

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, October 4, 2004 at 7:00pm.

PRESENT: Mayor Josephine C. Matela, Trustee/Vice Mayor Carrie L. Maziarz, Trustee Norman J. Knapp, Trustee Morton Wexler, Trustee James E. Whipple, DPW Superintendent Bradley B. Upson, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Clerk Leslie A. Morelli.

EXCUSED: Treasurer Ian M. Coyle, Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Village Attorney Keith O'Toole, Assistant Fire Chief Timothy Rombaut, Ken Pike, Gary McLennon (D&C), Elliott Bowerman (Brockport Post), Robbie Hess (Suburban News), Jaimie Horton, Ray & Jackie Morris, Jim & Joan Hamlin, Mary Jo Nayman, Jaimie Horton, Doug Wolcott, Dorothy Keable, Jack Wahl, Wayne Bennett, Norm GianCursio, Tony Perry, John Lessord, Fred Webster, Joanne Marcello.

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 September 20, 2004.

➔ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held September 20, 2004, be approved as written.

PUBLIC HEARINGS: None

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Doug Wolcott of 184 Erie Street asked when the Erie Street project would be completed. B. Upson said they plan to pour a couple of sidewalk sections tomorrow and pave Thursday and Friday. Next week they will do the driveway aprons. D. Wolcott asked if it would be totally done by end of year. B. Upson said yes.
2. Wayne Bennett of 142 State Street said he heard a rumor that there is talk of 3M wanting to rezone the east side of Oxford Street. He said the residents in that area were assured that the east side of Oxford Street would never be replaced with commercial or industrial zoning. He said the value of his home is in jeopardy as it is now, rezoning the adjacent property would further jeopardize that value. He said he was told Agrilink would not expand their parking lot, but they did. He suggested the Village concentrate on getting the old Kleen Brite buildings occupied and not work in towards the Village with industrial property.

Mayor Matela assured W. Bennett that the Village Board would require a public hearing on any rezoning application. A legal notice will be published in Suburban News and sent, as a courtesy, to property owners within 500 feet. W. Bennett said he was never notified of the parking lot expansion. (That was Planning Board and a public hearing was not required. However, the application was announced on their meeting agendas.)

GUESTS:

1. Mary Jo Nayman of 5 Carolin Drive distributed and read the following letter into the record.

"To the Brockport Board of Trustees:

On behalf of residents of Carolin Drive, I would like to thank the Board of Trustees for listening to and acting upon a dilemma our neighborhood has faced for quite some time. It took the effort of our entire street, including such things as: 1) a petition 2) photos 3) door knockers and most importantly 4) neighborhood unity to make our voice heard. The assistance given by individual board members, for example: 1) cordially receiving and answering calls and questions 2) personally checking out our concerns by visiting our street on more than just one occasion 3) honestly evaluating our complaints was much appreciated. The support from other village taxpayers was also most helpful in our endeavor. The individual letters, hand delivered by Trustee Wexler on Sept. 29, 2004, informing our neighborhood of the Board's decision were certainly most gratefully received by all concerned. I would again like to personally thank the village crew (by crew, I'm referring to the men in bright green and orange t-shirts) for working so diligently, in both rain and heat, as they milled, and upon request, further examined the condition of our street. I know I was surely a nuisance following them for several days, camera in hand, as they performed their tasks. But never once in that time, was I addressed by the working crew, in green and orange, with anything but politeness. In closing, I thank you, the Board of Trustees, for using the hard earned money of our village tax payers for a very much needed item of maintenance repair. This entire procedure, which we all endured, truly proves what can be achieved when concerned taxpayers and their elected representatives communicate and work together to solve an existing problem."

