

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, June 17, 2002 at 7:30pm.

PRESENT: Mayor Josephine C. Matela, Trustees Morton Wexler, James E. Whipple, Norman J. Knapp; and Peter C. DeToy, Acting DPW Superintendent Harry Donahue, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Treasurer Scott D. Rightmyer, Clerk Leslie A. Morelli.

EXCUSED:

ALSO PRESENT: Attorney Edward W. Riley, Fire Chief Gregory B. Wing, Planning Board Chair Scott Winner, Kenneth Pike (Earthworks Environmental), Robbie Hess (Suburban News), Joan Hamlin, Fred Webster, John Lessord, Robert Connors, Kathy Snyder, Bradley & Pat Upson, Stephen Mesiti, Adam Mesiti, Mr. & Mrs. Mesiti, David Smith, Douglas Ziegler, Joseph Rozzi.

CALL TO ORDER: The meeting was called to order by Mayor Matela. The Mayor led the meeting in 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 May 20, 2002.

➔ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held May 20, 2002, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT (1st opportunity):

1. Joan Hamlin of 50 Park Avenue asked that the Village Board consider holding public forums like previously done. Mayor Matela said they could re-visit the concept.
2. Bob Connors of 281 West Avenue asked if any of the \$22,000 of legal expenses in the Trustee DeToy matter have been used to oust him as an elected official. Mayor Matela said public comment is just that. It is not a question and answer period.

GUESTS: None

DEPARTMENT REPORTS:

A. PUBLIC WORKS – Acting Superintendent Harry Donahue

1. Authorization to replace 2-way radios – H. Donahue asked for authorization to purchase new 2-way radios at a cost of \$493 each. The Board of Water Commissioners has agreed to purchase 4 if the Village will purchase 6 on New York State bid. Trustee Knapp commented that the current ones, some of which are tube radios, are well beyond their life expectancy.

⇒ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried authorizing the purchase of 6 new 2-way radios at a cost of \$493 each.

2. Sweeper specifications – H. Donahue said the specifications for a new sweeper will be ready this week.
3. Thanks for taking charge – Trustee Wexler thanked H. Donahue for stepping up to the plate as Acting Superintendent since March. Mayor Matela said he has held the Department together. The entire Board thanked him.
4. Appointment of DPW Superintendent - Mayor Matela shared that the Village contacted the eligibles on the DPW Superintendent Civil Service list and reviewed their applications, references and supporting documentation. Then the interview committee interviewed three and narrowed the search to two finalists. The Board interviewed the two finalists. The interview committee made their recommendation, and the Board is happy to offer the position to Bradley B. Upson.

⇒ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried appointing Bradley B. Upson as DPW Superintendent at \$62,000 beginning July 1, 2002.

Mayor Matela gave B. Upson the oath of office and the Board congratulated him.

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

1. Hiring of Full Time Officer Steve Mesiti & Swearing In – Chief Varrenti reviewed the selection process and sang the praises of part-time police officer Steven Mesiti. As one of the top 3 on the Civil Service list and with impeccable credentials, integrity and work ethic, Chief Varrenti asked the Board to appoint him to the one new full-time officer position.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried appointing Steven Mesiti as a full-time officer with the Brockport Police Department.

2. Permission to attend the IACP Conference – Chief Varrenti asked for permission to attend the annual International Association of Chiefs of Police Conference to be held in Minneapolis October 4-9 at a cost of \$1,475.

⇒ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried authorizing Chief Varrenti to attend the IACP Conference October 4-9 at a cost of \$1,475.

3. Memorandum of Agreement between Village and Stetson Club – Chief Varrenti shared that he met with representatives of the Stetson Club and asked if they would consider a memorandum of agreement that limits the number of officers that can be off at any one time on the afternoon shift. Since placing S. Mesiti on this shift June 1st, and limiting the number of officers off at one time, they have reduced the overtime to zero on this shift so far for June. Since this is a term and condition of employment, amending it requires a memorandum of agreement between the Village and Stetson Club. Chief Varrenti said the Village should be aware that the Stetson Club is willing to work them and sign this. Attorney Riley said to make it contractually correct, the Mayor needs to sign the memorandum of agreement. Chief Varrenti asked for a Village Board motion to that effect. Chief Varrenti said the Stetson Club should be commended. Trustee Wexler said it is unusual. Chief Varrenti said there are other items in the works prior to the next negotiation. Mayor Matela said this is a step in the right direction to make the Department run more efficiently.

