

**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 16, 2002 at 7:30pm.**

**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, Police Chief Daniel P. Varrenti, Clerk Leslie A. Morelli.

**EXCUSED:** Treasurer Scott D. Rightmyer, Village Attorney Edward W. Riley, Planning Board Chair / Economic Development Coordinator R. Scott Winner

**ALSO PRESENT:** Fire Chief Gregory B. Wing, John Lessord, Robert Connors, Dave Smith, Jim Hamlin, Rudy Aceto, Louie Smith, Ray Morris, John Bush, Bill Weber, Ken Pike, Robbie Hess (Suburban News).

**CALL TO ORDER:** Mayor Matela called the meeting to order and 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 executive session held as part of the August 18, 2002 meeting and the minutes of the regular meeting held September 3, 2002.

➔ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that the minutes of the executive session held as part of the August 18, 2002 meeting and the minutes of the regular meeting held September 3, 2002, be approved as amended.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**PUBLIC COMMENT** (1<sup>st</sup> opportunity):

1. Robert Connors of 281 West Avenue again expressed concern with the Trustee DeToy legal matter, stating that he has tried to obtain information from the Board and Village Attorney without success. He suggested they review if they are indemnified. He does not believe so. Secondly, he referred to a statement by a Board member in a recent newspaper article that said "Let's get everything out on the table." He said that is what he is trying to do. Thirdly, he referred to certain Board members wanting to rush a decision on the dispatch issue. He urged that the committee do its research and the Board not make a decision in haste. He feels doing away with local dispatch is an insult to the community. He worked under the 911 system for years and no one has asked him what he thinks. He believes it deserves a public referendum. Finally, he commented that at the Village Board meeting of July 15<sup>th</sup>, the Board spent \$210,000 in 7 minutes. The Communications Office budget is not much more than that.
2. Dave Smith of 50 Liberty Street, and Village of Brockport Public Safety Dispatcher and Training Coordinator read a statement as follows:

"I am responding to the letter written by Mr. Martin C. Barber (local papers week of 8/22/02) and the grave concern I share for the public safety of this community. Should a rash decision be made about our Public Safety dispatchers based on supposition and a letter written out of grief? I don't think so! I would be remiss in not addressing and replying to his claims publicly. With all due respect to Mr. Barber's grief, and his loss of a loved one, his recollection of the event is a sadly inaccurate relative to the dispatch of emergency personnel. I believe this is based upon the fact that he is recalling one of the most upsetting, and stressful occasions in his life, and I apologize to him, for having to hear about it again.

Once I had read his letter, I was compelled to investigate the circumstances he described, and determine if an error was made, or if a delay had been caused by any communications personnel, that may have contributed to the death of his father. As a result of our investigation, no such error or delay was found, or existed at the time of his father's death. As the Training Coordinator for the Brockport Communications Office, I was overwhelmed that Mr. Barber perceived this office to be a responsible party, and we had to know if we, in some way were.

Mr. Barber inquired in his letter, "In retrospect, would my father's life have been saved if we had a standardized 9-1-1 system? None of us can answer that question." At this time, based upon the facts reviewed, I can answer that question for Mr. Barber; and the answer is no. You see, Mr. Barber did not call or speak with the Brockport Dispatcher at any time on the morning of his father's death. His entire communication relative to his medical needs was held with the Monroe County 9-1-1 Center. He called 9-1-1 at 10:29:09 hours, and for some unknown reason lost communication, and was disconnected from them. The Telecommunicator (TCC) immediately called him back, and in the confusion, while he is answering the ring-back, there is yelling in the background for someone to call 9-1-1. The TCC identified himself as 9-1-1, obtained vital information and entered the job in the system at 10:30:12 hours. The Brockport Communications Office acknowledged the job from 9-1-1 at 10:30:22 via computer terminal with virtually no delay, and proceeded to immediately dispatch an ambulance with

paramedic services due to the nature of the call. The 9-1-1 Center remained on the phone with Mr. Barber, providing life saving telephone instructions to the people on the scene until the ambulance arrived. This is all a matter of public record at the 911 Center. A taped copy of his telephone conversation and the computer transcript were reviewed as part of our fact-finding mission.