Mary Jo Nayman said she had a couple of questions for clarification purposes. The letter said the rehabilitation would take place from the cul de sac to West Avenue. She asked if this included the cul de sac. Mayor Matela said yes. MJ Nayman asked what "work would begin as soon as practicable meant. Mayor Matela said it means before winter. They need to take some men and equipment off other jobs first. MJ Nayman asked if all the storm sewers would be replaced. Mayor Matela said yes, where there were storm sewers. MJ Nayman asked if the curbing would be the same as what was put in on Erie Street. Mayor Matela said yes.

2. Jamie Horton of SUNY Student Social Work Organization reviewed their application for the annual Take Back the Night March to be held October 28th from 8:30 to 10pm. She said they originally requested to use the streets, but decided to go back to using the sidewalks. Most of it is on campus, but part of it is in the Village.

Chief Varrenti said he was concerned with the initial proposal to close down streets since that would tie up considerable resources. Holding it on the sidewalks is no problem. Trustee Maziarz said she has participated as a student in the past and said it can get a little aggressive. She recalled a couple of beer bottles being thrown at the women. She asked if a Police Officer could follow the route. Chief Varrenti said if he has 3 officers on, he could allocate one to the event. Otherwise, if an officer were called into service, they would have to respond. He would not approve overtime. Trustee Maziarz agreed. Chief Varrenti said they endorse it and will support it as best they can.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried to approve the procession permit for Thursday, October 28th from 8:30pm to 10pm to take place on the specified route on the sidewalks only.

DEPARTMENT REPORTS:

- A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson
 1. Finalization of Abandonment of Washington Street – B. Upson said the Allied Group, as the adjoining property owner has requested the Village consider the discontinuance and abandonment of Washington Street between State Street and its southern terminus. Appropriate notice was published and a public hearing was held on Monday, January 5th, 2004. No objections were raised at the hearing and the Board unanimously passed a resolution to discontinue the street. Section 207 of New York State Highway Law gives the Superintendent the authority to order a "dead end" of a street discontinued and abandoned. A requirement of Section 171 of the Highway Law is that all orders of the Superintendent have written consent of the Board. B. Upson requested that the Village Board consent to this order to discontinue and abandon Washington Street.

Village Attorney O'Toole commented that there is an issue with the title search as well as easements. B. Upson agreed there is a sanitary sewer and storm sewer easement. Trustee Knapp asked about water. B. Upson said no. Trustee Knapp said he is quite sure that there is a Village fire hydrant there. B. Upson said he cannot find out if the street was laid out and built by the Village or done by dedication. There are no records. Trustee Knapp said there were houses along there and he believes the Village built the street. Attorney O'Toole suggested the Village Engineer map it out with easements. Then it can be filed and the Village can quit claim the land. B. Upson said he would request this of the Village Engineer. Mayor Matela said they could revisit the consent at the October 18th or November 1st meeting.

2. Salt Supply – Trustee Knapp asked if salt has been ordered. B. Upson said it has not been ordered, but it has been reserved.

- B. POLICE DEPARTMENT – Chief Daniel P. Varrenti
 1. Calls for Service – Chief Varrenti reported that there have been 10,637 calls for service year to date. The last two weekends have been consistent with the two before. The weekend of September 23-25 there were 31 arrests including 1 DWI, littering, open container, disorderly conduct, etc. The weekend of October 1-3 there were 17 arrests including 1 DWI, 1 resisting arrest, 2 mental hygiene's, and many quality of life issues. Needless to say, the officers have been busy.

Chief Varrenti shared that there was a 45-minute foot chase regarding a DWI in which the violator assault officers and had to be tazed and subdued. Within 31 seconds he had to be tazed a second time. He has an extensive criminal history and did not resist further after the second taze. He refused treatment at Lakeside Memorial Hospital and was charged with several crimes.

2. Hiring of part-time officer(s) - Chief Varrenti reminded the Board that he had advised them in the last couple of Executive Sessions of personnel issues. The Board made a motion and

approved the hiring of a part time officer at the August meeting. Chief Varrenti said he has been reviewing applications and making inquiries. He has 3 viable candidates that he plans to

MINUTES OF MEETING HELD October 4, 2004 continued.....page 3

interview Friday. He asked the Village Board how many they would like him to hire. He explained he does not wish to incur costs if they do not plan to hire.

