

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, April 18, 2005 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, Police Chief Daniel P. Varrenti, Treasurer Ian M. Coyle, Clerk Leslie A. Morelli.

EXCUSED: Building/Zoning Officer Scott C. Zarnstorff, Fire Chief, Planning Board Chair / Economic Development Coordinator Scott Winner

ALSO PRESENT: Village Attorney Keith O'Toole, Deputy Village Attorney Frank A. Aloj (until public hearing was postponed), see sign in sheets.

PUBLIC HEARINGS: 7pm – Proposed Local Laws #1 – 3 of 2005

Due to the overwhelming turnout, conference room occupancy limit of 49, and consultation with Deputy Village Attorney Aloj, Mayor Matela announced that the public hearings on proposed Local Laws related to rooming houses and boarding houses would be rescheduled to a later date and larger venue.

This would give everyone interested the opportunity to hear and comment. Several members of the public stressed the importance of rescheduling the public hearings soon and while the SUNY Brockport students are still here. There is a publication requirement that the legal notice be in the paper for so many days. Once a location and date has been established, Clerk Morelli will publish a legal notice in the 4/25 edition of Suburban News and will fax a copy to the media.

Trustee Maziarz stressed the importance of rescheduling the public hearings as soon as possible. Trustee Whipple agreed and added that it is important to do so while SUNY students are here since it mostly concerns them.

CALL TO ORDER: Mayor Matela called the meeting to order at 7:08pm 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 April 4, 2005.

➔ Trustee Maziarz moved, Trustee Knapp seconded, unanimously carried that the minutes of the meeting held April 4, 2005, be approved as written.

PUBLIC INFORMATION MEETINGS: None

PUBLIC COMMENT:

1. Steve Locke of 81 State Street shared ongoing problems regarding 77 State Street. He said he contacted Mayor Matela and CEO Zarnstorff previously about an October 2004 parking lot expansion. Another expansion just took place in March 2005 and he contacted them again. Additionally, they park commercial vehicles there. He said he is concerned about this and other parking lot expansions that take place in the Village without approval. Mayor Matela said she spoke with S. Zarnstorff about this and will have him follow up on the status.

GUESTS:

1. Swearing In of new full-time Police Officer Anthony Rivoli - Mayor Matela administered the Oath of Office to new full time police officer Anthony Rivoli with members of his family in attendance. He was introduced, congratulated and welcomed.
2. John Brugger – Code Review – call for public hearing re amending Chapter 5 - dogs – J. Brugger returned to the Village Board to request a public hearing to amend Chapter 5 regarding dogs. The Code Review Committee reviewed Attorney O'Toole's suggestions and agree with all except they would like to stick with their original proposal regarding fees. J. Brugger said the changes were on the recommendation of Town of Sweden / Town of Clarkson Dog Control Officer Kathy Beaumont. The Town of Clarkson amended their code. The Town of Sweden is in the review process. K. Beaumont feels this will help with the problem of repeat offenders.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried to hold a public hearing at the May 16th Village Board meeting.

DEPARTMENT REPORTS:

A. PUBLIC WORKS / COMMUNICATIONS CENTER – Provisional Spt. Harry Donahue (excused)

B. POLICE DEPARTMENT – Chief Daniel P. Varrenti

1. Calls for Service – Chief Varrenti reported 4,425 calls for service year to date. He said they are ahead of the call load for this time last year and explained that sometimes they have to prioritize jobs, but are able to handle reasonably.

2. OSHA / PESH Update – Chief Varrenti reported that the self inspections produced a short list of things needed such as exit signs in certain locations. The list has been forwarded to DPW. He hopes to have a full inspection within the next six months.
3. Empire State Traffic Safety Conference 4/26 – 4/27 Albany – Sgt. Philippy – costs covered – Chief Varrenti requested authorization for Sgt. Philippy to attend the Empire State Law Enforcement Traffic Safety Conference on April 26 and 27 in Albany. Travel expenses will be paid for by the Governor’s Traffic Safety Council. All overtime to back fill for scheduling paid for by STOP DWI training line.

→ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried authorizing Sgt. Philippy to attend conference as specified.

4. Recruit Candidates – Trustee Knapp referred to Chief Varrenti’s memo regarding the two recruit candidates that are going through the Police Academy. Chief Varrenti said he was contacted by the Monroe County Training Center and informed that to defer the cost of the police academy (about \$8,000 per person), the Village needs to swear the candidates in as police officers and complete a police registry entry form under section 845 of the Executive Law. This gets submitted to the Division of Criminal Justice Services. This is all a formality to ensure that neither the Village nor the candidates are charged for the academy. The decision to employ them as police officers will remain with the board upon graduation (September 9, 2005) regardless if they are sworn or not.

