

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, 2003 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, Treasurer Scott D. Rightmyer, Clerk Leslie A. Morelli.

EXCUSED: Police Chief Daniel P. Varrenti, Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Village Attorney Edward W. Riley, Fire Chief Gregory B. Wing, Assistant Fire Chief Mark H. Warner, Jim & Joan Hamlin, Ray & Jackie Morris, Bruce Baird, Brian Baty, Pat Kutz, Daniel LaForce, Norman GianCursio, Fred Webster.

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 November 17, 2003.

➔ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that the minutes of the meeting held November 17, 2003, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Daniel LaForce of 18 Market Street said he would like his driveway back that is blocked by the dumpsters behind the Lift Bridge Book Shop area. S. Zarnstorff said he is working with the owners of the dumpsters. Mayor Matela said a letter has been sent to the Kutz's of Lift Bridge Book Shop. D. LaForce said thank you and left.

Trustee Knapp asked for clarification of the problem. Mayor Matela shared that the Village has received many complaints from merchants and tenants regarding the size and location (on Village property) of Lift bridge Book Shop's dumpsters. S. Zarnstorff has been working with Archie Kutz on this and last sent him a letter November 25th requiring that they be removed by December 1st. Mayor Matela said Pat Kutz paid her a visit to her store upon receipt of the letter. Mayor Matela said she invited her to attend tonight's meeting. S. Zarnstorff said the dumpsters were originally behind the Masonic building. Once that was sold, they did not want the 2 dumpsters there. Therefore, B. Upson and S. Zarnstorff gave their okay to place it at the dead end of the alleyway on Village property. Mr. LaForce is a tenant at 15-17 Market Street and says he has issues with driveway access due to the dumpsters. They have discussed a multitude of options, but parking is at an extreme premium and most of the land back there belongs to the Village. They suggested using smaller totes and having garbage picked up more often. Plain and simple, S. Zarnstorff said the dumpsters are not working.

Pat Kutz entered. She said she and Archie do not OWN any of the dumpsters, but they contract for them and handle the billing. Other merchants/landlords pay them for their use such as Go Ask Alice, State Farm, Jimmie Z.'s, All Seasons Travel, and the Tattoo Parlor on Market Street and some of the of the upstairs residential tenants. P. Kutz said they received a letter from the Village on September 5th. Archie tried to follow up with S. Zarnstorff and got no response. Therefore, he sent a letter to the Village on October 13th. Then on the Wednesday before Thanksgiving, they get another letter from the Village saying the dumpsters had to be removed by December 1st. This was not possible. They were shocked at the timing and the fact that there was no consultation. P. Kutz said she went to the

Mayor's shop to express her dismay. Archie sent a letter to the Village today. P. Kutz said there is a trash problem. It needs to go somewhere. All parties should be able to sit down and come up with a solution. It is not rocket science.

Mayor Matela thanked P. Kutz for attending and said the Village wants to resolve this in a way that is best for everyone. Trustee Wexler asked who owns the dumpster. P. Kutz said Waste Management owns the dumpster and does the pick up. Lift Bridge Book Shop handles the billing by dividing the cost among the users. Trustee DeToy asked if Mr. LaForce has contacted his landlord. S. Zarnstorff said he does not know, but really does not see him having a problem. He was angry at having gotten a parking ticket. P. Kutz said whoever owns 15-17 Market Street has not been receptive to them.

Attorney Riley shared that Village Code Section 58-35.9 states that each property owner shall provide a receptacle. Further, it needs to be concealed or shielded. He suggested everyone involved make themselves familiar with this code.

GUESTS:

1. Brian Baty – H&V Risk Consultants – consideration of annual contract renewal – asked to meet with the Board during their executive session.
2. Bruce Baird – Belmont Development – Village Centre Apartments – 222 Main Street – Bruce Baird introduced himself to those he had not met previously when he developed Park Place Apartments several years ago. He is the owner and President of Belmont Development. They are proposing a new 32-unit 1-bedroom senior citizen apartment complex at 222 Main Street (the site of former Brockport Billiards). They have obtained competitive funding to make the rents affordable with Federal and State 1% low interest mortgages. There are 3 times as many requests as these programs are able to fund. The rents are based on 30% of income to be used for housing. The Federal and State funding requires that real estate taxes in the municipality are somewhat stabilized through a PILOT program. They propose \$450 per dwelling unit per year, which equals \$14,400 per year.