⇒ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried authorizing the Mayor to sign the memorandum of agreement modifying Article 21 Section 6 of the Stetson Club contract as specified.

4. Bullet-proof vests grant – Chief Varrenti reported that the Village of Brockport received a \$5,000 grant for the purchase of bullet proof vests. This can go back 36 months. Therefore, the \$4,695 already spent can be reimbursed. He commended Sgt. Douglas Ziegler for writing the grant application. They plan to apply annually.
5. Part-time grant writer – Chief Varrenti reminded the Board that \$10,000 was put in the budget for a part-time grant writer. He said he will get information to Clerk Morelli to advertise the position.

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

1. Monthly Report – S. Zarnstorff reviewed his May report and highlighted 94 inspections (270 inspections year to date), and \$12,604 permit fees year to date with \$3,653,000 construction value year to date. He said there has been a lot of code enforcement activity.
2. Annual Permit Renewal for fencing at GE treatment station at 98 Lyman Street – S. Zarnstorff reviewed this annual permit and recommended the Board grant its renewal.

⇒ Trustee Wexler moved, Trustee DeToy seconded, unanimously carried granting the permit renewal for fencing at the GE treatment station at 98 Lyman Street.

3. Appearance Tickets process upgrade – S. Zarnstorff shared that he met with Chief Varrenti regarding the issuance of appearance tickets for fire safety, code violations and such within the Building/Zoning Officer's jurisdiction. He is working with Attorney Alois and the Town of Sweden Court on revising the process to make it less confusing and provide more information for the court.
4. CEDAR Program – S. Zarnstorff shared that he is one of a select few in a group called CEDAR – Code Enforcement Disaster Assistance Response. They report to FEMA and recently assisted the Newark / Arcadia areas in the flood crisis. He said he is honored to be involved and thanks the Village Board for allowing his involvement. It's just another way to show that Brockport cares. Mayor Matela thanked him. Trustee DeToy said that's something to be proud of.

D. FIRE - Chief Gregory B. Wing

1. Membership Adds/Drops/Transfers – Chief Wing asked the Board to consider approving the following drops: Gary Frye, John Hartman, Holley Sheffield, the following adds: David Hofstra of Sweden to Hooks, Katherine Weinkauff of Sweden to Silsby's Ambulance only, Stephen Zdanczyk of the Village to Company 3, the following transfers: Kevin Johnson from the Protectives to the Capen's.

→ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried approving the previously mentioned adds, drops, transfers noting the drop of J. Hartman in bad standing.

2. Accept Resignation of part-time paid personnel James Cary – Chief Wing asked the Board to accept the resignation of part-time paid ambulance personnel James Cary.

⇒ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried accepting the resignation of part-time paid ambulance personnel James Cary.

3. Monument Memorial Dedication Plans – Chief Wing said August 18th 2pm has been set to dedicate the Monument Memorial to September 11, 2001. Donations are being accepted. Any funds raised in excess of the needed amount will go to the Widows fund in New York City. Pictures and press releases are being issued. Vice President Cheney and Governor Pataki, among others, are trying to book this into their busy schedules. There will also be several representatives from the FDNY. BFD volunteer Kevin Johnson, Jr.'s Uncle made, delivered and donated a \$2,200 monument to sit at the base of the wood sculptures. Mayor Matela said kudos to Christopher Martin for a fantastic job with the press packets. Chief Wing agreed. Chief Wing also reported that the Town of Sweden waived the necessity for a permit to place the Village of Brockport sign near Barry Dodge. Trustee Wexler said Allied Builders is also to be commended for donating their time, labor and materials to build the monument foundation. Chief Wing said all speakers for the program are to be scheduled through Chris Martin.
4. Two New Ambulances are in Service – Chief Wing reported that both new ambulances are now in service.
5. Call Load – 575 fire calls year to date and 652 ambulance calls year to date.
6. Bid Results of 2 former ambulances – no bids received. Discussion took place to re-bid one ambulance and the squad truck. Chief Wing said the one old ambulance can be used as a transporting rig for the annual Soccer Tournament at no cost to the Village. They have not yet been taken off the insurance rolls and the registrations do not expire since they are official vehicles.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried to rebid the 1976 Ford F350 Pierce Aluminum Rescue Body and the 1992 Ford E-350 Type III Ambulance.