There is no mention of, nor discussion of transferring Mr. Barber to the Brockport Dispatcher. All information needed was gathered by, and all medical instructions were provided by the TCC at the 911 Center. They are all Nationally Certified Emergency Medical Dispatchers (as are Brockport Communications personnel). This is their (9-1-1's) policy and procedure, and it was followed to the greatest benefit it could offer and provide. These are the same instructions that we would provide had our local number been dialed, however, it wasn't.

Mr. Barber's anger, frustration and grief are misdirected, and we certainly understand that. If Mr. Barber still has a problem with the handling of his phone call, or concerns over these findings, he should contact the 9-1-1 Center directly, as they handled his call for service. However, this community, our community, needs to understand, and be knowledgeable of the facts as well. Our own communications office has in its ranks over 120 plus years of combined service to this community. Dedicated, reliable, hard working professionals that are more than capable of providing an enhancement to the service offered by the 9-1-1 Center, not a replacement for. You have all enjoyed these benefits for as long as you have lived in, or passed through this community. You will continue to, for as long as the Public Safety, the Officer Safety and the Responder Safety of your emergency personnel remains paramount in the eyes of the decision-makers."

Mayor Matela thanked D. Smith for his comments. Trustee Wexler commented that he had an opportunity to listen to the tape D. Smith referred to and it is perfectly clear that Brockport dispatchers had no responsibility in that call. He thanked him for making his points clear.

**GUESTS:** None

**DEPARTMENT REPORTS:**

- A. PUBLIC WORKS – Superintendent Bradley B. Upson – No report.
- B. POLICE / COMMUNICATIONS CENTER – Chief Daniel P. Varrenti
  - 1. Request to hire two part time officers – Chief Varrenti said at the present time we have five part time police officers. Three of the five part time officers have full time jobs, and therefore, are limited in the number of hours they can work. In the past he has found that he has had to solicit full time officers at \$44 per hour to work overtime hours that part time officers should be working at \$14 per hour, and therefore paying overtime rather than part time salary. This is costing the Village to expend more money than necessary. The additional part time officers would not increase the budget, but rather decrease it.

Mayor Matela said we want to be fully staffed. Trustee Knapp asked how often Chief Varrenti has had to utilize full timers when part timers are not available. Chief Varrenti did not have a number, but said more often than he wants. Each time there is an event in the Village, extra staffing is needed. On Thursday, Friday, Saturday nights they run 5 cars, 3 of which are part-timers. Trustee Knapp asked for a projection of how many hours the two new part-timers would work. Chief Varrenti said he did not know. The cost is built in to the budget and he has not received the quarterly numbers from Treasurer Rightmyer yet. Trustee Knapp asked if there are any ramifications with the Stetson Club. Chief Varrenti said according to the contract, the department could have 8 part time officers.

Trustee Wexler said he does not disagree with Chief Varrenti, but gets nervous since the first meeting of the dispatch committee meets this week with a potential end result of abolishing the communications center. He expressed concern of people's perceptions when they read in the newspaper that the Village has hired two more police officers. He feels the timing is bad and suggested he look at the five part-timers he has, work with their schedules and replace them if they can not work enough hours.

Chief Varrenti said we are all professionals and need to do what is right – not concede to public opinion. Hiring two additional part-time police officers will save the Village money. It is ludicrous to pay \$44 per hour for extra details when we could pay \$14 per hour.

Trustee DeToy said if the search began tonight, when would the officers be completed with field training and outfitted with uniforms. Chief Varrenti said eight to twelve weeks. He said he already has one possible candidate who has already gone through the academy through the Monroe County Sheriff's Department.

Trustee Whipple said he worked long days at the Summer Arts Festival and was happy to see good officer coverage. However, he said he did have a problem with Sergeants on overtime. He said he thinks it is wise to provide more part-timers.