The Board agreed they had no problem with this. Chief Varrenti further shared that recruit Lucas Vandervort was appointed a Platoon Supervisor in the academy. This is a great credit to his leadership skills.

C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff (absent)

D. FIRE DEPARTMENT – Assistant Chief Timothy Rombaut (excused)

1. Membership Adds/Drops/Transfers – Clerk Morelli asked the Board to consider approving the following adds: Breanne Spade of the Village to the Ambulance Corps with Company 6 and Alexander Gelo to the Explorer Post.

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

2. Call Load - Clerk Morelli shared information from Assistant Chief Rombaut. Fire jobs year to date: 277. Ambulance jobs year to date: 495.
3. Pumps – The Fire Department has pursued 5 new submersible pumps, which should be in service within the week.

E. TREASURER - Ian M. Coyle

1. Authorization to re-levy delinquent 2004 sewer rents and water charges onto 2005-2006 tax bills – Treasurer Coyle asked for Board authorization to re-levy the delinquent 2004 sewer rents with 10% late penalty onto the 2005 Village tax bills. This calculates to approximately 8% of the 2004 sewer rents being outstanding. There are no delinquent water charges to be relieved.

→ Trustee Maziarz moved, Trustee Whipple seconded, unanimously carried authorizing the relevy of delinquent 2004 sewer rents onto the 2005 Village tax bills.

2. Capital Improvement Plan – Chatfield Engineering Service Proposal – Treasurer Coyle referred to the revised engineering service proposal from Chatfield Engineers for a Capital Improvement Plan. The CIP will be utilized to properly evaluate and plan for future capital improvements in the following areas: water system, sanitary sewer system, streets and roadway system, drainage system, buildings and grounds, parks and recreational facilities. This would be done in two parts over 3 years. Part 1: water, sanitary sewers, streets and roadways and drainage. Part 2: buildings, grounds, parks and recreational facilities. Year 1: water and sanitary sewers. Year 2: drainage and streets and roadways. Year 3: buildings, grounds, parks and recreational facilities. The total cost to complete the CIP would be \$16,450.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried to authorize the Mayor to sign the engineering service proposal for the Capital Improvement Program by Chatfield Engineers for \$16,450.

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3. Trento, CPA audit agreement for funds as of May 31, 2005 – Treasurer Coyle asked for authorization to have the Mayor sign the April 12th letter of engagement with Christopher Trento, CPA to audit the various funds of the Village of Brockport as of May 31, 2005 for a fee of \$6,250. Mayor Matela commented that C. Trento has audited the Village for many years and done a great job. Trustee Whipple asked how his price compares to last year. Treasurer Coyle said he thinks it remained the same.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried authorizing the Mayor to sign the letter of engagement with Christopher Trento, CPA

4. Budgetary Changes – Treasurer Coyle reviewed the proposed Village budgetary changes totaling \$57,420 from contingency to various general fund lines.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried authorizing said budgetary transfers.

Treasurer Coyle reviewed the proposed Water budgetary changes totaling \$7,855 from contingency to water fund lines.

→ Trustee Whipple moved, Trustee Knapp seconded, unanimously carried authorizing said budgetary transfers.

F. CLERK - Leslie A. Morelli

1. Sidewalk Café Permit Application – Seaward Candies – Clerk Morelli reviewed the annual sidewalk café permit application of Seaward Candies for 2 to 4 tables, 4 to 12 chairs and 1 bench. In the past, the Board has approved 2 tables and 8 chairs for this location. Trustee Knapp asked about the bench. Mayor Matela said it is their own bench, not one of the new iron benches.

→ Trustee Whipple moved, Trustee Maziarz seconded, unanimously carried to approve the application for a sidewalk café permit for the 2005 season for 2 tables and 8 chairs. The 1 bench will be allowed if there is room.

G. ATTORNEY – Keith O’Toole / DEPUTY ATTORNEY – Frank A. Aloï

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

1. Conference Authorization – In S. Winner’s absence, Treasurer Coyle requested that the Village Board consider covering half the cost of his attendance at the NYCOM Main Street conference to be held May 16th – 19th in Lake Placid and the Cornell Main Street Institute in Jamestown to be held April 28th – 29th. The Village’s cost would be \$485. Another municipality in which S. Winner serves as Economic Development Consultant is paying the other half.