Trustee Maziarz asked Chief Varrenti how many part time officers he feels would be effective. Chief Varrenti said he really can't answer that because part time hours vary according to their availability. They usually indicate a great flexibility and big availability when they interview, but once hired, there is nothing that compels them to work a certain number of hours. Sometimes the hours of their other job(s) change or personal situations change. He said he approached the labor attorney some time ago who concurred there is no recourse in the number of hours a part timer works. Chief Varrenti said he posts the hours available and they sign up.

Mayor Matela said she would look to hire 2. Trustee Whipple agreed. That would give the department 3 part timers. Trustee Wexler said the contract allows for 6 or 8 part timers. With two officers on light duty, he would look to hire 3 so that there are 4 part timers. Trustee Wexler referred to Chief Varrenti's letter of September 14th, which outlines the cost of hiring part timers. He asked if the 640 hours of field training that costs \$13,200 is a Brockport number or if 640 hours is required by the county or state. Chief Varrenti said that number is set by the Bureau of Municipal Police. He explained that there are a number of phases of law enforcement training. By the time they apply to Brockport Police Department, they have already graduated from the 16-week Police Academy. Usually they come with no FTO (street) experience. That's why 640 hours are required. It's not "Here's your badge and gun – go out there" like the old days. Often they are from Monroe County Sheriff's Department working boat or airport patrol.

Chief Varrenti said the 80 hours overtime cost is because per the contract, any officer conducting training gets 80 hours of overtime for training that officer. Costs also include the psychological, medical and background investigations. The Village cannot risk the liability of short changing any of these steps. The municipality must be protected.

Trustee Wexler said it would be foolish to train and not use the part timers. He asked Chief Varrenti if he could guarantee that all part timers will be used. Chief Varrenti explained again that it all depends on what they sign up for. Trustee Wexler said the contract does not say the senior part timer gets first chance at the hours.

Trustee Wexler commended Chief Varrenti and the Stetson Club for coming in under budget on overtime in the first quarter. Chief Varrenti said they are doing the best they can to keep the overtime as low as possible. Trustee Wexler said the contract requires 2 officers per shift. He said he understands that on Thursdays, Fridays and Saturdays there are times of the year 3 officers are needed per shift. Chief Varrenti said Mayor Matela, Trustee Maziarz and Trustee Wexler took him up on his offer to sit down with him and go over the scheduling process. He said if 3 officers are working on a cold Sunday afternoon, that is the way the schedule fell. It is not necessarily that one is on overtime. He said scheduling can be difficult to understand. It is important that the Board recognize that by contract, overtime is only available to part timers on Sunday, Monday and Tuesday.

Chief Varrenti said he would be happy to hire 2 of the 3 if they qualify. If all 3 are exceptional, he will let the Board know.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried authorizing Chief Varrenti to hire 2 part time officers to have a total of 3.

3. Accreditation – Chief Varrenti reported that 3 representatives would be here October 12-14 staying at the Holiday Inn Express. He invited the Mayor and Trustees to join he, Sgt. Ziegler and the 3 gentlemen to join them for lunch Thursday at 11am.

Mayor Matela asked if there is anything outstanding that the DPW needs to do. Chief Varrenti said they sealed, striped and arrowed the parking lot and it looks great. He said outside contractor G. Skoog painted the interior. The carpets will be cleaned and they should be all set.

Mayor Matela said Insurance Consultant Brian Baty indicated that the Village could save 10 percent on its liability insurance as a result of the Police Department accreditation.

- C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff
 1. Application of 3M to rezone east Oxford Street from residential to business or industrial – Kristen Hawes, attorney with Harter Secrest introduced herself and said she represents 3M.

