

**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, September 15, 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, Police Chief Daniel P. Varrenti, Treasurer Scott D. Rightmyer.

**EXCUSED:** Building/Zoning Officer Scott C. Zarnstorff, Planning Board Chair / Economic Development Coordinator Scott Winner, Clerk Leslie A. Morelli

**ALSO PRESENT:** Village Attorney Edward W. Riley, Fire Chief Gregory B. Wing, Deputy Fire Chief Christian McCullough, Curt Penoyer, William Weber, Joan Hamlin, James Hamlin, Robert Connors, Fred Webster, Kenneth Pike, Terri Green

**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 September 2, 2003.

➔ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried that the minutes of the meeting held September 2, 2003, be approved as written.

**PUBLIC HEARINGS:** NONE

**PUBLIC INFORMATION MEETINGS:** NONE

**PUBLIC COMMENT:**

Curt Penoyer of 168 Erie Street stated that on September 2, 2003 and September 4, 2003 he placed calls to the Village DPW Office looking for information, but never received a response from Supt. Upson. He further stated that he did attend the Board meeting on September 2, 2003 and got the answer to his question of earlier in the day – October 15, 2003 as the estimated completion date for work on Erie Street. However, he has not as yet received a response to his inquiry of September 4, 2003 – why was the water not turned on for his temporary service – because his daughter had to go outside and turn it on. On September 11, 2003 he called the Village Office, was given the pager number for Harry Donahue, called Harry, and received a response about two minutes later. His question was why were his other two calls not returned? No response was forthcoming from the Mayor, but the Mayor did thank him for his inquiry.

**GUESTS:** NONE

**DEPARTMENT REPORTS:**

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

⇒ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried that Supt. Upson be authorized to use Gilda Gowanlock to assist Pauline Johnson with the inventory of records in his office, so long as the hours allotted for in the Records Management Grant are not exceeded.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried that authorization be given for the release of an additional \$72,002.59 from the Letter of Credit for Calcagno Enterprises for Remington Woods development on West Avenue, based on the recommendation of Supt. Upson and Chatfield Engineers. The remaining balance in the LOC will now be \$539,337.26

⇒ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that following list of items be declared surplus and sold at auction or public bid or scrapped:

2 Boxes of junk radio parts	
2 Boxes of miscellaneous junk parts	
1 Old style Dictaphone public safety recorder	
1 1976 Dodge Paddy Wagon	W24BE6S343408
1 1984 Army surplus Chevy short-bed pickup	1G8ED18JOFF133614
1 1996 Dodge Ram 3500 1-ton dump	1B6MF65XTJ194916
1 Sun automotive diagnostic machine	

⇒ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried that the resignation of Scott Wainwright as part-time dispatcher, for the purpose of accepting other employment, be accepted with regrets.

1. Supt. Upson also requested a release of \$39,639.53 from the letter of credit held by Pavilion State Bank for D&S Developers – Havenwood Meadows Section 3. However, the Board had several questions concerning the way the developer is still accessing the site through the adjoining development, especially since the twin culverts were properly relocated which would make access from East Avenue possible. Mayor Matela directed Supt. Upson to review the situation again with the developer and Chatfield Engineers to make certain that there is no problem with the culverts, and tabled the request for release until the next meeting.
2. Supt. Upson expressed his appreciation to Police Chief Varrenti for his ability to get Frontier Communications back on schedule for the September 5, 2003 move of the dispatch office from Clinton Street to Market Street. He also expressed appreciation to the Fire Department for the use of its equipment, the Dispatchers for their cooperation during the move, and Flower City Communications for their efforts in getting the move completed. The Mayor extended thanks for a TEAM EFFORT.