Trustee Wexler asked if these conferences are related to Economic Development. Trustee Maziarz said yes. Trustee Whipple said they are geared at Economic Development in keeping downtown districts lively. Treasurer Coyle agreed and said various tracts are offered.

→ Trustee Maziarz moved, Trustee Whipple seconded, unanimously carried to approve this request.

(Note – subsequent to this meeting, the Jamestown conference was cancelled.)

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 – No report.
- B. Trustee Knapp
 1. Treasurer Training / Travel Request – Trustee Knapp referred to Treasurer Coyle’s memo and travel expense authorization form requesting approval to attend the NYS City / County Management Association Annual Training Conference to be held May 16th – 18th in Corning. Estimated total cost is \$456.88 to come from general fund, water fund and sewer fund.

Treasurer Coyle thanked Trustee Knapp as he had forgotten to bring it up.

→ Trustee Whipple moved, Trustee Maziarz seconded, unanimously carried authorizing said training / travel request at a cost of \$456.88.

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- 2. Fire Department Pumps – Trustee Knapp shared that as stated earlier, the Fire Department purchased 5 pumps at a cost of approximately \$2,500. The need was identified after the September 2004 heavy rain event.

C. Trustee Wexler

- 1. Certificates of Occupancy – Trustee Wexler referred to a section of the Village Code that indicates that it is up to the Building Inspector to notify the property owner of the need to renew their certificate of occupancy. He asked if S. Zarnstorff contacted people recently or if Village Attorney O’Toole sent out letters. Mayor Matela said he knows the answer to the question.

Trustee Wexler questioned why S. Zarnstorff did not do as outlined in the code. Mayor Matela said she knows S. Zarnstorff has sent many letters of request to property owners with expired certificates of occupancy with little or no response. Trustee Wexler said he spoke with S. Zarnstorff who said he was not aware that Village Attorney O’Toole sent out letters. Trustee Wexler said the letter was threatening fines and action. He said regular followers of the law and codes, which may have a recently expired c of o, should not have received such a letter. Sometimes when you look for trouble, you find it. He said threatening letters are warranted for those property owners who have not had a c of o for a couple of years or more. He understands that many expired in the late 1980’s and 1990’s. Trustee Wexler stressed that the process laid out in the code be followed.

- 2. Board of Water Commissioners – Trustee Wexler said he wishes to bring up a topic he has brought up in the past – the elimination of the Board of Water Commissioners.

→ Trustee Wexler moved to eliminate the Board of Water Commissioners. No second. Motion died.

D. Trustee Whipple – No report.

E. Mayor Matela

- 1. Proclamation for Olive Elizabeth Phillips – 100 years old! - Mayor Matela read the following:

PROCLAMATION

WHEREAS; Olive Elizabeth Phillips (Edmunds) was born on April 13, 1905 in Pawtucket, Rhode Island, and

WHEREAS; she married James M. Edmunds in 1927 and moved to Brockport in 1937 when her husband joined the English Department at SUNY Brockport; and

WHEREAS; she is the mother of James P., Susan E., and Paul M. Edmunds; and

WHEREAS; she contributed articles on nutrition to the Brockport Democrat Republic during World War II; served as Administrative Secretary at SUNY Brockport from 1954 to 1969; and

WHEREAS; she spent retirement in Arizona and returned to the Rochester area in 1990 and again resides in Brockport; and

WHEREAS; April 13, 2005 marked her 100th birthday and it is fitting that we set apart a special observance in recognition; and

NOW, THEREFORE, on this momentous occasion I, Josephine C. Matela, by virtue of the authority vested in me as Mayor, and on behalf of the Village Board and all our citizens, do hereby tender this certificate of public recognition, extending to her our best wishes.

ADOPTED by unanimous vote of the Brockport Village Board on April 18, 2005.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried adopting the above proclamation.

- 2. SEQR – Town/Village Comprehensive Plan – Sweden’s intent to take Lead Agency –

→ Trustee Knapp moved, Trustee Wexler seconded, unanimously carried to agree with the Town of Sweden’s declaration to take lead agency on SEQR with regards to amendments to the Comprehensive Plan.

3. Set public hearing for creation of position of Village Manager – Mayor Matela stated that the position of Village Manager was discussed at the last meeting. She clarified that this would not require hiring an additional person. The Village Board would like Treasurer Coyle to take on the responsibilities of Village Manager.

→ Trustee Whipple moved, Trustee Maziarz seconded, unanimously carried to hold a public hearing on the creation of the Village Manager position on May 16th.