E. TREASURER - Scott D. Rightmyer

1. Final Budgetary Changes 2001-2002 fiscal year – S. Rightmyer reviewed the changes

⇒ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried authorizing the final 2001-2002 fiscal year budgetary changes as presented.

2. Authorize Mayor to sign insurance renewal package – S. Rightmyer shared that he had allowed for a 20% general increase and a 30% Fire/Ambulance increase, and the overall increase is 24.6%. Last year was \$91,056. This year is \$113,085. Mayor Matela said they met with Insurance Consultant Brian Baty and he searched far and wide for the best prices. Many insurance increases are due to the trickle down effect of the September 11th tragedies.

⇒ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing the Mayor to sign the insurance renewal package of \$113,085.

3. Early Retirement Incentives – Treasurer Rightmyer said several Village of Brockport employees may be eligible for the early retirement incentives. There are no Part B eligibles. Notices are going out with this week's paychecks. This will be addressed at next month's meeting. It needs to be adopted by September 3rd.

F. CLERK - Leslie A. Morelli

1. Sidewalk Use Permit – Seaward Candies & Ice Cream – Clerk Morelli reviewed the application. S. Zarnstorff said he needs to inspect the building for other reasons and as yet has not been able to pin the property owner down. He ask that approval be conditioned on his inspection.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried approving the sidewalk use permit of Seawards Candies and Ice Cream contingent on Building/Zoning Officer inspection and approval.

Attorney Riley expressed concern that the sidewalk use permit code be enforced with regard to providing an outdoor receptacle for garbage and cigarettes. The streets and sidewalks get littered, even with local papers that are not picked up on store and apartment doorsteps. Mayor Matela agreed that the tree grates are full of cigarette butts.

2. Parade Permit – SUNY Homecoming – Clerk Morelli reviewed the application for the annual SUNY Homecoming parade to be held Saturday, October 5th Noon to 1pm.

⇒ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried approving said parade permit.

3. Procession Permit – SUNY 5K Run/Walk – Clerk Morelli reviewed the application for the annual SUNY Homecoming 5K Run/Walk to be held Sunday, October 6th 10am to Noon.

⇒ Trustee Knapp moved, Trustee DeToy seconded, unanimously carried approving said procession permit.

4. Hawking & Peddling Permit – Citizens Campaign for the Environment – Clerk Morelli reviewed the annual application to go door to door to discuss current environmental issues, obtain signatures on petitions and such. Chief Varrenti asked what kind of “check” the Board expects with applications such as this. He is uncomfortable using NYSPIN for this and doing quasi-background checks puts the Village in a libelous position. There are not the personnel or resources, the list could change, etc. Trustee Whipple said many years ago something bad happened by a person going door to door, so they came up with an application and permit process. Chief Varrenti said a MORIS check might be closer, but still not appropriate. Attorney Riley said the Village should not endorse in any form responsibility. The applicant (Director of the Organization in this case) should be completely responsible. Chief Varrenti agreed that the Village does not want to put its head halfway in the water. Treasurer Rightmyer said the main reason was to know who was out there going door to door.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried authorizing a hawking-peddling license for July 1st through July 15th, 4pm to 8pm only, not on Sundays, limited to those names on the application.

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

1. Hawking & Peddling section of code – Attorney Riley suggested that the application form for Hawking & Peddling be modified to follow the ordinance.
2. Resolution to retain David W. Lippett re employment legal matters – Attorney Riley thanked Chief Varrenti for the referral of Attorney David Lippett who specializes in employment related issues. The Board has had an opportunity to review his curriculum vitae. He charges \$140 per hour, no retainer needed.