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

⇒ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried the adoption of the following resolution requested by Police Chief Varrenti:

**WHEREAS:** The Village of Brockport Police Department has been reviewing, changing, updating and adding to its General Orders, and

**WHEREAS:** The Village of Brockport Police Department has been operating under these General Orders for some time, NOW THEREFORE BE IT

**RESOLVED:** That the Board of Trustees of the Village of Brockport does hereby adopt these General Orders as the Official General Orders of the Village of Brockport Police Department

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried adopting the following resolution as requested by Police Chief Varrenti:

**WHEREAS:** The Village of Brockport Police Department is in the process of applying for accreditation, and

**WHEREAS:** An important part of accreditation is the proper maintenance of records, and

**WHEREAS:** The Village of Brockport Police Department has been using and will continue to use Records Retention and Disposition Schedule MU-1, as issued by the New York State Education Department in maintaining its records, NOW THEREFORE BE IT

**RESOLVED:** That the Board of Trustees of the Village of Brockport does hereby adopt this Schedule MU-1 as the official records retention and disposition schedule of the Village of Brockport Police Department.

1. Chief Varrenti thanked Supt. Upson for his efforts in coordinating all of the pieces of the puzzle that had to come together at the right time for the successful move of the Dispatch Office.
2. Chief Varrenti reported that \$1,415.35 has been deposited to the Village Account from the Federal Vest Grant Program.
3. Chief Varrenti reported that Officer Cyr was required to discharge his weapon at a Pit Bull dog that was roaming free on Holley Street and had a fight with a cat and another dog, advanced toward Officer Cyr, and then tried to fight with another dog after being shot. Chief Varrenti said that he has reviewed the incident and verified that Officer Cyr acted within the constraints of the General Orders. Mayor Matela added that the wounded dog was destroyed earlier today and that the other dog at 141 Holley Street was also removed from the property. The owner of the deceased dog has assumed the responsibility for all expenses resulting from the incident. The Chief answered no to Trustee Wexler's question about problems with other dogs.
4. Chief Varrenti stated that he has a ten-page contract draft for vehicle towing arrangement that he will make available to Attorney Riley so that it can be discussed at the next meeting.
5. In response to Trustee Knapp, Chief Varrenti stated that the police have been very busy since the return of the college students, but mostly for minor assaults, loud parties, and some domestic violence. Deputy Fire Chief McCullough supported the Chief's statement about being busy, with the ambulance also being busy – mostly from alcohol related incidents.

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

D. FIRE - Chief Gregory B. Wing

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried approval of the following added members to the Fire Explorers: Derick Storie, Carl Bourke, Colin Ryan

⇒ Trustee DeToy moved, Trustee Knapp seconded, unanimously carried approval of the following removal from the rolls of the Fire Explorers: Kris L. Zeigler

1. Chief Wing reported 1,086 ambulance calls and 604 fire calls year-to-date. Ambulance calls are up while fire calls are down slightly.
2. Chief Wing also reported that the new defibrillators are on order.

E. TREASURER - Scott D. Rightmyer

Treasure Rightmyer brought to the Board's attention some information relative to medical insurance coverage for Village retirees 65 or older. Currently, these individuals are covered under Blue Choice Senior at a cost of \$161.50 per month. Effective January 1, 2004 (the start of the Village open enrollment period) Blue Choice Senior will no longer be open to new enrollees. Instead, Medicare Blue Choice will be available at a much lower cost, and offers a choice of three plans, each of which offers different coverage with different co-pays and different premiums. Those currently enrolled in Blue Choice Senior can opt to stay with Blue Choice Senior, or change over to one of the Medicare Blue Choice options. While a decision was supposed to be forwarded to BC/BS by September 18, 2003, the Board opted to table the matter until the workshop on September 22, 2003. Treasure Rightmyer is to contact BC/BS about the delay.

F. CLERK - Leslie A. Morelli – **EXCUSED (NYCOM Fall Training School)**

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

1. Attorney Riley met with Bill Andrews to review sign ordinance changes in keeping with the downtown historical character.
2. Attorney Riley is also getting ready to review the Hawking & Peddling Ordinance.

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 – **Not Present**

C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey – **Not Present**

**VILLAGE BOARD REPORTS:**

A. Vice Mayor Wexler

1. Trustee Wexler provided Treasurer Rightmyer with a thank you letter of appreciation from "Ebbie" Kenyon for the Village's participation in the September 6, 2003 dedication of the two flag poles at the September 11, 2001 Memorial that were donated by Mr. Kenyon's family in his name.