They are interested in pursuing an application to rezone the property on the east side of Oxford Street and the corner of State Street where 5 houses and the Boy Scout cabin were before being demolished. K. Hawes said there are no plans to develop the property, but they would like to proceed with the rezoning from residential to business or industrial.

MINUTES OF MEETING HELD October 4, 2004 continued.....page 4

Trustee Wexler asked why. K. Hawes said the long-term remediation of residential property adjacent to industrial property had contemplated them being a buffer. Trustee Wexler said he lives on the west side of Oxford Street. The value of the homes is already reduced; rezoning will reduce them further so that a microscope will be needed to find the value. K. Hawes said she couldn't speak to that. The property is already vacant and sodded and acts as a buffer to the industry. It is not as if an industrial plant is to be constructed on it.

Trustee Wexler said he imagines that most property owners on Oxford Street, State Street and Spring Street would be opposed to the rezoning. They are happy with that property as it is. It looks nice with grass and trees and should just be left alone. He said he heard that 3 or 4 months after the homes were demolished; a company was interested in building there. The area also does not want to return to trucks coming down the street at all hours of the day and night.

Mayor Matela said the applicant has the right to go through the process. The Village Board would need to call for a public hearing.

S. Zarnstorff commented that the Village's fee schedule does not include a fee for a rezoning application. He asked that the Board review the fee schedule and give thought to what would be an appropriate application fee. They should keep in mind that such application would necessitate review by attorneys, public hearing and such.

2. Code Review Committee – General Code Publishers critique proposal – S. Zarnstorff said the Code Review Committee held its first meeting. He was tied up, but able to make the last portion of it. Representatives from General Code Publishers were in attendance to educate the committee on what they do and how they can assist us. They submitted a proposal to critique the entire code, cover to cover, for \$2,850. Although this was not a budget item, he has the money in his line to cover the cost. The committee agreed it would be a great way to start.

Clerk Morelli said John Brugger and Peter DeToy were selected as Co-Chairs of the Code Review Committee. J. Brugger called today and asked to be placed on the October 18th Village Board agenda to discuss the proposal. Mayor Matela said the Village Board discussed it at their last workshop meeting and think it is a good way to get started on updated our code. Trustee Wexler said this would be an ongoing committee that may need replacements at times. Some of the codes are 30 or more years old and in dire need of updating.

D. FIRE DEPARTMENT – Assistant Chief Timothy Rombaut

1. Membership Adds/Drops/Transfers – Assistant Chief Rombaut asked the Board to consider approving the following Explorer drops: Jeff Reynolds, Joseph Spade, Scott Henry, Missi Vache and the following Explorer adds: Colin Ryan, Killian Boyd, Chris Fisher.

→ Trustee Knapp moved, Trustee Maziarz seconded, unanimously carried approving the previously mentioned Explorer drops and adds.

2. Call Load – Year to date fire calls: 765 Year to date ambulance calls: 1,316
Assistant Chief Rombaut commented that the department would be participating in the Monroe County Hospital Mass Casualty drill on October 13th. It is a two-hour drill and Lakeside Memorial Hospital will participate.

3. Budget – Assistant Chief Rombaut shared that the Chiefs and Department Treasurer met with Treasurer Coyle recently and are able to keep the fire budgets flat with the Towns of Sweden and Clarkson. He said Treasurer Coyle has been very helpful.

4. Training Facility – Assistant Chief Rombaut reported that the burn trailer was dedicated October 2nd at 2pm at its location on the Allied campus. Mayor Matela commended Public Information Officer Christopher Martin for doing a great job. He said Congressman Reynolds, Mayor Matela and a representative from Sweden were in attendance. This was acquired through a FEMA grant and will be a great training tool. Trustee Maziarz apologized for being unable to attend. She was ill.