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4. 2005-2006 Budget – Trustee Maziarz commended Treasurer Coyle for his hard work on the budget. She said it was a hard job given the tools he had. Trustee Maziarz said, however, that this budget does not set policy, is bare bones, does not lend itself to code enforcement, and is not realistic regarding legal fees. Trustee Maziarz said she would have like to have seen the elimination of the Board of Water Commissioners and then the \$12,000 from their salaries be used for an additional part time Code Enforcement Officer.

Trustee Wexler said if there were money in the budget, without having to increase the tax rate, he would like to see a full time person added to the DPW, since Harry Donahue has moved up to the position of Superintendent. He also believes the Board of Water Commissioners should be eliminated or at least they should be paid more in keeping with the Planning Board (~\$100 per month) and the Zoning Board of Appeals (\$15 per meeting). Both of those boards usually meet one or more times per month and have a fairly heavy work load.

Trustee Whipple said some have a serious misunderstanding of the BOWC. He said before he finds it necessary to embarrass someone in a meet the candidates forum, he would like to explain it again. The BOWC is a Commission not a Board or Committee. The Planning Board and the Zoning Board of Appeals are paid by the Village's general fund. The BOWC is a business. It runs on self-generating fees and has no bearing whatsoever on the Village tax rate or structure. The money comes from the customers who use the water and pay their water bills. Water rates are raised by the BOWC (not the Village) when necessary, such as to pay on an increase from Monroe County Water Authority. The BOWC does not come to the Village regarding its rates or to request funds for water line repairs, rehabilitation or replacement. It funds several DPW employees, the Deputy Clerk – Water Billing, and portions of others salaries. It even helps the Village by giving an annual sum to the General Fund. Similarly, Trustee Whipple said if the Fire Department should ever be changed to a Commission, the Village would have no control over their budget or billing.

Trustee Maziarz asked who the water profits go to. Trustee Whipple said it is treated just like to unexpended balance in the general fund. Money in, money out. It is no burden to the taxpayers. In fact, it contributes money to the Village. Trustee Maziarz asked if the Village is over the BOWC. Trustee Whipple said the BOWC falls under the umbrella of the Village. Trustee Maziarz referred to Trustee Whipple's comment about embarrassing someone in a meet the candidates forum. She asked him if it is true that he originally said he would serve on the BOWC for no money, but really receives ~\$200 per month. Mayor Matela said that question was unnecessary. Trustee Whipple responded that he did say that and served for a while with no pay. However, the BOWC voted to pay him just like the other Commissioners. It is a business.

Trustee Wexler asked where the \$12,000 from BOWC salaries would go if they were not paid. Treasurer Coyle said it would remain in the water fund. Treasurer Coyle commented that a part time Code Enforcement Officer could not be funded with BOWC money. The BOWC could increase their annual contribution to the Village, but that is up to them. Trustee Maziarz asked who pays if there is a deficit in the water fund. Treasurer Coyle said the water fund. Taxpayers are not funding the water fund, consumers are.

Trustee Wexler suggested that Trustee Whipple recuse himself from voting on the Village Board when it comes to the BOWC. Trustee Whipple again stressed that the water fund is independent. The Village Board does not approve the water budget, BOWC salaries and the like.

Regarding the budget, Chief Varrenti shared that there is \$140,000 budgeted for police overtime and this year is anticipated to come to \$155,000. This was with a 16% reduction in full time staff. He is in great hopes that he does not have 2 officers injured or ill at the same time again. He has also implemented a one officer off at a time policy. He said the goal is to come in well under the \$140,000 budgeted for overtime. Barring any unforeseen events, he will be happy to share the savings where needed in the Village.

Trustee Whipple said it is not a perfect budget, but they have worked very hard. It is a tight budget. There will not be a lot of budgetary changes since there is not a large contingency fund to draw from. This is close to a zero based budget, which is different for the Village of Brockport.

Trustee Wexler reiterated his concern that the Village of Brockport has the second highest tax rate of the 10 Villages in Monroe County. He said the taxes are just too high.

Mayor Matela said the Village previously had a large contingency fund and used it to keep the tax rate flat and to reallocate to other line items. They have done the best they can and will try to do more with less. It will be vital to stay within budget.