⇒ Trustee DeToy moved, Trustee Wexler seconded, Trustee Knapp opposed – needing more information, carried authorizing Chief Varrenti to hire two part-time police officers.

2. Request to sign the Strong Employee Assistance Program contract – Chief Varrenti shared that the Strong Memorial Hospital Employee Assistance Program is specifically designated for emergency service personnel. He has sent one officer to this program for counseling and intends on paying for the service out of the Police Department's miscellaneous budget. The cost of his visits totaled \$650. Chief Varrenti said he contacted the program coordinator and asked her to quote a price for the entire department. She responded by sending a contract that would allow all Brockport Police Officers to attend up to three counseling sessions a year free and they would also respond to incidents that required immediate counseling sessions (violent accidents, officer involved shootings, etc.) at no additional charge. This service is provided to many law enforcement agencies throughout the County and would be well received by our officers. The total cost of the one-year contract is \$850. We would therefore, be spending \$200 more than we are currently billed for and would have their services for the entire department for the entire year. I would propose we use this service as a test case for this year and if it were found to be valuable we would renew it for the department next year and also offer it to all Brockport emergency workers.

Trustee Whipple said he would be interested in an estimate to include the Fire Department and EMS personnel right away. Chief Varrenti said he would happy to request such estimate and report back at the next meeting. Trustee Knapp said the Village already has an E.A.P. in place. Chief Varrenti said that is true, but it is not tailored to emergency responders and is not available 24 hours a day, 7 days a week. Chief Wing shared that Monroe County has a stress debriefing team, however it is not known to have a good response time.

3. Adopt a resolution for record checks consistent with that of fingerprinting – Chief Varrenti said the Police Department should not be handling money. He would recommend that when a person needs a record check the following procedure be utilized: A. A fee of \$5.00 (currently \$15.00) is paid to the Village Clerk. B. A receipt is then brought to the Police Department and presented to the Police Department Records Clerk, Monday through Friday during normal business hours. In the event that the Clerk is off the person requesting the record check will be directed to return on the next business day or when the clerk is next scheduled to work. C. Only the Brockport Police Department Records Clerk will perform the record check at the time the request is made or will mail the results of the record check to the requester within five business days. D. Record checks reflect arrests made by the Brockport Police Department ONLY and should not be used to determine a person's overall character or records in other municipalities.

Trustee DeToy asked if we charge other government agencies for record checks. Chief Varrenti said no.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried to charge \$5.00 for record checks, payable to the Village Clerk who will present a receipt that the person will take to the Police Department during the Records Clerk's hours.

4. General Orders – Chief Varrenti reported that these are coming along and asked if rather than making the Mayor and each Trustee their own copy, if he could keep a binder in the Village Clerk's Office available for review. Board agreed that was fine.
5. Citizens Village Tax Reduction Committee – Chief Varrenti reported that this so called committee, not endorsed by the Village Board and whose validity is questionable, has been spreading ridiculous false information and frivolous rumors not worth the time to go into. He previously shared that he would be happy to provide the group with facts and figures or to discuss ways to reduce the budget, Police Department or otherwise. He said not one person has contacted him. He stressed that it is difficult for the Brockport Police Department to go forward and keep a positive attitude. He urged citizens to be a true help and not part of the problem.
6. SUNY Homecoming Parade Route Change – Mayor Matela asked Chief Varrenti if he had any problem with the proposed changes in the line up location and route of the annual SUNY Homecoming Parade. He said no, but again that each parade; procession or event costs the Village money through the Police Department. DPW Superintendent Upson said there is some minor construction on State Street near the industrial area, but it should ease up by then. Trustee Knapp shared that the 125<sup>th</sup> anniversary of the Fire Department was to warrant a parade this year. However, since it did not get planned for some reason, there is a collaborative effort with SUNY to join their parade with the theme "hometown hero's". Mayor Matela commented on the great idea.