Trustee Whipple asked if they were looking for some approval tonight. B. Baird said yes and reviewed the resolution. He said Attorney Riley would like a couple of technical changes made to the agreement. None of a substantive nature. It is all done in strict accordance with the law. He has utilized this law for over 10 years. It gives the Village Board the ability to set taxes at a level they deem fit. Attorney Riley said one of his changes is that the Chief Financial Officer is the Treasurer, not the Mayor. Trustee Whipple commented that he was involved in Park Place Apartments and it was a very good experience.

→ **RESOLUTION CONSENTING TO THE FORMATION
OF A REDEVELOPMENT COMPANY**

At a meeting of the Village Board of the Village of Brockport, held at the Village Hall in said Village, County of Monroe and State of New York, on the 1st day of December, 2003 at 7:00pm there were all present: Mayor Josephine C. Matela, Trustee Morton Wexler, Trustee James E. Whipple, Trustee Norman J. Knapp, Trustee Peter C. DeToy.

Trustee Whipple offered the following resolution and moved its adoption:

WHEREAS, The New York State Housing Trust Fund Corp. and the U.S.D.A., Rural Development, as a condition to providing funding for 32 units in the proposed HTFC / RD senior citizen housing project in Brockport has requested that Brockport BDC Limited Partnership, the developer of the project, obtain a tax abatement with respect to such project; and

WHEREAS, the aforementioned tax abatement may be granted only if Brockport BDC Limited Partnership is formed as a Redevelopment Company under Article 5 of the New York State Private Housing Finance Law; and

WHEREAS, the Village Board believes that it is in the best interest of the Village and the Project if preliminary steps are taken to authorize Brockport BDC Limited Partnership to form as a Redevelopment Company; and

WHEREAS, consent by the Chief Financial Officer of the Village is necessary for the formation of Brockport BDC Limited Partnership as a Redevelopment Company.

NOW, THEREFORE, it is hereby resolved by the Village Board as follows:

1. That the Village Board hereby authorizes the formation of Brockport BDC Limited Partnership as a Redevelopment Company.
2. That the Village Board hereby authorizes the Chief Financial Officer of the Village, upon his/her review of appropriate documentation submitted by Brockport BDC Limited Partnership, to take the necessary steps to consent to the formation of Brockport BDC Limited Partnership as a Redevelopment Company.
3. That it is found and determined that all formal actions of the Village Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Village Board and that all deliberations of the Village Board and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements.

THIS RESOLUTION shall be in full force and effect from and after its passage in accordance with the regulations of this Village Board.

SECONDED by Trustee Wexler, and duly put to a vote which resulted as follows:

Ayes: Trustee Knapp, Trustee DeToy, and Mayor Matela

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Nos: none

Passed, this 1st day of December 2003.

**CERTIFICATE OF APPROVAL AND
CONSENT OF SUPERVISING AGENCY**

WHEREAS, Article V of the Private Housing Finance Law of the State of New York (the "Law") provides for the creation of redevelopment companies for the purposes set forth in the Law; and

WHEREAS, Section 102 of the Law provides that the "Supervising Agency" of a redevelopment company in a municipality not having a comptroller shall be the chief financial officer of such municipality; and

WHEREAS, the Chief Financial Officer of the Village of Brockport, New York, is the Treasurer; and

WHEREAS, the undersigned is the Treasurer of the Village of Brockport and

WHEREAS, Section 102 and Section 104 of the Law provide that a redevelopment company may be created as a Limited Partnership by the Managing Members (A) filing with the Department of State the Certificate of Limited Partnership and (B) filing, with the Supervising Agency of the municipality in which the redevelopment company is to be created, a Certificate of Creation of a Redevelopment Company complying with the terms of said Section 103 and the Articles of Organization under which the partnership was organized; and

WHEREAS, Section 104 further provides that such filing with the Supervising Agency shall not occur without the prior written consent of the Supervising Agency; and

WHEREAS, The General Partner of Brockport BDC Limited Partnership, a Limited Partnership organized pursuant to the Limited Partnership Law of the State of New York (the "Company"), has submitted to the undersigned for filing the Certificate of Limited Partnership and a Certificate of Creation of a Redevelopment Company; and

WHEREAS, the undersigned has reviewed the Agreement and Certificate of Limited Partnership filed by the General Partner of the Company and approves the terms and conditions contained therein; and

WHEREAS, the undersigned has reviewed the Certificate of Creation of a Redevelopment Company filed by the Partners of the Company and has determined that said Certificate complies with Section 103 of the Law; and