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→ Trustee Whipple moved, Trustee Knapp seconded, Mayor Matela in favor, Trustees Wexler and Maziarz opposed, carried:

RESOLVED: that the Board of Trustees of the Village of Brockport in a 3 to 2 vote hereby adopts the tentative budget for the fiscal year 2005-2006

General Fund Purposes:	4,775,723
Water Fund Purposes:	877,322
Sewer Fund Purposes:	155,917
Combined Capital Reserve Purposes:	267,632
TOTAL:	\$6,076,594

RESOLVED: that there be levied and assessed upon the real property of the Village of Brockport the following sums for the Village of Brockport and other charges for the fiscal year June 1, 2005 to May 31, 2006 with a tax rate of \$8.96 per thousand dollars of assessed valuation:

General Fund:	1,580,405
Omitted Taxes (Loss of Exemptions):	
Delinquent Special Accounts:	~13,620.60 (2004 sewer rent + 10% late penalty) 315.03 (special DPW garbage pick ups)
TOTAL:	

PUBLIC COMMENT:

1. Glenn Emerson of Holley Street commented that he takes exception to the notion that the students will be most affected. The people who pay taxes should not be treated like they do not count. Trustee Whipple explained that is not what he meant.
2. Sharon Kehoe of Main Street said she received a letter from Village Attorney O'Toole that was referred to earlier. She said she did not appreciate the threat of a \$250 per day fine. She questioned why the notification was not as indicated in the Code. She said she asked four of the Board members about this letter and each of them said they knew nothing.

S. Kehoe further questioned why the Village pays the Village Attorney to attend Village Board meetings. She said Trustee Maziarz recommended increasing the legal expense line. It is hard to believe that the taxpayers have to pay for him to sit here and do nothing. In tonight's case, once the public hearings were postponed, the Village Attorney could have left and not been on the clock. Village Attorney O'Toole responded that if S. Kehoe, who also served as a Judge and a municipal attorney, had complied with the certificate of occupancy provisions, he would not have had to send a letter. Attorney O'Toole began to say that his rates were more favorable compared to S. Kehoe's when she was a municipal attorney. Trustee Wexler said Attorney O'Toole's comment was out of order. S. Kehoe said in the past the Building Inspector always contacted her. She said according to the Code, it is not her responsibility to initiate the process.
3. John Bush of Barry Street said he got a letter also. He said he spoke with S. Zarnstorff and was told he had no part in the letter from the Village Attorney.
4. Vicki Sweet of Main Street reminded the Board that she was in a few months ago complaining of the parking situation at the municipal lot on Water Street while the Welcome Center has been under construction. She said she was promised a timely solution and got none. She said each time the Mayor responded to her calls she was told it would be "handled next Monday". She said next Monday never came. She said she also got a letter from the Village Attorney and her property does not even require a certificate of occupancy.
5. Roger Young said he supports increasing funding for Code Enforcement and hopes the Board can work it in. He said a fresh set of eyes is important.
6. Jim Hamlin of 50 Park Avenue asked if there were any changes to the tentative budget. Treasurer Coyle said no. The tentative budget becomes the final budget.
7. Mary Ann Rogers of Perry Street asked where the information came from that enabled the Village Attorney to send these letters. K. O'Toole responded that he was provided with a report from Code Enforcement and he relied on the accuracy of that information.

Trustee Maziarz said she has spent some time working with S. Zarnstorff on creating a certificate of occupancy status list so that the Village could send out notification to property owners. She said she never authorized the Village Attorney to send out letters. She said she is appalled at the Village Attorney's treatment of constituent S. Kehoe at this meeting.

John Bush asked if the Village Attorney was paid to send out these letters.

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8. Gary Derwick commented that some problems would be eliminated if the codes were enforced and done by the way the code outlines. If needed, the Village should allocate more money to code enforcement. He said as a landlord, he wants to see that the houses are safe. The Village and property owners should work together.
9. An unknown member of the audience asked why S. Zarnstorff was not in attendance. Mayor Matela said he had a personal commitment that conflicted and was going to try to get here as soon as he could.

AUDIT:

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

<u>Village</u>		
Date	Check #	Amount
4/5/05	171401	824.71
4/11/05	171406	60.00
4/18/05	171408-12	5,744.78
4/18/05	171414-20	3,525.49
4/18/05	171422	43.31
4/18/05	171446-93	39,243.34

<u>Fire</u>		
Date	Check #	Amount
4/18/05	171413	31.90
4/18/05	171421	189.12
4/18/05	171423-45	22,180.79

<u>Third Party Billing</u>		
Date	Check #	Amount
4/18/05	548-559	7,666.03

<u>Capital Projects</u>		
Date	Check #	Amount
4/18/05	1823-38	9,116.68

Sewer
N/a

ADJOURNMENT:

- ➔ Trustee Maziarz moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 8:15pm.

Leslie Ann Morelli, Village Clerk