⇒ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried amending the parade route.

7. Support for Police Department – Mayor Matela read aloud a letter of support for the Police Department from Village Merchant Darlene Trento.

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

1. Monthly Report – S. Zarnstorff reviewed his monthly report. He took in 16 applications and \$1,000 in fees. Year to date fees total \$16,000 with construction activity of \$3,700,000. August inspections total 112. Year to date inspections total 660. Of these 70 percent are code compliance, 25 percent fire safety, and 5 percent building and miscellaneous. The department is making a difference, however he has to resort to court action with some non-cooperative property owners not addressing issues at all or in a timely fashion. One example is 34 South Avenue. Several others will be issued court appearance tickets. It is sad to have to take this route, but many avenues have been tried.

S. Zarnstorff reported that he and L. Vaughan have been out the last couple of weekends assisting the Police Department with noise complaints and party issues. An enhanced Police Department and Code Enforcement presence should help code problems. Chief Varrenti said 5 crime reports were on his desk from weekend parties. Hundreds of people horde the streets on weekend nights, some very highly intoxicated.

Mayor Matela said she attended a Neighborhood Watch meeting yesterday. The intent is voluntary compliance, then appearance tickets. Trustee DeToy commented that a complaint was brought to his attention and it was resolved immediately. He said the Police and Code Enforcement are providing good service to the community.

S. Zarnstorff shared that he attended a New York State Building Officials conference last Wednesday through Friday. It was informative and gave him an opportunity to network with several other college municipalities and high-level representatives to discuss the many common problems and issues. He said budgets are severely tested in small communities, particularly those with colleges.

D. FIRE - Chief Gregory B. Wing

1. Membership Adds/Drops/Transfers – Chief Wing asked the Board to consider approving the following active exempt certificate: James Weaver the following drops: Michael Worboys of Clarkson the following adds: Chris Broomfield of Clarkson (Fire), James Shannon of Clarkson (Fire), Tod Clements of Sweden (Fire and Ambulance), Jason DeLano of Brockport (Fire and Ambulance), Dan Southcott of Sweden (Fire), Tasha Borys of SUNY Campus (Ambulance), Matthew St. Joseph of SUNY Campus (Mutual Aid Member Fire and Ambulance), the following Ladies Auxiliary: Mabel Koss of Brockport, Kristi Koss of Brockport, Judith Patt of Brockport, Rosemary Smith of Sweden, Sharon Sailer of Brockport, Kelly Smith of Clarkson, Dorothy Maid of Holley, Beverly Walker of Brockport, Shirley Seever of Brockport, Deb McFarland of Brockport the following transfers: none. Trustee Whipple commented that there are some names missing from the Ladies Auxiliary. Chief Wing said their companies did not get the forms in on time. They will be added the next time.

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

2. Call Load – Year to date fire: 813 calls Year to date ambulance: 1112 calls Chief Wing shared that these statistics are where the Department was at the end of December last year.
3. Third Ambulance – Chief Wing proposed that the third ambulance be kept for a 6-month period as a back up rig. He said the Health Department is okay with it and is willing to sign off on it. Trustee DeToy noted that it has been running a lot and does not owe the Village a penny. Trustee DeToy said there is a demonstrated need. Chief Wing said it should be one ambulance for every 400 jobs. Mayor Matela said we were to sell it. Chief Wing said the old, fourth ambulance is at the DPW. Trustee Knapp inquired about the maintenance history. Chief Wing said this is the 1996 rig, which has been quite reliable. Mayor Matela said the department sold the Village Board on purchasing two ambulances at the same time so they would be identical and most efficient for all members, volunteer and paid. Chief Wing said the two new ambulances are still the primary ones; the old one is for back up.

⇒ Trustee Whipple moved, Trustee DeToy seconded, unanimously carried authorizing the use of 2339 as a third ambulance, using the two new ambulances as primary for a period of 6 months keeping a service and activity report on all.