WHEREAS, Section 112 of the Law provides that a Redevelopment Company shall not have the power to acquire any real property unless the Supervising Agency determines that such acquisition is necessary or convenient for the public purpose defined in the Law; and

WHEREAS, the Company has made known its intention to acquire certain real property in the Village of Brockport, New York, as more particularly described in Schedule "A" annexed hereto; and

WHEREAS, the undersigned has determined that such acquisition is necessary and convenient for the public purpose defined in the Law; and

WHEREAS, Section 114 of the Law provides that every plan of a project proposed by a redevelopment company shall be subject to the approval of the Supervising Agency as to conformity with the provisions and purposes of the Enabling Act; and

WHEREAS, the Company has submitted to the undersigned a plan for the development, construction and operation, on the real property described in Schedule "A", of a project consisting of 32 units of housing for low to moderate income elderly, assisted by the New York State Housing Trust Fund Corp. and U.S.D.A., Rural Development (the "Project"); and

WHEREAS, the undersigned has reviewed the plan for the Project submitted by the Company, and has found that it conforms with the provisions and purposes of the Enabling Act; and

NOW THEREFORE, the undersigned hereby certifies that:

- 1) The terms and conditions of the Agreement and Certificate of Limited Partnership are approved.

2) Consent is given to the filing of the Certificate of Creation of a Redevelopment Company submitted by the Partners of the Company and the same is hereby filed.

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3) It is determined that the acquisition of certain real property located in the Village of Brockport, New York, as more particularly described in Schedule "A" annexed hereto, is necessary and convenient for the public purpose defined in the Law.

4) The Plan and Project submitted by the Company conforms with the provisions and purposes of the Law.

Treasurer and Chief Financial Officer
Village of Brockport

DEPARTMENT REPORTS:

- A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson
 - 1. 24-Hour Snow Watch – B. Upson said 24-hour snow watch started November 30th. A roster has been set up for weekend duty snowplowing and salting. He advised everyone to walk and drive carefully.
 - 2. Annual Holiday Tree for Sagawa Park – B. Upson reported that the Village had several offers of trees to use for the holiday tree in Sagawa Park. The DPW has chosen the one offered by the Robert Jones family in the front yard of 41 South Avenue. It will be taken down tomorrow and put up in Sagawa Park for the holiday season.
 - 3. Request Executive Session – B. Upson asked to meet with the Board in executive session to discuss one personnel matter.
- B. POLICE DEPARTMENT – Chief Daniel P. Varrenti (excused)
 - 1. Hire one part-time police officer – On behalf of Chief Varrenti, Mayor Matela said he respectfully requests that the Board consider hiring Shaun A. Moore as a part-time police officer. He resides in Webster, attended the Monroe County Police Academy between August 2002 and May 2003, and has been employed by the Monroe County Sheriff's Office, Airport Patrol since graduation. If he is approved for hiring this evening, his FTO training would begin immediately. His background has been completed and Chief Varrenti recommends him for hiring.

→ Motion by Trustee DeToy, second by Trustee Wexler, unanimously carried to hire Shaun A. Moore as a part-time police officer.

Trustee Wexler said he would have no objection if Chief Varrenti wished to hire additional part-time police officers.

- C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff
 - 1. Kleen Brite Laboratories – S. Zarnstorff reported that a redemption company would be working this week and next week at the former KBL site. The EPA is aware of this activity. He should have further information from the EPA by the next meeting.
 - 2. Gordon Street – Trustee Wexler referred to recent arrests made at a Gordon Street residence. He asked S. Zarnstorff if the residents are still residing there. S. Zarnstorff said he was not involved with this. Mayor Matela suggested he direct that question to Chief Varrenti or Sgt. Ziegler.
- D. FIRE DEPARTMENT – Chief Wing
 - 1. Membership Adds/Drops/Transfers – Chief Wing asked the Board to consider approving the following adds: Emily Greineder of Clarkson to Ambulance Corps only through Co 2, Stephen Piligra of the Village to Fire and Ambulance through Co 4, Andy Sankus of the Village to Fire and Ambulance to Co 4.

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

2. Call Load – Year to date Fire Calls: 820 Year to date Ambulance Calls: 1,467 Chief Wing further reported that all four stations are now generator ready for emergencies.

3. Accept Resignation of Paid Ambulance Personnel Eoin Snowdon – Mayor Matela referred to a letter of resignation from Eoin Snowdon and asked that it be accepted with regret.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried accepting with regret the

resignation of Eoin Snowdon from the paid part-time ambulance staff.