⇒ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried to contract with Attorney David Lippett for \$140 per hour as needed to handle employment related issues.

3. Amend Fines and Penalties – Attorney Riley addressed those fines and penalties suggested by Chief Varrenti as needing immediate attention. These included Chapter 4 Alcoholic Beverages Section 4-5 Drinking in Public, Chapter 35 Peace and Good Order Section 35-13 Littering, garbage or waste material and Section 35-18 Violations and Penalties, and Chapter 54 Vehicle and Traffic Section 54-47 Violations and Penalties B. To be repealed, and Chapter 55, Noise Section 55-5 Penalties for Offenses. Attorney Riley said no public hearing is needed. They are existing statutes being modified and modernized. They simply need a motion by the Board and a posting that they are available for inspection. Then Clerk Morelli can send them to General Code Publishers for printing.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried amending the above named sections as outlined.

4. Community Service Option – Attorney Riley shared that there is no process or procedure to assign community service as an option for “payment” of violations of Village ordinances. There should not be any cost associated with it. There should be a process where community service is assigned to assist the Department of Public Works, Fire Department, or SPARTAC. This could act as a deterrent. Chief Varrenti said he would be willing to volunteer a couple of hours one Saturday per month to supervise community service. Attorney Riley said the option needs to be explored.

SUPPORT BOARDS REPORTS:

A. PLANNING BOARD – Chair R. Scott Winner

1. Change of Use Permits/Process – S. Winner shared that S. Zarnstorff and F. Aloï have done some research on what the Planning Board was doing regarding change of use permits. Apparently the old practices are not supported in the Village Code. Therefore, S. Zarnstorff and Planning Board member Art Appleby are working together to establish a change of use permit process less subject to whim and fancy.
2. NYCOM Downtowns Conference – S. Winner reported that it was a good conference and that Brockport is in good shape regarding its physical downtown structures compared to many Villages.
3. Applications Update – S. Winner reported that the Planning Board after due diligence and advice from counsel and Earthworks Environmental denied the fill permit application of Meli

Enterprises. Applicant John Mendez has also returned with modifications to his proposed restaurant at 48 Merchants street. Goforth Electric is taking over the former NAPA Auto Parts building and doing renovations including painting. The Village Pantry is adding a 12' x 32' screened deck to the rear. Progress is being made by the Allied Group on the former Owens Illinois site. The Owens Road property formerly known as Celt Specialties has been sold. Mayor Matela said S. Zarnstorff, S. Winner and the Planning Board have been doing a great job. Mayor Matela is optimistic that remaining vacant spaces will be filled soon. It doesn't all happen overnight.

B. LIBRARY BOARD – President Leslie Zink (absent)

C. ZONING BOARD OF APPEALS - Chair Richard L. Aldrich (absent)

VILLAGE BOARD REPORTS:

A. Vice Mayor Wexler

1. Joint Recreation Commission – Trustee Wexler said in his opinion the changeover of the Joint Recreation Commission to the new format focusing on the building formerly known as Golden Heights Christian Center and now known as the Sweden Community Center, is political and being done by 2 people. The Village was basically told to get on aboard or be left behind. To change the entire recreation format to accommodate a building will cost everyone in the long run. Trustee Wexler said it is about money, power and politics and was not handled well. There are two separate issues: a building and a recreation program that was not broken.

B. Trustee Whipple

1. Joint Recreation Commission – Trustee Whipple said it appears the Joint Recreation Commission will exist until December 31, 2002. Then Sweden and Clarkson will withdraw financial support and go with their newly developed program. Village of Brockport residents, as Town of Sweden taxpayers, will be able to participate. However, the Village will not be a government party to this new program whose pieces are not all put together yet.
2. Annual Canal Trek – Trustee Whipple reminded everyone of the Annual Canal Trek in which an anticipated 50 boats and 100 people are expected to arrive Tuesday, July 23rd between 3pm and 5pm. Trustee Whipple and his wife will take the lead on providing a chicken and biscuits dinner. Whether they will be needing breakfast the next morning is not yet known. Trustee Whipple said he will accept all the volunteers he can get.