This will be placed on the March 17, 2003 agenda for discussion.

4. Gear and Washers – Chief Wing reported that the recently installed washers for gear and linens are working out well and will save money by not having them sent out. He also commented that the recently ordered gear is for use by all ambulance members, not just paid.

5. New Grass Fire Truck – Chief Wing reported that this is almost ready to go into service.
6. September 11<sup>th</sup> Honor Guard – Chief Wing reported on the honor guard at the memorial monument and the number of visitors to the monument since it's unveiling, and in particular on September 11<sup>th</sup>.
7. Purchase offer for old Grass Fire Truck - Chief Wing reported that the Fire Department, unsuccessful in trying to bid out twice, having received a low bid for \$400 has now received a purchase offer of \$2,200 from Kenneth Stettner on Beadle Road.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried accepting Kenneth Stettner's offer of \$2,200 for the old grass fire truck.

E. TREASURER - Scott D. Rightmyer - excused

F. CLERK - Leslie A. Morelli

1. Authorization to attend teleconference – Clerk Morelli asked the Board for authorization for she and Treasurer Rightmyer to attend the “Calling All Clerks” teleconference the evening of Thursday, October 3<sup>rd</sup> at the Monroe County Cooperative Extension for a registration fee of \$10 each.

⇒ Trustee DeToy moved, Trustee Whipple seconded, unanimously carried authorizing Clerk Morelli and Treasurer Rightmyer to attend a Calling All Clerks teleconference the evening of Thursday, October 3<sup>rd</sup> at a cost of \$10 each.

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

**SUPPORT BOARDS REPORTS:**

A. PLANNING BOARD – Chair R. Scott Winner - excused

B. LIBRARY BOARD – President Leslie Zink (absent)

C. ZONING BOARD OF APPEALS - Chair to be announced (absent)

**VILLAGE BOARD REPORTS:**

A. Vice Mayor Wexler

1. Collective Bargaining Units – Trustee Wexler commented that negotiations are to begin by December.
2. Dispatch Committee – Trustee Wexler announced that the first meeting is Wednesday. He shared that he met with Dan Zimmer and Bill Bird upon their request earlier today. He said whatever the outcome, the best interests of the community need to be served.
3. Monument Memorial – Trustee Wexler commented that the monument, the Fire Department and the Police Department make the Village proud.

B. Trustee Whipple

1. Dispatch Committee – Trustee Whipple shared that 3 meetings have been scheduled for the 9-member committee. They are September 18<sup>th</sup>, September 30<sup>th</sup>, October 11<sup>th</sup>. Status reports will be given as they can.

C. Trustee Knapp – No report.

D. Trustee DeToy – No report.

E. Mayor Matela

1. Accept Resignation of Richard Aldrich from ZBA & BOWC – Mayor Matela shared that Richard Aldrich has accepted a new full-time job and that he and his wife are moving out of the Village of Brockport.

⇒ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried to accept Richard Aldrich's resignation with regret from the ZBA effective immediately and from the Board of Water Commissioners after the October meeting.

2. Adopt Proclamation for National Bible Week 11/24 – 12/1 – Mayor Matela referred to a request from the Mayor of San Diego that other communities adopt a proclamation for the National Bible Association. Trustee Whipple commented that he is as good a churchgoer as anyone in the room, but under the separation of church and state would be reluctant to adopt the proclamation. Trustee Knapp agreed.

⇒ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried that consideration of a proclamation for National Bible Week be tabled for 30 days and reviewed by legal counsel.

3. Statement – Mayor Matela read the following statement.

“This afternoon I had a very productive meeting with three property owners. These gentlemen came to me with legitimate concerns with regards to impending or proposed legislation that they felt would hinder their ability to make a living in this community.

It is not my intent, nor the intent of this Board, to impede or to constrict legitimate business from operating in this community. I personally applaud anyone who is brave enough or who is willing to take risks to further their economic or personal growth. This administration is willing to work with individuals or corporations to further the economic development of this Village and this community. This includes supporting businesses in the Town of Sweden.