2. Trustee Wexler expressed appreciation to the Fire Department for the services that were conducted on September 6, 2003 for the flagpole dedication and on September 11, 2003 in remembrance of those who died in the terrorist attack on September 11, 2001. Trustee Wexler said it was a pleasure to be a part of the ceremonies.
3. Trustee Wexler asked about the status of the defibrillators that were supposed to be given to the Towns of Clarkson and Sweden for installation in their respective offices and the Community Center. This led to a discussion concerning response to Treasurer Rightmyer's discussion with the Comptroller's Office. Given outright, these placements would raise

in these locations by the Brockport Ambulance as part of its ongoing medical assistance program for the community, and not "given" to the Towns, that the expenditure would not be questioned. Additionally, Chief Wing stated that the Ambulance Corps would have to retain ownership; otherwise the units would not be covered under the service agreement.

- B. Trustee Whipple – Reminded everyone of the potential problems associated with approaching hurricane "Isabel" – due in the area sometime Friday.
- C. Trustee Knapp – No Report
- D. Trustee DeToy – Reported that the Career Staff Committee has prepared a Career Personnel Policy to be used in connection with the Career Staff of the Brockport Ambulance Corps, Fire Department and the Village, and requested that Attorney Riley and the other Board members review it for possible adoption at the meeting on October 6, 2003. Attorney Riley stated that he has already briefly reviewed it and has a number of serious questions, including the relationship of the Board of Trustees to the Committee, the roll of part-time employee for the Village, Civil Service regulations, and the roll of the Board of Trustees with regards to the Fire Department and Ambulance Corps. Attorney Riley will do a more detailed review of the Policy, and then send a memo to the Board and the Committee listing his concerns. Pending the Boards review at the next workshop on September 22<sup>nd</sup>, the Committee is scheduled to meet on October 1, 2003 and could address the concerns prior to the October 6<sup>th</sup> Board meeting.
- E. Mayor Matela – Thanked Trustee Wexler for filling in for her during her vacation, and thanked the Fire Department for the special services that were conducted on September 6 and 11, 2003.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried that the Board of Trustees of the Village of Brockport enter into an executive session to discuss personnel and legal matters at 8:10pm.

Regular meeting resumed at 10:05pm.

I, Scott D. Rightmyer, Deputy 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.

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Scott D. Rightmyer, Deputy Village Clerk

⇒ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried the adoption of the following resolution relative to the settlement of Counsel fee claim be the Democrat and Chronicle in the case of Village of Brockport vs. Calandra et al.

**RESOLVED:** An application having been made to the Monroe County Supreme Court, the Honorable Joseph D. Valentino presiding, by the Democrat and Chronicle and by their attorneys, Nixon Peabody LLP, for fixing fees and costs in connection with certain litigation entitled "Village of Brockport vs. Calandra, et al. Index No. 2001-12142" and pursuant to the decision of Judge Valentino rendered on June 14, 2002; and said application requesting an award of \$32,417.92 and the Village having duly opposed said application and proceedings having been had, including a judicial settlement conference; and in accordance with the Court's recommendation that \$10,000.00 would be a reasonable settlement of the pending matter; the Board of Trustees hereby authorizes the settlement of the pending claim for said sum as recommended by the Court and further authorizes payment to Nixon Peabody LLP, as attorney for Democrat and Chronicle (Gannett), the sum of \$10,000.00 upon filing of the appropriate consent order and/or releases to be approved by the Village Attorney.

**AUDIT:**

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

<u>Village</u>		
Date	Check #	Amount
09/12/03	168271 – 168303	\$17,851.07
09/12/03	168334 – 168346	11,566.56
09/15/03	168348 – 168360	14,506.09
<u>Fire</u>		
09/12/03	168267 – 168270	806.05

09/12/03            168306 – 168333            21,481.82

**MINUTES OF MEETING HELD SEPTEMBER 15, 2003 continued.....Page 5**

09/15/03            168347                            110.00

Ambulance

09/12/03            168264 – 168266            1,680.51

09/12/03            168305 – 168305            431.17

Capital Projects

09/09/03            1607                                3,293.85

09/12/03            1610 – 1611                    6,426.90

Third Party Billing

09/12/03            183 – 186                        41,075.56

**ADJOURNMENT:**

- ➔ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that the meeting be adjourned at 10:06pm.

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Scott D. Rightmyer, Deputy Village Clerk