C. Trustee Knapp

1. Joint Recreation Commission – Trustee Knapp commented that it is unfortunate that the Brockport-Clarkson-Sweden Joint Recreation Commission, successful for over 40 years and a model for many others regarding community partnerships, is being dissolved. It is not broken and does not need fixing. He said he anticipates a major cost increase and has cautious optimism for the new program as presented thus far.

D. Trustee DeToy – No report.

E. Mayor Matela

1. Joint Recreation Commission – Mayor Matela shared that she met with Sweden Town Supervisor Lester to discuss the future of recreation. Supervisor Lester said there will be a 10 member advisory group (5 from Sweden and 5 from Clarkson) called RPAC. Mayor Matela encouraged Supervisor Lester to appoint one or two of the five Sweden reps from the Village of Brockport. However, he pointed out that some of the Sweden Town Board members are Village of Brockport residents and could adequately represent Village residents with their concerns. Part of the JRC monies go to fund the Sweden Senior Center. This will need to be separated out. Mayor Matela said it is time to move on and support the project for the good of the community. Mayor Matela asked the Board for their thoughts if she were to issue a joint letter with Supervisor Lester to the community in support of the project. Trustee Whipple said that is up to the Mayor. Trustee Knapp said it would just be window dressing, and he would not be in favor of it, as he is not in favor of the JRC being dissolved. Trustee Wexler said he has a lot of problems with how this was all handled. Trustee DeToy said the Village should work to see it succeed.
2. Appoint Local Development Corporation members and part-time Director – Mayor Matela asked for authorization to appoint the members and Director of the Local Development Corporation.

⇒ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried appointing R. Scott Winner as Economic Development Marketing Manager (Coordinator) pending the completion of the Civil Service process.

⇒ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried appointing the following as

members of the Greater Brockport Local Development Corporation (LDC), a 501C3 Non Profit Corporation: Raymond & Ute Duncan, R. Scott Winner, William Andrews, James Whipple, Josephine Matela, and Ben Kendig (temporarily as Project Manger.)

3. Comprehensive Plan – SEQR and joint public hearing with Sweden Town Board –

⇒ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried calling for a joint public hearing with the Town of Sweden Board to consider the final draft comprehensive plan on Thursday, June 27, 2002 at 7:00pm at the Sweden Town Hall.

All agreed they could be in attendance with the exception of Trustee Knapp due to work.

⇒ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the Town of Sweden take Lead Agency for the SEQRA coordinated review on the final draft comprehensive plan.

4. NYCOM Conference – Mayor Matela shared that the recent conference was worthwhile. Handouts will be available for review in a binder at the Village office.

PUBLIC COMMENT (2nd opportunity):

1. Dick Lingg of 8 Candlewick Drive said as the former Director of the Joint Recreation Commission (1972-1999), he commends the Village Boards past and present for the support given to the JRC. It saw a lot of growth with programs from per-school to seniors. It was a model program for New York State and he is sorry to see it dissolved. New locations such as the Redman Road Park and the Sweden Community Center should be used to expand JRC programs, not replace them. He feels this will cost taxpayers and participants a lot of money whereas the JRC offered programs at low or no cost. For example, 15 cents a swim lesson, 50 cents per hour playground. This was all because the Brockport Central School District facilities were available for no rent or maintenance fees. He can't see how the new building can be operated at minimal costs. He had hoped it would have been brought to a bond issue in the community. The JRC also provided scholarships for the needy. This is not a wealthy community. He hopes a lot of kids and families are not priced out of programs. This will make the Police Department even busier if the kids are on the streets.

AUDIT:

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

Village

Date	Check #	Amount
6/17	165729-731	1,615.00
6/12	165726-728	473.00
6/05	165721	185,871.68
6/17	165847-849	7,330.99

Fire

6/17	165743-776	145,660.99
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Ambulance

6/17	165732-742	23,876.15
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Capital Projects

6/17	1523-25	6,608.70
	p. 44	2,565.20
	p. 49	1,887.90
	p. 35	2,155.60

Third Party Billing

6/17	73	1,006.28
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ADJOURNMENT:

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the meeting be adjourned at 9:55pm.

Leslie Ann Morelli, Village Clerk