We will be firm in our resolve to protect our neighborhoods, stop decay and to protect the safety and welfare of our residents. We need to work together to solve problems and to sit down like reasonable people to find solutions. We are all on the same team, as I know that we all love and cherish the quality of life that we enjoy here in Brockport.

Someone asked me recently “What are you doing to help me pay my taxes?” The answer is that last week the Planning Board approved a new business on Owens Road. This will bring 40 additional jobs to the community as well as pay up the back taxes owed. This is the type of innovative and positive steps we are taking to improve the tax base. Also, because of the recent renovations of the old Owens facility, 30 additional jobs will be coming to that facility. We have been working with the County to bring Empire Zone status to the remaining land on South Avenue. These are just some of the many things that we have been working on to help the economic growth of Brockport.

I hope that any of you here this evening will please come and work with me in a constructive way. We as a nation and as a community have been through a lot together in the past year, so lets try to work together for common goals through dialogue and continued communication. Thank you.”

**PUBLIC COMMENT** (2<sup>nd</sup> opportunity):

1. Bob Connors of 281 West Avenue said he was concerned that the Village was going to lose its CHIPS money since no re-surfacing has been done. B. Upson said the Village is not losing the CHIPS money and that there is still paving to be done. He also stated he was in favor of EAP.
2. Bill Weber of 333 Main Street expressed concern over the Zoning Board of Appeals meeting on September 12<sup>th</sup> regarding the use variance application for 100 Owens Road, zoned Limited Industrial, to allow warehousing. He said it would be a lengthy discussion, but he will try to summarize the meeting. By New York State law, there are four criteria an applicant has to prove to warrant the issuance of a use variance. He does not believe the applicant proved those four criteria and has a problem with how the ZBA came to the conclusion to grant the use variance. B. Weber said he was not against this particular use of the building and is all for new businesses in the Village, but if the state criteria are not followed, the Village may find itself with other applications for use variances (such as turning single family homes into apartment houses) that it does not find desirable. He suggested the ZBA recommend to the Village Board that they rezone the site from Limited Industrial to Industrial. Then, warehousing would be a permitted use. He further stated that one criteria that needed to be proved was financial hardship. He said the applicant testified he would not go out of business if the use variance was not granted and he did not get the site. He said he does not want to see other applicants take advantage of how the ZBA came to this decision. B. Weber said he cannot be an aggrieved party since he is not directly affected. However, the Village Board can challenge the ZBA's decision. Although B. Weber said he does not recommend hiring additional attorneys. He said he feels the ZBA felt sorry for the applicant who applied late in the process and would have lost significant money if it fell through. He said the three remaining members of the ZBA, two being brand new, asked if he would consider serving on the ZBA. He said he would, and submitted his application to the Mayor.

John Bush, new member of the ZBA was in attendance and stated that there was a lot more to the story. B. Weber agreed. J. Bush said three of four members voted in favor of the variance and Deputy Village Attorney Alois was there and approved of it. He further stated that the ZBA put in the minutes a recommendation that the Village Board consider re-zoning Limited Industrial in that area to Industrial to allow more uses.

**AUDIT:**

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

Village

<u>Date</u>	<u>Check #</u>	<u>Amount</u>
9/11	166246	258.76
7/29	166004-010	1675.51
7/16	166002	402.67
7/29	166011-012	115.00
9/16	166284-309	7,650.09
9/16	166310-344	26,741.64

Fire

9/16	166253-283	21,336.07
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Ambulance

9/16	166248-252	563.52
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Capital Projects

9/16	1538	9135.20
	p. 44	7,712.20
	p. 35	1,423.00

Third Party Billing

9/16	85	3352.16
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**ADJOURNMENT:**

- ➔ Trustee DeToy moved, Trustee Wexler seconded, unanimously carried that the meeting be adjourned at 9:15pm.

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Leslie Ann Morelli, Village Clerk