Third Party Billing</u>			
<u>Capital Projects</u>			
<u>Water</u>	12/2/08	2139-2142	\$8,045.96

**ADJOURNMENT:**

→ Trustee Castaneda moved, unanimously carried 5/0 that the meeting be adjourned at 8:35pm.

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Leslie Ann Morelli, Village Clerk