E. TREASURER - Scott D. Rightmyer

1. BCBS/ Excellus – Options to replace Blue Choice Senior – Treasurer Rightmyer said the Board has had the information provided by BCBS since mid-September and needs to make a decision on what policy will replace Blue Choice Senior. His original recommendation was to make the

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change now and save \$13,000 for the year. However, none of the new options offer any prescription coverage. He said it is really not fair to leave the 8 retirees without prescription coverage. In light of this, he now recommends the Village stay with Blue Choice Senior for current retirees for 2004. If Blue Choice Senior is eliminated in 2005 as anticipated, hopefully Medicare will pick up some prescription coverage by then. Either way, anyone that becomes 65 after January 1st can no longer join Blue Choice Senior. January is the Village's open enrollment. Of the 3 options given, it appears the more the Village pays, the better the coverage.

Brian Baty, Insurance Consultant, said he would be happy to look into this and lay out other options. He will provide the information by the next meeting. Therefore, the Board agreed to table decision on this until December 15th.

2. BCBS Rates – Treasurer Rightmyer reported that the Village has received notification that there will be no change in dental rates. They remain \$34.54 per month for single coverage and \$90.28 per month for family coverage. Medical rates will increase 10.6 percent. However, he had factored in a 20 percent increase in the budget. So we are covered. Rates will be: single plan per month \$350 / couple plan per month \$804 / family plan per month \$927.

Brian Baty, Insurance Consultant, said he would also look into this and provide options.

3. Med Ex – Set Billing Rates – Treasurer Rightmyer reported that the Board received the annual Med Ex (Ambulance Third Party Billing) information last month and needs to take action. A 4% increase is recommend. Trustee DeToy asked if the mileage is being kept the same. Treasurer Rightmyer said that was what was recommended because it was already the highest.

→ Motion by Trustee DeToy, second by Trustee Wexler, unanimously carried to adopt a 4% increase in Med Ex Ambulance Billing rates.

→ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing the Mayor to sign the annual contract with Med Ex Billing.

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

G. ATTORNEY – Edward W. Riley / DEPUTY ATTORNEY – Frank A. Aloï

1. Health Insurance – Attorney Riley commented that health insurance coverage is an issue in collective bargaining. He stressed the importance of consistency.
2. Code re Signage – Attorney Riley reported that he met with S. Zarnstorff and Bill Andrews to review the current Village Code regarding signage. Numerous conflicts were found. They will work on revisions. The Historic Preservation Board meets in January and will review any preliminary revisions as they relate to the Commercial Historic District.
3. Executive Session – Attorney Riley requested an executive session.

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

SUPPORT BOARDS REPORTS:

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

VILLAGE BOARD REPORTS:

- A. Vice Mayor Wexler – No report.
- B. Trustee Whipple – No report.
- C. Trustee Knapp – No report.

D. Trustee DeToy – No report.

E. Mayor Matela – No report.

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⇒ At 8:00pm Trustee Wexler moved, Trustee DeToy seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss collective negotiations and personnel 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 10:08pm Trustee DeToy moved, Trustee Knapp seconded, unanimously carried that the Board of Trustees of the Village of Brockport exit executive session and return to the regular meeting.

Fire Department Bills of 11/3 – The Mayor and Board agreed to accept the offer that the Fire Council reimburse the Village for certain funds related to bills of the Fire Department submitted for payment November 3rd. The matter is considered closed.

Sexual Harassment Awareness and Prevention Training – The Mayor and Board have reviewed two proposals for providing this worthwhile training to all Village employees.

→Trustee DeToy moved, Trustee Knapp seconded, unanimously carried that the Mayor be authorized to sign a contract with Amtek Management and HR Works for sexual harassment awareness and prevention training of all Village employees.

AUDIT:

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

<u>Village</u>		
Date	Check #	Amount
11/06	168642	1,222.39
11/21	168719-723	1,701.27
12/01	168765-771	7,587.80
11/25	168727-746	99,965.15
11/14 Debt Service – Wire Transfer		7,090.63
<u>Fire</u>		
11/06	168643	95.00
11/25	168724-726	418.89
12/01	168747-764	19,904.12
<u>Third Party Billing</u>		
11/25	213-215	968.01
12/01	216-220	2,864.50
<u>Capital Projects</u>		
11/25	1621 P.36	4,027.50

ADJOURNMENT:

➔ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried that the meeting be adjourned at 10:10pm.

Leslie Ann Morelli, Village Clerk