E. TREASURER - Ian M. Coyle (excused)

1. NYCOM Fall Training School report – Clerk Morelli said Treasurer Coyle enjoyed the conference and learned a lot. He brought back a variety of handouts which she has placed in a

three ring binder in the office for review.

F. CLERK - Leslie A. Morelli

1. Propose resolution that County Board of Elections conduct all Village Elections – Clerk Morelli reviewed her memo to the Board and respectfully requested that the Village Board adopt a resolution, subject to a permissive referendum, that the County Board of Elections conduct all Village Elections. This is authorized by Election Law 15-104 (1) (C) of the State of New York and explained by NYCOM in the attached information. She said she attended an election law

MINUTES OF MEETING HELD October 4, 2004 continued.....page 5

seminar put on by NYCOM in 2003 and have conversed with NYCOM Counsel. She also communicated with the Monroe County Board of Elections several months ago who indicated their willingness as well as their legal obligation to do so if the Village Board passes such resolution. She said she is not asking that the date of elections change from June to November, simply that the County Board of Elections conduct our Village elections as they do all Towns and many Villages with Monroe County. There is no cost to the Village beyond what we usually spend on publications and election inspectors. They simply take over the paperwork, notices, absentee ballots, dealing with candidates and such instead of the Village Clerk. This is what they do. They are the experts. All paperwork, filing deadlines and such remain the same.

Mayor Matela said she has wanted to make this change for some time. Mayor Matela said often the Village of Brockport is a leader in recognizing when certain things are best left to the experts. Trustee Wexler said when sticky situations arose, Clerk Morelli relied on the expertise of the Board of Elections. Trustee Maziarz asked if this affects the ability to run on made up parties not affiliated with major parties. Clerk Morelli said no, but will double check this.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried that the Village Board resolve, subject to a permissive referendum, that the County Board of Elections conduct all Village elections.

Clerk Morelli thanked the Board for their support.

G. ATTORNEY – Keith O’Toole / DEPUTY ATTORNEY – Frank A. Aloï – No report.

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

SUPPORT BOARDS REPORTS:

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

VILLAGE BOARD REPORTS:

- A. Trustee/Vice Mayor Maziarz
 1. Farmers Market – Trustee Maziarz reported that the Village of Brockport Farmer’s Market successfully passed its Department of Agriculture inspection. It runs through October 31st.
- B. Trustee Knapp – No report.
- C. Trustee Wexler
 1. Financial Reports – Trustee Wexler commented on the detailed financial reports provided by Treasurer Coyle. He said he would thank him for these.
- D. Trustee Whipple – No report.
- E. Mayor Matela
 1. Fire Department Training Facility – Mayor Matela congratulated the Fire Department on the new burn trailer and Christopher Martin for organization the dedication ceremony.

PUBLIC COMMENT:

1. Wayne Bennett of 142 State Street reiterated that he is against any rezoning of the east side of Oxford Street. 3M is obligated by the memorandum of understanding to pay 10 years of residential taxes on those properties. He disagrees that there should be any difference as to what is considered safe and clean from commercial to residential. He said they were misled by the molasses project. He said 3M should not be rewarded for ruining a neighborhood and property values. He suggested the area remain as it is and be dedicated to the people who truly helped to resolve the contamination problem.

AUDIT:

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

<u>Village</u>		
<u>Date</u>	<u>Check #</u>	<u>Amount</u>
9/29/04	170381	2,000.00
10/4/04	170385-427	17,722.23
10/4/04	170436-444	4,379.81

MINUTES OF MEETING HELD October 4, 2004 continued.....page 6

<u>Fire</u>		
10/4/04	170428-435	2,258.76
<u>Third Party Billing</u>		
10/4/04	414-415	743.13
<u>Capital Projects</u>		
10/4/04	1690-1701	19,666.73
<u>Sewer</u>		
10/4/04	1001-1002	999.44

ADJOURNMENT:

- ➔ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 8:20pm.

Leslie Ann Morelli, Village Clerk